

Report of Chief Executive

Strategic Housing Development

Applicant: Cairn Homes Properties Limited

Development Address: 'Barrington Tower', Brennanstown Road, Dublin 18.

Competent Authority for Decision-Making: An Bord Pleanála (ABP)

ABP Reference: ABP31328122

Receipt of Application: 12-April-2022

Last Day for Submissions: 16-May-2022

Planning Authority Report Due: on or before 07-June-2022

Summary of Proposed Development:

Planning permission for a strategic housing development consisting of the demolition of an existing habitable dwelling 'Winterbrook', and the derelict, former dwelling attached to Barrington Tower protected structure. 'Barrington Tower' itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road. The development will provide a 'Build to Rent' (BTR) apartment development consisting of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. apartments. This will comprise of: 30 no. studio, 135 no. 1 -beds, 318 no. 2-beds & 51 no. 3-beds. All residential units provided with associated private balconies/terraces to the north/south/east/west elevations. Resident Support Facilities & Resident Services & Amenities (total floor area c.1,496 sq.m) including flexible spaces including entertainment rooms, meeting rooms, parcel rooms, media rooms, lounge and workspaces, gyms and studio, chef's kitchen and dining area. A creche (c.356.5 sq.m), and a retail unit (c.336.8 sq.m). Car and cycle parking at basement (2 levels) and at ground level. This will provide 419 no. car parking spaces, 1,266 no. cycle parking spaces and 17 no. motorcycle spaces. All associated site development works, open spaces and landscaping, boundary treatments, plant areas, waste management areas, cycle parking areas, and services provision (including ESB substations). Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided. The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant Dun Laoghaire Rathdown County Development Plan 2016-2022 (currently in force), the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 (adopted, due to come into force on the 21st April 2022) and the Cherrywood Planning Scheme 2014 Strategic Development Zone. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other

than in relation to the zoning of the land. An Environmental Impact Assessment Report and a Natura Impact Assessment have been prepared in respect of the proposed development. The application together with the Environmental Impact Assessment Report and the Natura Impact Assessment may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Dun Laoghaire Rathdown County Council. The application may also be inspected online at the following website set up by the applicant: www.barringtontowershd.com

Report prepared pursuant to Section 8(5)(a) of the Planning and Development (Housing) and Residential Tenancies Act, 2016

1.0 STATUTORY REQUIREMENTS OF THIS REPORT

A. A summary of the points raised in the submissions or observations on the proposed development received by the Board within the prescribed timeframe.

B. A summary of the views of the relevant elected members on the proposed development as expressed at relevant Area Committee Meeting(s).

C. 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.

- 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.

- Where specifically requested by the Board, to furnish to the Board such information in relation to the effects of the proposed strategic housing development on the proper planning and sustainable development of the area concerned and on the environment as the Board may specify.

D. The Planning Authority's Recommendation to An Bord Pleanála. In particular,

i. A statement as to whether the authority recommends to the Board that permission should be granted or refused, with reasons

ii. 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.

iii. 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.

2.0 BACKGROUND

One (1) SHD pre planning meeting under PAC/SHD/219/20 took place between the Planning Authority and the Applicant on Thursday 01/10/2020. Subsequently, a site visit took place at 'Barrington Tower', Brennanstown Road on 3rd November 2020. The record of this is appended to this report as Appendix A.

The Applicant submitted a pre planning application to An Bord Pleanála on 7th September 2020. An Bord Pleanála pre application reference ABP-311304-21.

A tripartite meeting was held between An Bord Pleanála, the Applicant and the Planning Authority on 15th November 2021.

A pre application consultation opinion from An Bord Pleanála was issued on 24th November 2021. The formal 'Notice of Pre-Application Consultation Opinion' issued which stated, inter alia:

An Bord Pleanála has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.

An Bord Pleanála considered the following specific information should be submitted with any application for permission:

1. A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, for the overall Brennanstown Road area, in particular the Brennanstown Wood development to the north west, and the future LUAS stop to the south, with regard to vehicular, pedestrian and cycle connections.

2. A detailed statement, with accompanying plans and drawings, setting out in detail, adequate, safe traffic / pedestrian facilities on Brennanstown Road to accommodate the scale and quantum of development proposed.

3. A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where / if the proposed development materially contravenes the statutory Plan for the area other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000.

4. Cross-sections at appropriate intervals, photomontages, and any other information deemed relevant, illustrating topography of the site and showing proposal relative to existing development in the vicinity, including Barrington Tower.

5. Justification of tree loss, layout, location and hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standards.

6. An up to date Ecological Impact Assessment, inclusive of a Bat Survey.

7. Detailed landscape drawings that illustrate hard and soft landscaping, useable communal open space, meaningful public open space, quality audit and way finding. The public open space shall be usable space, accessible and overlooked to provide a degree of natural supervision. Details of play equipment, street furniture including public lighting and boundary treatments should be submitted.

8. A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to:

- Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.
- Impact to any neighbouring properties devoid of proposed and existing landscaping and trees.

9. Supporting design rationale should be given to improving residential amenity for future occupants by demonstrating the maximisation of sunlight to apartments and addressing issues to do with daylighting, overlooking and overshadowing.

10. A visual impact assessment. Long range views / photomontages of the proposed development from the surrounding area.

11. Childcare demand analysis by way of assessment and report on demographic profile of the wider area, and including analysis of childcare capacity / services in the immediate area and the likely demand for childcare places resulting from the proposed development.

12. A response to matters raised within the PA Opinion submitted to ABP on the 01st of October 2021. Including a response to issues raised in the Parks and Landscape report, the Housing Department report, the Transportation Planning report, the Drainage report and the Conservation Officers Report.

13. A life cycle report shall be submitted in accordance with section 6.13 of the Sustainable Urban housing: Design Standards for New Apartments (2020). The report should have regard to the long-term management and maintenance of the proposed development. The applicant should consider the proposed materials and finishes to the scheme including specific detailing of finishes, the treatment of balconies in the apartment buildings, landscaped areas, child friendly spaces, pathways, and all boundary treatments. Particular regard should be had to the requirement to provide high quality and sustainable finishes and details which seek to create a distinctive character for the development.

14. As per SPPR7 of the Sustainable Urban housing: Design Standards for New Apartments Guidelines for Planning Authorities, March 2020 the development must be described in the public notices associated with a planning application specifically as 'Build to Rent' housing development and a covenant/legal agreement is required at application stage for BTR development.

15. A rationale or evidence based justification that the proposed resident support facilities and resident services and amenities are appropriate and accord with SPPR7 (b) of the Apartment Guidelines 2020.

16. A Microclimate Impact Assessment.

17. A response to the matter raised with respect to section 8.2.6.3 of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022 regarding convenience shops, justification of the type and size of the retail unit proposed.

18. A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

19. Site Specific Construction and Demolition Waste Management Plan.

The opinion further set out that the following authorities should be notified:

1. National Transport Authority
2. Irish Water
3. Transport Infrastructure Ireland
4. The Minister for Culture, Heritage and the Gaeltacht
5. The Heritage Council
6. An Taisce — the National Trust for Ireland
7. Fáilte Ireland
8. Dún Laoghaire - Rathdown County Childcare Committee

SITE DESCRIPTION

The subject site which is mainly greenfield, is located on the south side of Brennanstown Road, in an established residential area, and comprises the property of Barrington Tower, a Protected Structure (RPS No. 1729). A pastiche Georgian house adjoins the tower, erected in 1956 with both the tower and the house now in a dilapidated condition. Winterbrook, a detached dormer dwelling is located within the northern part of the site adjoining Brennanstown Road. The site adjoins, Brennanstown Vale to the west, a housing development characterised by large two-storey dwellings. To the east of the site is a private laneway that runs from Brennanstown Road to a private burial ground (with mausoleum) to the south east of the subject site. The LUAS track runs directly south of the site. To the south east of the site is a pocket of woodland within the valley of Glen Druid which extends east and includes the Giant's Tomb dolmen, c. 200m east of the site.

The subject site has a stated area of 3.81 ha

PROPOSED DEVELOPMENT

Planning permission is sought for a 'Build to Rent' (BTR) apartment development consisting of 534 units to include:

- Demolition of an existing habitable dwelling "Winterbrook", and the derelict, former dwelling attached to Barrington Tower, a Protected Structure.
- 'Barrington Tower' itself will be retained and restored.
- Demolition of the existing boundary wall to the north of the site along Brennanstown Road.
- Construction of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. Apartments comprising of: - 30 no. studio, 135 no. 1 -beds, 318 no. 2-beds & 51 no. 3-beds.
- All residential units are provided with associated private balconies/terraces to the north/south/east/west elevations.
- Resident Support Facilities & Resident Services & Amenities (total floor area c.1,496 sq.m) including flexible spaces including entertainment rooms, meeting rooms, parcel rooms, media rooms, lounge and workspaces, gyms and studio, chef's kitchen and dining area.
- A creche (c.356.5 sq.m), and a retail unit (c.336.8 sq.m).
- Car and cycle parking at basement (2 levels) and at ground level including 419 no. car parking spaces, 1,266 no. cycle parking spaces and 17 no. motorcycle spaces.
- All associated site development works, open spaces and landscaping, boundary treatments, plant areas, waste management areas, cycle parking areas, and services provision (including ESB substations).
- Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided.

The key development statistics are set out as follows:

Development Proposal	Site Statistics
No. of Units	534 no. units
Unit Breakdown	<ul style="list-style-type: none"> • 30 no. studios (5.6%) • 135 no. 1 beds (25.3%) • 318 no. 2 beds (59.6%) • 51 no. 3 beds (9.5%)
Blocks	8 no. blocks
Site Area	3.81 ha
Density	140 units per hectare
Site Coverage	22%
Plot Ratio	1.48
Building Height	ranges in height up to 10 storeys as follows: <ul style="list-style-type: none"> • Block AB: 5 storeys • Block CD: 5 storeys • Block E: 5 to 8 storeys (including lower ground floor) • Block F: 10 storeys (including lower ground floor)

	<ul style="list-style-type: none"> • Block G: 7 to 8 storeys (including lower ground floor) • Block H: 8 to 9 storeys (including lower ground floor) • Block I: 5 to 6 storeys (including lower ground floor) • Block J: 5 to 6 storeys (including lower ground floor)
Aspect	50.4% dual aspect
Open Space	Primary Public Open Space: 6,346 sqm Secondary Public Open Space: 3024 sqm Communal: 4,200sqm
Facilities	Creche (c. 356.5sqm. 99 no. children) in block CD Retail unit (c. 366.8 sqm) in block CD Residential Amenity Space (c. 1, 496qm) <ul style="list-style-type: none"> • Block E has 646 sqm • Block I has 850sqm These facilities include multifunctioning rooms, concierge, secure postal storage, dining and lounge rooms, games room, cinema room, and gym.
Car Parking	419 no. car parking spaces <ul style="list-style-type: none"> • 400 basement car parking • 19 Surface car parking Including • 15 no. disabled parking spaces • 84 no. electric car spaces
Cycle Parking	1,266 no. cycle parking spaces <ul style="list-style-type: none"> • 1,058 no. residential spaces at basement level • 208 no. visitor spaces at surface level
Motorcycle Spaces	17 motorcycle spaces at basement level

SUBMISSIONS/OBSERVATIONS

Twenty three (23) submissions have been received from third parties with respect to the proposed development.

Below is a summary of the issues raised in the observations:

Design & Layout:

- ☐ Height
- ☐ Scale
- ☐ Bulk
- ☐ Density
- ☐ Design
- ☐ Siting
- ☐ Proximity to site boundaries
- ☐ Overdevelopment
- ☐ Out of character
- ☐ Visual impact
- ☐ Overlooking

- ❑ Overshadowing and loss of amenity
- ❑ Impact on adjacent residential property
- ❑ Its overbearing height in comparison to similar and recent developments permitted in the Cherrywood SDZ, is evidence of the proposed developments objective failure to keep an appropriate scale.
- ❑ SHD is taking little account of the topography of the site.
- ❑ SHD should not be permitted on grounds of scale, overdevelopment, impact on history and heritage and traffic hazard.
- ❑ The application misleadingly claims that "a key driver of this development was to enhance the setting of the Barrington Tower". There is no evidence of such a key driver. The tower is dwarfed by the new buildings.
- ❑ Concern regarding the scale of development within this context.
- ❑ The topography of the northern boundary does not allow for taller buildings without damaging the appearance or character of the area by the impact of significantly overbearing existing adjoining residential property west of the northern boundary.
- ❑ Blocks AB and CD, at a minimum, should be removed from any new proposal. This land should be laid out as public open space as a community gain for the Brennanstown Road Area to improve local amenity.
- ❑ The clustering of the remaining six blocks should be reconsidered.
- ❑ Their height and close proximity lead to overlooking, loss of privacy and visual obtrusion towards the western boundary, creating a shadowed, low-amenity windswept environment between the blocks.
- ❑ Providing proper fire tender access will significantly reduce the depth and quality of the proposed public open space to the west of the site. This suggests that at least two more blocks should be deleted from the lower part of the site for any new proposal.
- ❑ Drainage capacity concerns.

Archaeology & Built Heritage:

- ❑ Negative impact on the setting of heritage sites – Barrington Tower (a protected structure), and Brennanstown Dolmen (a 5500 year old National Monument).
- ❑ 10 storey buildings are 200m from national monument.
- ❑ The Glendruid Dolmen is one the most significant of its type in the country. It is of national importance and currently the subject of a greenway and trail that is out for Part 8 public consultation. A scheme developed in partnership with the planning and heritage departments of Dún Laoghaire Rathdown County Council. The trail includes visual access to the dolmen, and it is hoped that appropriate permanent access will soon follow.
- ❑ The historical significance of the dolmen is matched with a similar importance in the surrounding area of biodiversity. The Glendruid Valley is in such proximity to the proposed SHD, that the integrity of its historical contents and biodiversity could be forever lost. The SHD represents a severe and unacceptable threat to this precious and irreplaceable rich environment. This includes an ancient woodland and a separate burial ground.
- ❑ Concerns regarding the visual amenity impact in relation to a very significant national monument, the Glendruid portal tomb.
- ❑ Inaccuracies in the Heritage Assessment report.
- ❑ No. 1 Quaker Cemetery... This is not as the application claims a "former Burial Ground".

- ❑ No 2. & 3, Glendruid House and Lodge: These structures are part of the Glendruid estate, which included the Barrington Tower. They formed part of a carefully designed estate with landscape features. The relationships between the buildings has some relevance and interest.
- ❑ No 6. Glendruid Dolmen: It is inaccurate and hugely misleading to treat this significant national as of no interest or not applicable (NA).
- ❑ The proposed design does not "enhance the protected structure". The Tower was designed as a viewing tower to the Glendruid lands and mountains. These views are blocked by the blocks that would envelope the protected tower.
- ❑ The application does not give clear indication as to the new and adapted uses of the Protected Structure.
- ❑ There will be limited public access and the views will be blocked by the proposed residential blocks to the south.
- ❑ The Heritage Assessment is too limited in its scope. The significant archaeological requirements are under played.
- ❑ Concern that the proposal will interfere with a network of megalithic tombs including Cairns and Dolmens with inappropriate monolithic structures.
- ❑ The Application fails entirely to deal with the proximity to the private Quaker burial ground and its very special private isolated space. Impact on security in particular is not addressed.
- ❑ While we do not know the formal definition of a "Natural Heritage Area" as it relates to an An Bord Pleanála Application Form, we could be forgiven for thinking the 3,500 BC Glendruid Dolmen and surrounding area would have constituted as one.
- ❑ Concern regarding the narrow interpretation of the Burra Charter in the assessment of Heritage Impact.

Transport:

- ❑ Increased traffic volume
- ❑ Pedestrian and road user safety
- ❑ Inadequate road infrastructure for cars, bicycles and pedestrians.
- ❑ Concerns regarding footpath, cycle tracks and road infrastructure in the vicinity of the site and safe access to nearby public transport.
- ❑ No timeline for the delivery of Brennanstown Luas stop.
- ❑ Concerns that the development would create a traffic hazard.
- ❑ Concerns regarding construction traffic without a completed Traffic Management Scheme for the area.
- ❑ The proposal fails to safely address traffic management and to tie in its needs with the infrastructure on the Brennanstown Road. The installation of pedestrian traffic lights and other minor improvements is completely insufficient to deal with concerns and would fail to represent an adequate level of planned safety for future residents and existing users of the Brennanstown Road. As noted in the report, there is a 150m section of this road with no footpath on what is essentially a winding and incredibly dangerous country road.
- ❑ The long-term documented objectives of Dún Laoghaire Rathdown County Council to improve this road has not materialised. Until this road's objective is complete, such an SHD poses an unacceptable level of danger for any road users to navigate. It is also reasonable given the SHD's proximity to Cabinteely Village, that future residents would be encouraged to walk or cycle a road that has been designated and noted as dangerous and in priority need of a safety upgrade.

- ☐ Concern regarding the impacts on public safety and traffic hazards.
- ☐ Concern regarding safe access to public transport.
- ☐ Concern regarding fire truck access.
- ☐ Concern that Luas is already near capacity.
- ☐ The traffic study submitted significantly understates the actual traffic volumes traversing Brennanstown Road.
- ☐ Increased traffic volumes due to proposed commercial developments.
- ☐ Increased traffic volumes due to approved residential developments.
- ☐ Lack of junctions to alleviate traffic build up.
- ☐ Insufficient parking proposed.
- ☐ Concern regarding parking overspill onto Brennanstown Road.
- ☐ Concern regarding fire tender access.

Density:

- ☐ High density based on proximity to Luas stop however closest future Brennanstown Luas station is not currently operational.
- ☐ Concern regarding the density of the development.
- ☐ The proposal represents overdevelopment of the site.
- ☐ The proposal shows little regard for the existing area of primarily detached 2-storey houses.
- ☐ Overdensification of the site.
- ☐ The proposal represents overdevelopment of the site in the context of its surroundings environment and road infrastructure.
- ☐ Proposal will have an adverse effect on the unique characteristics of Brennanstown Road.
- ☐ The SHD does not complement the urban / rural setting and would be detrimental to the sustainable planning of the area.

Build-to-Rent:

- ☐ The Build to Rent scheme is likely to have a large number of pedestrian commuters. Some parts of Brennanstown Road to not have footpath and must be addressed before a development of the proposed scale can be allowed.
- ☐ The CGI's submitted are misleading.
- ☐ The submission misrepresents the true scale of the development.
- ☐ Concern regarding lack of accurate visuals.

Residential Amenity:

- ☐ Concern regarding overbearing concerns onto adjoining property.
- ☐ Concern regarding overlooking onto adjoining property.
- ☐ Concerns regarding encroachment onto adjoining property.
- ☐ Concern regarding the proximity of blocks to adjoining property.
- ☐ Concern the proposal will devalue property in the area.
- ☐ Concern regarding noise and car movements.
- ☐ The proposal does not integrate into the sylvian character of the area.
- ☐ The development proposed is a huge development and totally out of scale and size to any other development on this road.
- ☐ The development will overlook ancient monuments and a historic burial ground.
- ☐ Noise impact

- ❑ Loss of screening along boundaries.
- ❑ Loss of privacy.

Visual impact:

- ❑ Lack of verified views up to valley to the development site.
- ❑ Application does not include aerial view montage of new development within context of site. This would show massive scale proposed.
- ❑ The application fails to show the development in the context of its surroundings using elevated views and aerial perspectives.
- ❑ The height of the apartment blocks and the intensity of this development in a 9-acre site is not in keeping with the established character of this area.

Biodiversity:

- ❑ Biodiversity issues with Glendruid Valley woodlands – light, noise and disturbance.
- ❑ Verified views are required to assess the impact of the Development Application from views to the west of the National Monument.
- ❑ Concern regarding the impact of the development on Trees and Natural Environmental Issues.
- ❑ The proposed development along its southern perimeter has the potential for designation as a Natural Heritage Area. The development as applied for would damage the natural heritage of the area.
- ❑ All trees are for felling. This is excessive and needs further investigation.
- ❑ The Sylvan character is not retained.
- ❑ A map should show where trees are retained. There is conflict between written statements and landscape plan.
- ❑ The conclusion is that all the mature Monterey Cypress trees will be felled. More sensitive approaches are possible.
- ❑ Concern regarding the removal of existing mature tree coverage, hedgerows and stone walls.
- ❑ Despite the Ecological Impact Assessment prepared by consultants for Cairn Homes the impact on the immediately adjacent Glendruid valley habitat, which has been designated as a Locally Important Biodiversity Site by the County Council (Ecological Network Map, County Plan) is largely ignored.
- ❑ Climate impacts
- ❑ Impact on flora and fauna

Part V:

- ❑ The social leasing from the applicant for the social homes in the development for 25 years is unacceptable. Central government has announced the phasing out of such long-term contractual arrangements. It is also worth noting that these homes, unlike purchased Part 5's, these leased homes have no potential to remain perpetual social housing. Thus, offering the tenant an almost guaranteed move in 25 years, this policy is set create a new housing crisis when leases come to an end.

EIAR:

- ❑ The EIAR does not adequately address the context of the development with respect to the important portal tomb and its setting which is 200 m from the development site. It does not address the issue of the importance of the setting to the National Monument and importance visual connection with the other monuments. The Office of the

Planning Regulator and the Dept of Housing state that an EIAR must address "impacts and effects on all aspects of archaeological heritage".

- ☐ The EIAR is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.
- ☐ Notwithstanding that the proposed development is sub-threshold for the purposes of requiring a mandatory EI A, by way of general overview, it is submitted that due, inter alia, to the nature of the development site the nature of the proposed development (including the proposed height of same) and locus of the proposed development adjacent to a protected habitat, it should have been subjected to a full EIA.
- ☐ The Screening for EIA presented by the Developer, including the Ecological report submitted, is inadequate and deficient and does not permit an assessment of the potential environmental impacts of the proposed development.

AA:

- ☐ By way of general summary, the information presented by the Developer is insufficient, contains lacunae and is not based on appropriate scientific expertise - as such the Board cannot comply with the requirements of the Habitats Directive and relevant provisions of national law under the Planning and Development Act 2000.

Lack of democracy of the SHD Process:

- ☐ The Strategic Housing Development legislation is deeply flawed. It allows developers to override the democratic process and does not take into consideration the normal planning process, the Local Development Plans or the wishes of the community.
- ☐ The original stated objective of the SHD as part of Rebuilding Ireland was to help solve the housing crisis, this has not been successful as the price of the properties in these developments is out of reach of most people and a good portion of them are being bought by foreign investment companies who are keeping the rents artificially high. The housing crisis continues to deepen despite the increased number of developments. The only people winning are the developers and the Vulture funds while the communities, environment and in this case the students are being harmed. While we are very aware of the desperate need for housing, it needs to be built sustainably and affordable to the general population.

Material Contravention:

- ☐ The Board should refuse to consider and cannot grant permission for the proposed development in circumstances where such grant would have to be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 and the Apartment Guidelines, dated December 2020. These Guidelines and the specific planning policy requirements contained therein are ultra vires and not authorised by section 28(1C) of Planning and Development Act 2000 (as amended). In the alternative, insofar as section 28(1 C)) purports to authorise these Guidelines, including the specific planning policy requirements, such provision is unconstitutional/repugnant to the Constitution. The said Guidelines are also contrary to the SEA Directive, insofar as they purport to authorise contraventions of the development plan/local area plan, without an SEA being conducted, or a screening for SEA being conducted, on the variations being brought about to the development plan/local area plan as a result of same.
- ☐ The proposed development would materially contravene Land Use Zoning Objective A, its purpose and intent – to protect and improve residential amenity. We ask An Bord to uphold the County Development Plan.

- ☐ The proposed development materially contravenes the density requirements/provisions provided in the Development Plan and Local Area Plan. The aforesaid material contravention cannot be justified by reference to s.37(2) of the Planning and Development Act 2000 or s.28 Guidelines.
- ☐ The proposed development materially contravenes the Development Plan/Local Area Plan and the provisions relating to housing mix.
- ☐ The proposed development materially contravenes the Development Plan/Local Area Plan in relation to the provisions for public open space.
- ☐ The proposed development materially contravenes the requirements of the Development Plan/Local Area Plan in relation to building height and visual impact. The proposed development cannot be justified by reference to the Guidelines for Planning Authorities on Urban Development and Building Height 2018 ('the Height Guidelines'), including the SPPR's set out therein.
- ☐ The proposed development materially contravenes the Development Plan and/or Local Area Plan ('LAP'), in respect of car parking.
- ☐ The proposed development materially contravenes the Development Plan and/or LAP, in respect of the provision of childcare.
- ☐ The proposed development materially contravenes the Development Plan and/or LAP, in respect of Architectural Conservation Area.
- ☐ The proposed development materially contravenes the Development Plan and/or LAP, due to non-compliance with of Local Area Plan/Masterplan/Urban Design Framework.
- ☐ The Board cannot grant planning permission for this development under Section 37(2)(b) of the Planning and Development Act 2000. The proposed development is not of strategic or national importance.
- ☐ The application documentation has not demonstrated that there is sufficient infrastructure capacity to support the proposed development, including by reference to public transport, drainage, water services and flood risk.
- ☐ Concern regarding unlawful breach of the requirements of the SEA Directive.
- ☐ The proposed development would materially contravene Land Use zoning Objective A, its purpose and intent – to protect and improve residential amenity. We ask An Bord to uphold the Development Plan.
- ☐ The proposed development would materially contravene Objective SLO 73.
- ☐ The proposed development would materially contravene Objective PHP20 and accordingly would, due to their height, overlooking, loss of privacy, scale, visual obstruction, failure to respect the existing patterns of and scale of local development, loss of sunlight to mature gardens and hedgerows, seriously injure the residential amenity of existing properties leading to a loss in house prices.
- ☐ This development exceeds the prescribed height of three stories whereby 22M separation distance is considered acceptable by two to seven stories. We submit that this low-density area of predominantly single-storey and two storey houses cannot be considered to be one of the "built-up areas".
- ☐ The daylight report shows that these blocks, due to the limited distance between them, their excessive length and height will cause overshadowing of the Communal Open Space, resulting in a poor quality external environment. We submit the COS will suffer from tunnel-effect high winds from the prevailing wind direction and significant downdrafts due to the height of the buildings.
- ☐ Policy Objective CA6 States "Policy Objective CA6: Retrofit and reuse of buildings - It is a Policy Objective to require the retrofitting and reuse of existing buildings rather than their demolition and reconstruction where possible recognising the embodied

energy in existing buildings and thereby reducing the overall embodied energy in construction as set out in the Urban Design Manual (Department of Environment Heritage and Local Government, 2009). (Consistent with RPO 7.40 and 7.41 of the RSES)." The proposed development would materially contravene this requirement of the Development Plan, due to the proposed complete demolition of "Winterbrook" (which is in reasonable condition) and the dwelling attached to "Barrington Tower", which although currently derelict could be retrofitted and re-used. We submit that the retrofitting and re-use existing buildings to provide residential accommodation achieves one of the primary aims sustainable development and reduction of Ireland's carbon footprint. We submit that this is a viable alternative to carbon-intensive new build multi-storey developments like the one proposed and entirely supports the Land Use Zoning Objective of the subject site.

- ☐ The second paragraph of Section 12.3.3 'Quantitative Standards for All Residential Development' of Chapter 12 (pg. 236) of the Written Statement, states: "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 237." The proposed development would materially contravene this requirement of the Development Plan, which is intended to ensure that an appropriate mix of apartment types are available to the rental market, would therefore fail to support the growth of a sustainable local community and fail to improve residential amenity.
- ☐ The preservation of the trees to the north of the subject site is an objective of the development plan as shown on Land Use Zoning Map 7. The proposed development would materially contravene this requirement of the Development Plan, as the removal of these trees is required for the development of Blocks AB and CD. The removal of these trees would seriously injure the amenity of both the neighbouring houses and the visual amenity of Brennanstown Road and would therefore be contrary to the proper planning and sustainable development of the area.
- ☐ The Site Layout as proposed does not appear to be compliant with TGD B Fire (2006) Section 5.2 Vehicle Access. The smaller five storey front blocks' top floor is more than 10M above GL and their volume exceeds 7,000 cubic metres. These and all the bigger blocks require a 5M wide hard standing to give access to 50% of their perimeters, a 3.7M wide access road and turning facilities. Attempting to comply with these requirements will significantly reduce the proposed public open space and it is not clear how 50% of perimeter access will be provided.
- ☐ Given the Material Contraventions above, any future proposed development should be significantly reduced.
- ☐ The proposed c.336sqm shop proposed as part of the development would contravene the zoning objective of the site and Section 12.6.3 of the Development Plan.
- ☐ The removal of trees required to facilitate Blocks AB and CD is contrary to the objective 'to protect and preserve trees and woodlands' as shown on Land Use Zoning Map 7.

Miscellaneous:

- ☐ Cairn Homes Plc or their consultants tick the box to say "NO": Their development they claim does NOT affect and is NOT close to a National Monument. This is not the case. It is very close to a very significant National Monument, a 5,700 year neolithic tomb. This tomb has an alignment across the development site to the Cairn on distant Fairy Castle, Two Rock. As stated previously, the Heritage report does not address sufficiently in importance of Glendruid Dolmen and its setting.

- ☐ The developer has land to the north and east of the development site. What are its intentions for these lands – is the application to be considered a first phase of an even larger development.
- ☐ The application material contravenes the DLR County Development Plan in numerous areas. The responses to these contraventions are wholly inadequate.
- ☐ Request an oral hearing.
- ☐ Reading site notices a traffic hazard.
- ☐ New access on northern side of the road not described adequately in site notice.
- ☐ Red line and title issues.

SUMMARY OF THE VIEWS OF THE RELEVANT ELECTED MEMBERS

Summary of the views of the relevant elected members as expressed at the Dún Laoghaire HEPI ACM on Wednesday 11th May:

Archaeology:

- Concern regarding the proximity, and the scale and impact of the proposed development, on the portal dolmen site – this is a site of rich history and archaeology.
- The burial ground is bounding the site and this site should be included in the archaeological assessment of the application.
- Archaeologist should be on site while site is under construction and concerns regarding only one archaeologist on site. Relevant designated experts are required on site during this period.
- Concern that a full archaeological investigation has not been carried out, only test trenches.
- Each test across the entire site is stated as having low to moderate archaeological potential and this is contradictory
- More consideration needs to be afforded to the rich archaeology of the surrounding area (5 archaeological sites in proximity including Carrickmines Castle).
- Concern regarding the impact of the proposed development on Barrington Tower in relation to heights of proposed blocks.
- Archaeological reports provided are not adequate in relation to consideration of the impact of the proposal on the archaeology of the area and a full audit is required.

Transport:

- Concern regarding traffic management. It is recognised that a section of 150m along Brennanstown Road contains no footpaths.
- Premature as there is no proper traffic management plan for Brennanstown Road. Brennanstown Road does not have any cycling facilities or footpath on certain sections
- Concern that a tie-in to Brennanstown Road has not been addressed properly.
- The designation of Brennanstown Road as a country road should be taken into consideration.
- Brennanstown Road is a historical country/rural road that cannot facilitate upgrade and this should be taken into consideration.
- Brennanstown Road is very narrow, dangerous, unsafe, and inappropriate for pedestrians.
- Unclear how the site can be accessed safely as a pedestrian for use of the proposed retail unit or access to the Luas.

- Pedestrian access to Luas is very steep. Concern regarding universal access. Permission should be refused if a universal access cannot be achieved.
- Proposal is out of character with Brennanstown Road.
- Consideration of SLO73 – a strong case needs to be made in relation to this.
- SLO73 needs to be respected and proposal needs to be delayed in this response.
- Concern regarding the Impact of the scale of the proposed development on Brennanstown Road, and whole of Brennanstown Road needs to be improved.
- Traffic assessment by the applicant was undertaken during the pandemic when car trips were reduced – in this respect concern regarding its validity.
- Set back from Brennanstown Road is insufficient – proposed development should be recessed further.
- If site is exiting onto Brennanstown Road then need to reduce number of car parking spaces and reduce the ratio to 0.5. Consider that it is in proximity to Luas in this respect.
- Disagree with reducing car parking ratio due to the unsafe nature of Brennanstown Road.

Density:

- In consideration with other large developments in proximity (eg. Priorsland and Golf Lane) – a string of high rise, high density applications – no need for these intensive developments.

Part V:

- Concern that the Part V units are to be leased for 25 years only. Waste of State resources.
- Concern regarding lack of 3-beds proposed in the Part V housing mix.
- Welcomed that Part V units will be dispersed throughout the site.

Build-to-Rent:

- Majority of planning applications being lodged in DLR are for Build-to-Rent developments – Build-to-Rent is doing nothing to ease social housing list or housing crisis. DLR and Government need to consider this.
- Build-to-Rent provide residential units and not houses.
- 30% of DLR population are renting and there is a shortage of rental property in DLR. People have to move out of DLR due to lack of rental properties. Also, though, some people wish to rent rather than buy.
- No evidence that Build-to-Rent are reducing the cost of renting properties.

Residential Amenity:

- Concern regarding the impact of the proposed development on neighbouring properties, in particular the proposed 5-storey blocks will be overbearing on adjoining existing dwellings.
- 16 balconies and 30 windows will overlook the bedroom in the adjoining existing dwelling.
- Height of units fronting onto Brennanstown Road should be reduced by 1 storey
- Concern regarding the impacts of height of Blocks B, C, D, E on adjoining properties.
- Poor separation distances between the 5-storey blocks and adjoining existing dwellings.

- No issue regarding apartments proposed on the site, the concern is regarding the scale.
- Quantum of single-aspect apartments is extremely high.

Visual impact:

- Considered that the submitted photomontages are disingenuous.
- Concern regarding the heights of the proposed blocks in comparison with adjoining sites in Cherrywood SDZ. If there are limits on heights in Cherrywood, heights should be restricted here too and they should be taken into consideration with adjoining sites in Cherrywood.
- Would like to see it integrated into the Cherrywood Plan.

Miscellaneous:

- DLR greenway is in proximity to the proposed development however little in application that refers to this.
- Proposal does not tie-in with surrounding development.
- Proposal should be rejected for the reasons stated above.
- The proposed development is not in the interest of the proper planning and sustainable development of the area.
- Welcome development on the site but not this particular proposal. Need to accept that 'A' zoned lands will be developed.

PLANNING HISTORY

Subject site

D07A/0161 / E – Extension of duration of permission granted on 8th August 2013 until 18th September 2018, by the Planning Authority for a total of 158 no. dwellings; 25 no. detached houses (9 no. three storey five bed units; 15 no. three storey four bed units, 1 no. single storey two bed units, the above includes 2 no. houses with attached single storey garages); 12 no. semi-detached houses (4 no. three storey four bed units and 8 no. three storey three bed units with integrated garages; 6 no. terraced houses (3 no. three storey four bed units and 3 no. three storey three bed units with integrated garages). 109 no. apartments and 2 no. community rooms (c. total 70 sq.m in area) within a five storey building, incorporating fifth floor set back in four interconnecting blocks, and consisting of 100 no. two bed apartments, 6 no. three bed apartments, 3 no. one bed apartments (Block A to D), 6 no. apartments to be provided within a single three storey block (3 no. three bed duplexes) and 3 bed no. two bed apartments), (a total of 115 apartments to be provided). Vehicular access will be provided via two new entrances onto Brennanstown Road, one of which will serve 1 no. of the aforementioned dwellings and the existing Barrington Tower dwelling, the other serving 157 spaces shall be provided within basement car parking area over two levels directly beneath Blocks A to D. Permission is also sought for a c. 955 metre long foul sewer from subject site to Lambourne Wood along Brennanstown Road. This application also provides for demolition of a habitable dwelling. Permission is also sought for 1 ESB substation, refuses and cycle storage; hard and soft landscaping including a tennis court (c. 261 esq. in total area); boundary treatments and all other site and development works. All proposed works to take place at Barrington Tower (A Protected Structure), Brennanstown Road, on a site of approx. 3.5 ha on lands abounded generally to the North by Brennanstown Road, to the west by Brennanstown Vale housing development, to the east by a laneway accessing a Quaker burial ground to the south by the woodlands on either side of Loughlinstown River and the

embankment of the former Harcourt Street Railway Line (no. development works are proposed to Barrington Tower itself) [a dwelling] as part of this planning application).

D07A/0161 / ABP PL 06D 227891 – Permission granted by the Planning Authority and An Bord Pleanála to demolish dwelling 'Winterbrook' and construct 158 no residential units, 2 new entrances onto Brennanstown Road and associated works (protected structure).

D11A/0127 - Retention permission granted by the Planning Authority for an electrical substation & ESB room to serve the new Luas Green Line (Line B1) tramway extension comprising a single storey concrete structure approx area 218 sq.m and hard surfaced service compound all within a metal/part timber fence enclosure, surface water drainage and associated site works.

Planning Enforcement:

No current enforcement files found.

DEPARTMENTAL REPORTS (Appendix B)

- ☐ Drainage Planning, report dated 06/05/2022
- ☐ Transportation Planning, report dated 13/05/2022
- ☐ Conservation Division, report dated 13/05/2022
- ☐ Housing Department, report dated 10/05/2022
- ☐ Environmental Enforcement Section, report dated 11/05/2022
- ☐ Public lighting, report dated 07/05/2022
- ☐ Environmental Health Officer, report dated 30/05/2022
- ☐ Parks and Landscapes Services, report dated 01/06/2022
- ☐ Cherrywood DAPT, report dated 13/05/2022

PRESCRIBED BODY REPORTS (Appendix C)

Four (4) submissions were received from prescribed bodies, namely Transport Infrastructure Ireland (TII), Inland Fisheries Ireland (IFI), An Taisce and Department of Housing, Local Government and Heritage.

- ☐ Transport Infrastructure Ireland, report dated 16/05/2022
- ☐ An Taisce, dated 16/05/2022
- ☐ Department of Housing, Local Government and Heritage Report dated 16/05/2022
- ☐ Inland Fisheries Ireland, report dated 12/05/2022

POLICY CONTEXT

Project Ireland 2040 - 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 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 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.

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.

Dún Laoghaire-Rathdown County Development Plan 2022-2028

The site is subject to zoning objective A, which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

An objective, 'To protect and preserve Trees and Woodlands' relates to these lands.

Former Folly, Barrington Tower, is a Protected Structure RPS No. 1729.

Specific Local Objective, SLO73, relates to development along Brennanstown Road. SLO73 states that it is an objective of the Council to limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

Along its southern boundary, a small section of the site lies within the boundary of the adopted Cherrywood SDZ Planning Scheme.

Also along its southern boundary, the site adjoins lands zoned Objective F, 'to preserve and provide for open space with ancillary active recreational amenities.'

The following policy is relevant to development of this type:

Relevant Dún Laoghaire-Rathdown County Development Plan 2022-2028 policies:

- ☐ Policy Objective PHP3: Planning for Sustainable Communities
- ☐ Policy Objective PHP6: Childcare Facilities
- ☐ Policy Objective PHP18: Residential Density
- ☐ Policy Objective PHP19: Existing Housing Stock – Adaptation
- ☐ Policy Objective PHP20: Protection of Existing Residential Amenity
- ☐ Policy Objective PHP25: 'Housing for All – A new Housing Plan for Ireland, 2022'
- ☐ Policy Objective PHP27: Housing Mix
- ☐ Policy Objective PHP28: Build-to-Rent and Shared Accommodation/Co-living Developments
- ☐ Policy Objective PHP30: Housing for All
- ☐ Policy Objective PHP31: Provision of Social Housing
- ☐ Policy Objective PHP36: Inclusive Design & Universal Access
- ☐ Policy Objective PHP42: Building Design & Height
- ☐ Policy Objective PHP44: Design Statements
- ☐ Policy Objective OSR13: Play Facilities and Nature Based Play
- ☐ Policy Objective HER7: Record of Protected Structures
- ☐ Policy Objective HER8: Work to Protected Structures
- ☐ Policy Objective EI9: Drainage Impact Assessment
- ☐ Section 3.4 - Achieving Sustainable Planning Outcomes
- ☐ Section 4.3 - Homes
- ☐ Section 4.4 - Place
- ☐ Section 9.3 - Open Space and Recreation
- ☐ Section 9.4 - Sports and Play
- ☐ Section 11.4 - Architectural Heritage
- ☐ Section 12.2 – Climate Action
- ☐ Section 12.3 – Neighbourhood – People, Homes and Place
- ☐ Section 12.3.1 – Quality Design
- ☐ Section 12.3.2.4 – Childcare Facilities
- ☐ Section 12.3.3 – Quantitative Standards for All Residential Development
- ☐ Section 12.3.3.1 – Residential Size and Mix
- ☐ Section 12.3.3.2 – Residential Density
- ☐ Section 12.3.4 – Residential Development – General Requirements
- ☐ Section 12.3.5 – Apartment Development
- ☐ Section 12.3.6 – Build-to-Rent Accommodation
- ☐ Section 12.3.7.7 – Infill
- ☐ Section 12.3.8 – Housing for All
- ☐ Section 12.3.8.1 – Age Friendly Housing
- ☐ Section 12.4 – Transport
- ☐ Section 12.4.5 – Car Parking Standards
- ☐ Section 12.4.6 – Cycle Parking
- ☐ Section 12.4.7 – Motorcycle Parking
- ☐ Section 12.4.8 – Vehicular Entrances and Hardstanding Areas
- ☐ Section 12.4.10 – Childcare Facilities – Parking/Access
- ☐ Section 12.4.11 – Electrically Operated Vehicles

- ☐ Section 12.7 – Green Infrastructure and Biodiversity
- ☐ Section 12.8 – Open Space and Recreation
- ☐ Section 12.8.3 – Open Space Quantity for Residential Development
- ☐ Section 12.8.7 – Private Amenity Space – Quality Standards
- ☐ Section 12.8.8 – Financial Contributions in Lieu of Open Space
- ☐ Section 12.8.9 – Play Facilities for Apartment and Residential Developments
- ☐ Section 12.8.10 – Amenity Space in Build-to-Rent
- ☐ Section 12.8.11 – Existing Trees and Hedgerows
- ☐ Section 12.9 – Environmental Infrastructure
- ☐ Section 12.10 – Drainage, Flood Risk and Coastal Erosion
- ☐ Section 12.11.2 – Architectural Heritage – Protected Structures
- ☐ Section 13.1 – Land Use Zoning Objectives
- ☐ Section 13.1.2 – Transitional Zonal Areas
- ☐ Section 13.1.10 – Appropriate Assessment

- ☐ Appendix 2: Housing Strategy and HNDA
- ☐ Appendix 3: Development Management Thresholds 2022-2028
- ☐ Appendix 5: Building Height Strategy
- ☐ Appendix 6: Waste Management Guidelines
- ☐ Appendix 7: Sustainable Drainage System Measures
- ☐ Appendix 15: Strategic Flood Risk Assessment

Other Dún Laoghaire Rathdown County Council Guidance Documents

- ☐ Standards for Cycle Parking and associated Cycling Facilities for New Developments (January, 2018)

Relevant National Planning Policy and Section 28 Ministerial Guidelines

- ☐ National Planning Framework (NPF), 2018
- ☐ Regional Spatial and Economic Strategy (RSES) for the Eastern and Midland Region (EMRA), 2019
- ☐ Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020
- ☐ Guidelines for Planning Authorities on Urban Development and Building Heights, 2018
- ☐ Design Manual for Urban Roads and Streets, 2013
- ☐ Spatial Planning and National Roads Guidelines for Planning Authorities, 2012
- ☐ Architectural Heritage Protection Guidelines for Planning Authorities, 2004; re-issued 2011
- ☐ Urban Design Manual – a Best Practice Guide, 2009
- ☐ Sustainable Residential Development in Urban Areas – Cities, Towns and Villages, 2009
- ☐ The Planning System and Flood Risk Management Guidelines for Planning Authorities, 2009
- ☐ Guidelines for Planning Authorities on Childcare Facilities, 2001

Hierarchy of Plans/Policy

Section 34 of the Act states where a specific planning policy requirement (SPPR) of Section 28 Planning Guidelines differs 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 10th March 2022 and in force since 21st April 2022 is in accordance with the Section 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 12th 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 0/0 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 0/0 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 Dún 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.

PLANNING ASSESSMENT

The proposed development is located in an area zoned Objective 'A', with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. The main considerations in the assessment of the proposed development are whether the proposed development aligns with relevant national strategic policies and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and other guidance documents.

The proposed development is assessed under the following headings:

- ☐ Principle of Development
- ☐ Build-to-Rent
- ☐ Density
- ☐ Residential Accommodation and Mix
- ☐ Barrington Tower & Adjacent Proposed Dwelling House Units
- ☐ Residential Unit Standards
- ☐ Building Height
- ☐ Design and Layout
- ☐ Sunlight and Daylight Access
- ☐ Impact on Adjoining Amenities
- ☐ Open Space Provision and Public Realm
- ☐ Childcare Facilities
- ☐ Retail Provision
- ☐ Drainage

- ☐ Transportation, Parking and Access
- ☐ Public Lighting
- ☐ Refuse Management, Scheme Management and Construction Details
- ☐ Part V
- ☐ Taking-in-Charge
- ☐ Environmental Impact Assessment / Appropriate Assessment / Ecology
- ☐ Comment on Third Party Submissions and Observations
- ☐ Comment on Submissions/Observations received from Prescribed Bodies

Principle of Development

The proposed development is located on lands zoned 'A' with the stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'. Residential development is indicated to be 'permitted in principle', with 'Residential – Build to Rent' development indicated as 'open for consideration' under the 'A' land use zoning of the site, subject to compliance with relevant policies, local objectives, standards and requirements of the County Development Plan.

The National Planning Framework (NPF), sets out the Government's high-level strategic vision for shaping the future growth and development of the country. Compact growth is a key objective of the NPF which seeks to locate a greater portion of future housing development (40%) within and close to the footprint of existing built-up areas. The objectives of the NPF are underpinned by the Regional Spatial and Economic Strategies (RSES) for the Northern and Western, Eastern and Midlands, and Southern regions of the country. The Regional Spatial and Economic Strategy (RSES) 2019-2031 for the Eastern and Midland Regional Assembly (EMRA) was adopted in June 2019.

In this regard, it is noted that Regional Policy Objective (RPO) 4.3 of the RSES for the EMRA relates to Consolidation and Re-Intensification, stating an intention to "*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 of the RSES for the EMRA states that future development in the Dublin Metropolitan Area should be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes and public transport use. RPO 5.4 of the RSES for the EMRA also notes that 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'.

Policy Objective PHP18: Residential Density of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 states that it is the policy of the Planning Authority 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.*

In addition, Policy Objective PHP19: Existing Housing Stock – Adaptation of the Development Plan 2022-2028 states a policy objective to densify existing built-up areas in the County through small-scale infill development having due regard to the amenities of existing established residential neighbourhoods.

In this regard, it is considered that the principle of residential infill development at this location is acceptable.

Build-to-Rent

In relation to Build-to-Rent (BTR) housing developments, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2020 (referred to hereunder as the Apartment Guidelines) note that these types of housing developments have a potential role to play in providing choice and flexibility to people and in supporting economic growth and access to jobs here in Ireland. It is also noted that they can provide a viable long-term housing solution to households where home-ownership may not be a priority, such as people starting out on their careers and who frequently move between countries in the pursuance of career and skills development in the modern knowledge-based economy. The Apartment Guidelines acknowledge that a key aspect of BTR housing developments is its potential to accelerate the delivery of new housing at a significantly greater scale than at present. Once BTR housing developments are constructed, the overall scheme is available to the rental sector over a much shorter timescale on completion and the investment model is therefore capable of delivering a much higher volume of housing than traditional models.

Under Section 12.3.6 Build-to-Rent Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, Built-to-Rent (BTR) accommodation is defined as purpose-built, long-term rental apartment accommodation that incorporates dedicated residential amenities and facilities. BTR accommodation will only be permitted in suitable locations in accordance with Policy Objective PHP28 Build-to Rent and Shared Accommodation/Co-living Developments of the Dún Laoghaire Rathdown County Development Plan 2022-2028, which states:

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

Under Policy Objective PHP28, it is stated that Build-to-Rent (BTR) accommodation will be facilitated at appropriate locations across the County in accordance with land use zoning objectives. For the avoidance of doubt, BTR is:

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

As noted above, the application site is subject to zoning objective 'A', under which 'Residential – Build-to-Rent' is open for consideration.

Policy Objective PHP28 and Section 12.3.6 Built-to-Rent Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 further stipulate that BTR development shall be located within a 10 minute walking time from high frequency public transport routes. In this regard, it is noted that particulars submitted with this application states that,

"the Luas green line runs south of the site, with access at present from the site to the Carrickmines Luas stop which is approximately a c.13-minute walk from the site. The Luas line connects the area to the city centre where it stops in popular locations such as St. Stephen's Green, O'Connell Street and Parnell. The Brennanstown Luas stop, immediately to the south of the site, was completed in 2010, however, has not been made operational to date, pending the delivery of residential units in the area including at the subject site". The submission also refers to bus stops in the area, proposals for BusConnects, amenities in the wider area, including shops, restaurants, retail and employment centres and public parks/beaches.

While it is accepted that the subject site is served by bus routes 63 and 63A, and as noted in the submitted Travel Plan by Waterman Moylan, located approximately 650m (approx. 9 minutes walking time to the west of the proposed site entrance from Brennanstown Road) this route is not a high frequency public transport route

The proposed BusConnects project, part of the National Transport Authority's programme to improve public transport services within Dublin, will serve the subject site, with routes L26 and L27, located approximately 670m from the subject site. The plans for these two routes have not been progressed to date.

Furthermore, the southern boundary of the subject site adjoins the Luas Green line and the future Brennanstown Luas stop (not completed and not in operation) is located to the southeast of the site. Part of the proposal includes a pedestrian and cycle link through the subject site, to the southern boundary of the site.

Transport Infrastructure Ireland, in their report of 16/05/2022, detailed in full in Appendix C below, outlines access and permeability issues to the future Brennanstown Luas Stop, Access to future Brennanstown Luas Stop Substation and associated Luas Infrastructure Operatorial Access. The report concludes that *'the Authority has examined the current proposal and finds it at variance with the protection of Luas assets, including the advancement of the opening of Brennanstown Luas Stop as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the efficient operation and safety of Luas as well as undermining investment made in sustainable mobility. In TII's opinion the proposal is premature pending the resolution of the matters outlined in this correspondence. The Authority is of the opinion that the current proposal is unacceptable as it conflicts with the national policy objectives to safeguard the investment made in the light rail transport network to ensure quality levels of service, accessibility, and connectivity to transport users.'*

Having regard to the relative position of the subject site to existing public transport routes, BTR development cannot be favourably considered by the Planning Authority at the subject site as development of this type would not accord with the provisions of Policy Objective PHP28: Build-to Rent and Shared Accommodation/Co-Living Developments and Section 12.3.6 Built-to-Rent Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, under which BTR development is required to be located within a 10 minute walking time of high frequency public transport routes. The development of a BTR development at the subject site would be inconsistent with the provisions of the Dún Laoghaire Rathdown

County Development Plan 2022-2028, and would thus be contrary to the proper planning and sustainable development of the area.

It is recommended, therefore, that permission be refused for the BTR development as proposed.

"Having regard to the position of the subject site to existing public transport routes, the BTR development proposed does not accord with the provisions of Policy Objective PHP28: Build-to-Rent and Shared Accommodation/Co-Living Developments and Section 12.3.6 Build-to-Rent Accommodation of the Dún Laoghaire Rathdown County Development Plan 2022-2028, under which BTR development is required to be located within a 10 minute walking time of high frequency public transport routes. The development of BTR development at the subject site would therefore be inconsistent with the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028. Furthermore, the development of BTR development at the subject site would, if permitted, set an undesirable precedent for similar development. The development proposed would thus be contrary to the proper planning and sustainable development of the area."

Furthermore, with regard to BTR developments, Policy PHP28 of the County Development Plan 2022-2028 requires that locations where BTR is proposed, consideration has to be given to achieving an appropriate mix of housing and the policy further states that "a proliferation of Build to Rent in any one area shall be avoided." As noted above 'Residential - Build to Rent' is open for consideration in this zone. In accordance with the Plan uses that are shown as "Open for Consideration" are uses which may be permitted where the Planning Authority is satisfied that the proposed development would be compatible with the overall policies and objectives for the zone, would not have undesirable effects, and would otherwise be consistent with the proper planning and sustainable development of the area.

Build-to-Rent schemes benefit from SPPR7 and SPPR8 and therefore do not have to accord with guidance on increased unit size or current County Development Plan 2022-2028 standards for housing mix. As set out in the definition of Build-to-Rent in the Apartment Guidelines, they provide a unit type that meets the need for people "where home ownership is not a priority" the examples given are "people starting out in their careers and who frequently move between countries". The Plan acknowledges the need for such accommodation, it is 'permitted in principle' in certain zones e.g., Major Town Centres, District Centres, but in areas zoned "A" with the objective: "To provide residential development and improve residential amenity while protecting the existing residential amenities", it is 'open for consideration'. Regard is had to the County Development Plan policy which requires that a proliferation of Build-to-Rent in any one area shall be avoided. Within the context of the immediate vicinity of the subject site and along Brennanstown Road it is noted that Build-to-Rent development has not been permitted. The application site is located south of Brennanstown Road, a long-established low density residential area, comprising mainly detached houses on generous sites. Two more recent higher-density developments have been permitted along Brennanstown Road; to the east of the subject site, closer to Cabinteely village, under ABP-305859, Doyle's Nursery site, planning permission was granted for the construction of 234 no. apartments, creche and associated site works in 3 building blocks up to 8 storeys in height (density c.126uph). To the west of the subject site, towards the junction of Brighton Road and Cornelscourt Hill Road, under ABP-301614-18, Brennanstown Wood, permission was granted for the construction of 136 no. residential units (98 no. apartments and 38 no. houses) and a creche (density c.51uph).

With regard to the subject site and the development as proposed at same, the Build-to-Rent component constituting 100% of the overall units proposed on the site, the site area of 3.81 ha, comparable development sites in the wider context of same, to the single tenure units forming part of the proposed scheme, the Planning Authority would have concern in relation to the resultant tenure mix/housing choices available as part of this proposal and in relation to the proliferation of Build-to-Rent units at the subject site.

Figure 2.8 Residential Development Capacity Audit of the County Development Plan 2022-2028 identifies a limited number of potential infill sites in this area. The opportunity therefore to achieve an appropriate mix of housing in a site of this size (net area of 3.17 ha) to accommodate the needs of a wide range of households, rather than an over concentration on the site of a unit type for a particular sector, is one that the Planning Authority considers necessary to accord with the County Development Plan 2022-2028, particularly having regard to recent planning history in the immediate area.

Figure 2.3.2 in Appendix 2 (Housing Strategy) of the County Development Plan 2022-2028, shows the percentage of private households in flats or apartments in DLR by ED in 2016, supports the fact that this area has successfully attracted households to high density apartment living, this with the lower density housing in the area has provided a choice, it is considered that by limiting a site of this size to only Build-to-Rent (and the mix which that accommodates) limits the choice for people who may wish to reside in the area. It also prevents the mix of housing to meet DLR's core strategy targets and housing needs assessment being accommodated in this area.

Having regard to the location of the subject site, it is considered by the Planning Authority that a more balanced provision of Build-to-Rent and non-Built-to-Rent units should be accommodated at this site and in this scheme, in the event that a grant of permission was to be considered for the proposed development. The Planning Authority would recommend an increase in the proportion of non-Built-to-Rent units (i.e.: those units to a standard other than BTR) be provided as part of the subject scheme. A condition to this effect is included in section 13 of this report.

If An Bord Pleanála is minded to grant permission for the proposed development it is recommended that the following amendment is made by way of condition;

- That only blocks referenced as Blocks F, G, H, I and J on the submitted Proposed Site Layout Plan, Drawing BRT-1-02-SW-ZZZ-DR-RAU-AR-1003, be permitted as Built-to-Rent units, with
- The remaining units across the scheme comprising, Blocks AB, CD and E being developed as non "Build-to-Rent" units. For clarity, it should be noted that the amendment as proposed would not restrict private rental opportunities at the subject site but would mean that SPPR7 and SPPR8 would not apply to these units.
- To accord with the County Development Plan standards for housing mix, the housing mix to be provided in blocks AB, CD and E, shall be in accordance with Table 12.1 apartment mix requirements and provisions of PHP27: Housing Mix of the County Development Plan 2022 to 2028. This amendment will improve the housing mix both within the site and in the immediate area.

This recommended amendment will assist providing for a greater mix of accommodation type, it will therefore go some way to meet the needs identified in the Housing Strategy, balancing the need to provide for a particular type of rental accommodation with the wider accommodation requirements. The amendment as proposed will prevent a precedent for a proliferation of "Build-to-Rent" units on sites of this size that have the capacity to meet the

housing needs of the wider community, such a precedent would have an undesirable effect and would not be consistent with the proper planning and development of the area.

Separately, as prescribed in SPPR7(a), applications relating to BTR accommodation development must be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period.

Particulars submitted with this application include a draft legal agreement between Cairn Homes Properties Limited and Dún Laoghaire-Rathdown County Council (prepared by Eversheds Sutherland), confirming that the development shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years from the date of the grant of permission where no individual residential units shall be sold separately for that period. The Planning Authority note that, in the event that a grant of permission was to be considered for the development proposed, the appropriate period for the commencement of the 15 years should be from the occupation of the first apartments within the development rather than from the date of the grant of planning permission.

In addition, SPPR7(b) of the Apartment Guidelines states that all BTR applications must be accompanied by detailed proposals for supporting communal and recreational amenities. As per particulars submitted, the subject development would include Services and Amenities, at ground and first level of Block E (646m²), at ground and first level of Block I (850m²) comprising, multifunctional rooms, concierge desk, postal storage, kitchen, dining and lounge rooms, games room, gym, cinema room and support facilities comprising a retail unit at ground floor level of block CD - 336m², and a creche unit at ground floor level of block CD - 356m².

Having regard to the provisions of SPPR 7 of the Apartment Guidelines, the Planning Authority is generally satisfied that the proposals for supporting communal and recreational amenities services to be provided as part of the BTR development would be in accordance with the provisions of the Apartment Guidelines and Section 12.3.6 Build-to-Rent Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Density

Section 12.3.3.2 Residential Density of the Dún Laoghaire Rathdown County Development Plan 2022-2028 states that in general, the number of dwelling units to be provided on a site should be determined with reference to the provisions of the 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 12.3.3.2 states that as a general principle, and on the grounds of sustainability, the objective is to optimise the density of development in response to type of site, location, and accessibility to public transport. In addition, as noted above, Policy Objective PHP18: Residential Density of the County Development Plan 2022-2028 states that it is a policy objective of the Planning Authority 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.*

Under Policy Objective PHP18, it is noted that the County Development Plan seeks to maximise the use of zoned and serviced residential land, and that consolidation through sustainable higher densities allows for a more compact urban growth that, in turn, more readily supports an integrated public transport system. Under Policy Objective PHP18, it also noted that the Sustainable Residential Development in Urban Areas Guidelines and accompanying 'Urban Design Manual' include recommendations regarding appropriate densities for various types of locations.

Under Policy Objective PHP18 it is stated that *"Where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) will be encouraged."*

In addition, Section 4.3.1.1 Policy Objective PHP18: Residential Density, outlines 'Constraints to Higher Density' as follows:

Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area. Some dispensation in relation to separation distances, open space requirements and density considerations may be appropriate.

In some circumstances higher residential density development may be constrained by Architectural Conservation Areas (ACA) and Candidate Architectural Conservation Areas (cACA) designations, Protected Structures and other heritage designations. To enhance and protect ACAs, cACAs, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings, new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity. There may be some specific areas of the County where higher densities, which would normally be encouraged by virtue of proximity of the site to high public transport corridors, cannot realistically be achieved as a consequence of other infrastructural shortcomings – such as the capacity of the local road network. The number of such sites would, however, be limited.

The overall density of the proposed scheme is 140 units per hectares based on 534 residential units and a net site area of 3.17 hectares.

With regard to the above, the Planning Authority notes the following characteristics of the subject site, which are considered relevant in the assessment of residential density:

- ☐ Under SLO73 it is an objective of the Council to limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.
- ☐ The site Barrington Tower, as a former folly, is recorded as a Protected Structure under RPS No. 1729 and is entered in the National Inventory of Architectural Heritage ("NIAH") under Reg. No. 60260220.

- ☐ The Barrington Cemetery, which lies to the south of the boundary of the site, is recorded as a Protected Structure under RPS No. 2066 as a private burial ground. The NIAH entry under Re. No. 60260219 describes it as a "Mausoleum" with a date of 1845-1850.
- ☐ Brennanstown cromlech (or portal tomb) is located c. 200m to the east of the subject site, Duchas No. 026-007 classified as a portal tomb - megalithic tomb

The DLRCC Conservation Officer's report of 13/05/2022, detailed in full in the Appendix section below, outlines concerns that the scale, height and massing of the proposed development comprising 8 no. blocks ranging in height up to 10 storeys would adversely impact on the character of the surrounding area and in particular on the setting and visual amenity of Barrington's Tower, a designated Protected Structure in the Dún Laoghaire-Rathdown County Development Plan. This is discussed in further detail in the relevant section further in this report

Regarding *infrastructural shortcomings – such as the capacity of the local road network*, Transportation Planning report dated 13/05/2022 and detailed in full in Appendix B, provides assessment of the proposed scheme, including site access, permeability and connectivity, car parking provision, motorcycle and bicycle parking provision, public lighting, and shared surface areas of the development. The report notes 'Transportation planning has the opinion that the entirety of the proposals do not adequately address the safety concerns on Brennanstown Road and will expose road users, existing and future residents, pedestrians, cyclists and drivers to undesirable circumstances, whilst failing to comply with relevant Policies and Strategic Local Objectives in the County Development Plan, and recommendations from the Part 8 – Environmental Report, and refusal for the proposed development is recommended.'

This is discussed in further detail in the relevant section further in this report.

While it is considered that the principle of residential infill development at this location is acceptable, the density proposed is considered to be excessive due to the particular constraints of this site.

Residential Accommodation and Mix

Section 4.3.2.3, Policy Objective PHP27: Housing Mix of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 states that it is the policy of the Planning Authority 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. Under Section 4.3.2.3 it is a policy objective that all residential developments, including apartment developments, in the existing built-up area and new residential communities should provide for a mix of unit types and sizes.

Policy Objective PHP30: Housing for All states, inter alia, an objective to promote 'aging in place' opportunities for people to 'down/right' size within their community. Under Section 12.3.3.1 Residential Size and Mix of the County Development Plan 2022-2028, it is stated that proposals for more than 50 residential units either individually or cumulatively with lands located within the neighbourhood (10-minute walk) will be required to incorporate a variety

and choice of housing units by type and size so as to meet the differing household need in the County.

As noted above, the proposed development would provide for 534 Build-To-Rent residential units overall. The overall mix of the development proposal would equate to:

- ☐ 5.6% studio apartments
- ☐ 25.3% 1 bed apartments
- ☐ 59.6% 2 bed apartments
- ☐ 9.5% 3 bed apartments

Although acknowledged that 30.9% of the apartments within the proposed development would comprise studio and one-bedroom apartments, under SPPR8(i) of the Apartment Guidelines, for proposals that qualify as specific BTR development in accordance with SPPR7, that no restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise. The development proposed would therefore accord with the provisions of SPPR8 of the Apartment Guidelines.

With regard to residential mix within Strategic Housing Developments (SHD) in general, it may be advisable for the assessment of the tenure type overall and proportion of one and two-bedroom units forming part of this and other such residential schemes, to take account of any other SHD development previously approved within the vicinity of same, the cumulative impact of which may impact upon the future typology of households available in the wider area of such developments.

Separately, as noted above, it is recommended that the proportion of BTR units across the scheme as proposed be reduced by way of condition in the event of a grant of permission. In line with same, a re-configured apartment mix that complies with the requirements of Table 12.1 Apartment Mix Requirements of the County Development Plan 2022-2028 and consistent with the provisions of Policy Objective PHP27: Housing Mix, namely the increase in 3+ bedroom units to 20% or more in 'non-BTR' units on site, is recommended in this regard.

Barrington Tower

The proposed development includes demolition of an existing habitable dwelling 'Winterbrook', and the derelict, former dwelling attached to Barrington Tower, a Protected Structure. Barrington Tower itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road. As previously mentioned, the remainder of the proposed development will provide a 'Build-to-Rent' (BTR) apartment development consisting of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. apartments. Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided.

The conservation and design strategy and the works proposed to Barrington's Tower are detailed in the submitted Urban Design Report prepared by Reddy Architecture and Urbanism, and in the Overall Architectural Heritage Impact Assessment prepared by Howley Hayes and Cooney. The submission notes the intention that the proposed development will enhance the setting of the Barrington Tower. The submission also notes that the site is not located within an ACA and the proposed buildings for demolition are not considered of historic importance. The submission notes development previously permitted at the subject site included the demolition of 'Winterbrook'.

The DLRCC Conservation Officer's report of 13/05/2022, detailed in full in the Appendix B, notes the planning history of the site, the proposed development and policy and guidance. The Conservation Officer's report notes the history of Barrington's Tower, its context and setting, and notes the content of the submission with regard to the layout and form and methodology for working in close proximity to the tower. The Conservation Officer's report accepts the proposal to demolish the pastiche 20th Century house which is not considered to be of any cultural significance and its removal is considered a positive intervention and will facilitate the repair and conservation of the original early 19th Century tower which will be left as a stand-alone element within the proposed scheme.

The Conservation Officer's report includes two stated conditions in the event the Board is minded to permit the development as proposed to same.

With regard to development proposed within the grounds of the Protected Structure, the Conservation Officer's report states that the proposed development can be divided into three distinct areas, northern area beside Brennanstown Road; central open space area incorporating Barrington's Tower; southern high-density residential area, noting the most sensitive part of the site from a built heritage standpoint as the northern area beside Brennanstown Road and the area around Barrington's Tower.

The report notes that *"The most sensitive part of the site from a built heritage standpoint is the northern area beside Brennanstown Road and the area around Barrington's Tower..... It is proposed to construct two new residential blocks on the northern part of the site, Blocks A-B and C-D, both are five storey blocks, positioned perpendicular to Brennanstown Road so that they frame axial views of the tower. The EIAR claims that the impact of these Blocks will be mitigated by their set back from the road (c.13.5m) and the strip of shrubs and meadow planting as illustrated in the Landscape Master Plan by Murray & Associates. The applicant's claim the proposed landscaping and strong green edge will also compliment the historic character of Brennanstown Road. The Conservation Officer report disagrees with this view and considers that the overly manicured landscaping and proposed boundary treatment fails to respect the existing sylvan character along this part of Brennanstown Road, as illustrated in (Views 02 to 05 in the Verified Views and CGIs by Modelworks, March 2022)."*

The Conservation Officer report provides the view *"that Blocks A-B and C-D to the north of the tower, would have an overwhelming impact on the setting and visual amenity of tower (this is evident in CGI 01 and 02, Proposed View from Brennanstown Road). As previously advised during pre-planning discussions the front portion of the site overlooking Brennanstown Road, should be treated differently with lower density development which would be more in keeping with the established character of the Road. It is therefore recommended that Blocks A-B and C-D should be revisited and reduced in scale, height and massing to ensure they accord with County Development Plan Policy with regards to development within the grounds of a Protected Structure."*

Taking the Conservation Officer's report into consideration and the impact of the proposed development on the Protected Structure of Barrington's Tower, and having regard to the sloping topography in the southern portion of the site, it is recommended that in the event that permission was to be considered for the development proposed, a condition to omit floor elements/units in proposed apartment blocks, is recommended specifically as follows;

- Block AB, 4th Floor;
- Block CD, 4th Floor;
- Block E, 4th Floor;

- Block F, 4th and 5th Floor;
- Block G, 4th Floor;
- Block H, 4th and 5th Floor;
- Block I, 4th Floor;

should be attached to same. It is considered that this height reduction would address some concern raised in the Conservation Officer's report regarding the impact on the setting and visual amenity of Barrington's Tower. The development permitted under Reg. Ref. D07A/0161, which provided for buildings up to six storeys in height in the southern portion of the subject site is noted in this regard. With respect to Block J, having regard to its position within the subject site, the site levels at this location, and separation distance from boundaries and adjacent property, a reduction in the height of this block is not recommended.

With regard to the boundary treatment along Brennanstown Road, the Conservation Officer's reports notes that Brennanstown Road is a relatively narrow two-lane roadway with a section of footpath running along one side that has a particularly attractive enclosed sylvan, rural character. The report notes that this character is predominantly formed by the demesne walls on both sides of the road with substantial mature trees behind. The Conservation Officer's report includes a description of the proposed works along Brennanstown Road stating that the existing boundary treatment is to be completely changed as set out in Section 5.3 of the Landscape Design Statement prepared by Murray & Associates. In this respect the existing old granite wall will be removed and replaced by a new wall, reusing the existing stone from the wall where possible along with a new railing mounted above (as illustrated in CGI View 04 to View 05 by Modelworks). The Conservation Officer's report states *"We would not be supportive of the proposed boundary treatment along Brennanstown Road which would have the effect to quote the EIAR of "urbanising the appearance of the road corridor". We would ask that revised proposal be sought for the boundary along Brennanstown Road which is more in keeping with the existing sylvan character and omits the proposed railing from the new stone wall."*

The Planning Authority having considered the report of the Conservation Officer would concur with the comments of the Conservation Officer and to address the boundary treatment along Brennanstown Road, it is recommended that in the event a grant of permission was to be considered for the development that this be addressed by way of an appropriate condition.

Residential Unit Standards

Apartment Floor Areas:

With regard to apartment floor areas, under SPPR3 and Appendix 1 of the Apartment Guidelines, and Section 12.3.5.5 Minimum Apartment Floor Areas of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the minimum floor space requirements for apartment units are as follows:

- ☐ Studio: 37sqm
- ☐ 1 bedroom unit: 45sqm
- ☐ 2 bedroom unit (3 person): 63sqm
- ☐ 2 bedroom unit (4 person): 73 sqm
- ☐ 3 bedroom unit: 90 sqm

For clarity, as per plans and particulars submitted, all two bedroom units proposed would comprise two-bedroom four-person units.

As per particulars submitted, which includes a schedule of accommodation for the apartment units proposed within Blocks AB, CD, E, F, G, H, I and J, the stated floor areas of the proposed studio, one-bedroom, two-bedroom (4 person), and three-bedroom apartment units would meet or exceed the requirements of SPPR3 of the Apartment Guidelines and Section 12.3.5.5 Minimum Apartment Floor Areas of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and regarding minimum floor areas of apartment units and associated storage provision.

With regard to private amenity space, under Appendix 1 of the Apartment Guidelines and Section 12.8.3.3(ii) Private Open Space for Apartment Developments of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the minimum floor areas for private amenity space are as follows:

- ☐ Studio: 4 sqm
- ☐ 1 bedroom unit: 5 sqm
- ☐ 2 bedroom unit (3 person): 6 sqm
- ☐ 2 bedroom unit (4 person): 7 sqm
- ☐ 3 bedroom unit: 9 sqm

Appendix 1 of the Apartment Guidelines also notes that balcony depths of 1.5m should be provided for.

As per plans and particulars submitted, minimum private amenity areas to serve the proposed apartment units in Blocks AB, CD, E, F, G, H, I and J would meet or exceed the minimum storage area requirements of the Apartment Guidelines and current County Development Plan. The provisions of SPPR8(ii), detailed above, and quantum of communal open space proposed to serve the subject development, are noted in this regard. The private amenity space provision proposed to serve the development is considered to accord with SPPR8 of the Apartment Guidelines.

Dual Aspect

Section 12.3.5.1 Dual Aspect in Apartments of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 states, *"that a dual aspect apartment is designed with openable windows on two or more walls, allowing for views in more than just one direction, with windows 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."*

With regard to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, SPPR4 of the Apartment Guidelines sets out the following requirements:

In relation to the minimum number of dual aspect apartments that may be provided in any single apartment scheme, the following shall apply:

- i. *A minimum of 33% of dual aspect units will be required in more central and accessible urban locations, where it is necessary to achieve a quality design in response to the subject site characteristics and ensure good street frontage where appropriate in.*
- ii. *In suburban or intermediate locations it is an objective that there shall generally be a minimum of 50% dual aspect apartments in a single scheme.*
- iii. *For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.*

The submission notes that the apartment blocks have been aligned on a north – south axis thus presenting the optimum approach to ensure the maximum number of apartments will receive east – west daylight and all apartments will a northern aspect are dual aspect and no single aspect north facing apartments are proposed within the development. As per particulars submitted, 50.4% of apartment units proposed would achieve dual aspect. Therefore, as per the plans and particulars submitted, it is considered that the proposal would accord with the provisions of Section 12.3.5.1 Dual Aspect in Apartments of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and SPPR4 of the Apartment Guidelines.

Floor to Ceiling Heights

With regard to floor to ceiling height, Section 12.3.5.6 Additional Apartment Design Requirements, of the County Development Plan 2022-2028 states ,

'Ground level apartment floor to ceiling heights shall be a minimum of 2.7 metres and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, Planning Authorities may exercise discretion on a case-by-case basis, subject to overall design quality.'

In SPPR5 of the Apartment Guidelines it is stated that:

"Ground level apartment floor to ceiling heights shall be a minimum of 2.7m and shall be increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities may exercise discretion on a case-by-case basis, subject to overall design quality".

Section 3.25 of the Apartment Guidelines further notes that for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, these requirements may be relaxed on a case-by-case basis, subject to overall design quality.

As per particulars submitted with this application, the ground floor units will achieve a minimum floor to ceiling height of 2.7m and all other levels will achieve a minimum floor to ceiling height of 2.4m or greater. Having regard to floor to ceiling heights to proposed apartment units, it is considered that the proposal would accord with the provisions of Section 12.3.5.6 of the current County Development Plan and SPPR5 of the Apartment Guidelines.

Unit per Core

Section 12.3.5.6 Additional Apartment Design Requirements of the County Development Plan 2022-2028 and SPPR6 of the Apartment Guidelines, limits the number of apartments per core to 12 no. units per floor. Under the provisions of SPPR 8(v), however, the requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.

As per particulars submitted, all apartment blocks, will comprise no more than 12 units per level per core. The proposed development would therefore accord with the provisions of Apartment Guidelines regarding Individual Stair/Lift Core requirements.

Building Height

With regard to building height the proposed development comprises of the construction of 534 no. Build-to-Rent apartments within 8 no. blocks ranging in height from 3 to 9 storeys (over lower ground floor) as follows:

- Block AB: 5 storeys
- Block CD: 5 storeys
- Block E: 7 storeys + lower ground
- Block F: 9 storeys + lower ground
- Block G: 7 storeys + lower ground
- Block H: 9 storeys
- Block I: 5 storeys + lower ground
- Block J: 5 storeys + lower ground

With regard to the building height proposed, the Planning Authority notes Policy Objective BHS3 of the Planning Authority's Building Height Strategy, comprising Appendix 5 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The subject site is located within a Residential Suburban Area where the following policy applies:

"It is a policy objective to promote general building height of 3 to 4 storeys, coupled with appropriate density in what are termed the residual suburban areas of the County provided that proposals ensure a balance between the reasonable protection of existing amenities including residential amenity and the established character of the area".

The Building Height Strategy (Appendix 5) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 incorporates the key elements of the Building Height Guidelines.

Any such proposals must be assessed in accordance with the criteria set out in Table 5.1 as contained in Section 5 of the Building Height Strategy and the onus will be on the Applicant to demonstrate compliance with the criteria. It is necessary to consider the application in context of these performance-based criteria which are detailed in the following sections.

County Level

□ 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.

The subject site is a suburban site to which the 'A' land use zoning applies in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and on which residential use is permitted in principle. The site is located within an established residential area served by range of services and amenities, with access to public transport infrastructure. Having regard to the overall size of the site and its context, it is considered that additional height can be absorbed at this location subject to a carefully considered architectural response, noting the specific constraints of the subject. It is therefore considered that the site is suitable for accommodating additional building height which will assist in securing National Planning Framework objectives by providing compact urban growth at this location and good quality residential accommodation.

□ Site must be well served by public transport – i.e. within 500 metre walk band of LUAS corridor, a 500 m walk band of DART Stations, 500 m walk band of N11 and 100 metre walk band of QBC - with high capacity, frequent service and good links to other modes of public transport.

The location of the application site is adjacent to the Luas corridor, but is at a distance further than 500m walking distance to the existing Carrickmines Luas station (c.13 minutes). The proposed development site is not directly served by bus routes. The N11 corridor, to the north of the development site, is a Quality Bus Corridor (QBC) and is approximately 1.6km (c.19

minute walking) distance. As detailed in the Traffic and Transport Assessment, prepared by Waterman Moylan, it is stated that 'there is a fully constructed Luas Stop (Brennanstown Stop) located immediately south of the subject development. This stop is currently not, at present, operational as there is no access to the stop. Having regard to same, it is considered that the subject site is not currently well served by high-capacity, frequent service and/or good links to public transport.

☐ Proposal must successfully integrate into/enhance the character and public realm of the area, having regard to topography, cultural context, setting of key landmarks. In relation to character and public realm the proposal may enclose a street or cross roads or public transport interchange to the benefit of the legibility, appearance or character of the area.

The existing area is a low-density area characterised by predominantly detached houses on generous sites to the north, east and west. Having regard to the character of the surrounding area, including sylvan character of Brennanstown Road, RPS Nos. 1729 Barrington Tower and the topography of the site the Planning Authority is of the view that the site is located within an architecturally sensitive area.

As outlined previously in this report, the Planning Authority concurs with the view of the Conservation Officer that the scale, height and massing of the proposed development comprising 8 no. blocks ranging in height up to 10 storeys would adversely impact on the character of the surrounding area and in particular on the setting and visual amenity of Barrington's Tower, a designated Protected Structure in the Dún Laoghaire-Rathdown County Development Plan. It is considered that the proposed development fails to comply with the Dún Laoghaire-Rathdown County Development Plan 2028-2028 Policy Objective HER8: Work to Protected Structures, Chapter 12, Section 12.11.2.3 Development within the Grounds of a Protected Structure and is contrary to the Council's Building Heights Strategy with regard to new development in the context of a Protected Structure. A refusal of permission is recommended on this basis.

As outlined previously in this report, the Planning Authority concurs with the Conservation Officer that the proposed boundary treatment along Brennanstown Road is not in keeping with the existing sylvan character of the area.

As such, as currently proposed, it is considered that the proposal would not successfully integrate into/enhance the character and public realm of the area.

☐ Protected Views and Prospects: Proposals should not adversely affect the skyline, or detract from key elements within the view whether in foreground, middle ground or background. A proposal may frame an important view.

As there are no protected views or prospects within the vicinity of the application site, this criterion is not applicable with regard to the proposal.

☐ Infrastructural carrying capacity of area as set out in Core Strategy of CDP, relevant Urban Framework Plan or Local Area Plan.

The Planning Authority is satisfied that the provision of additional accommodation within this suburban infill site may represent a better utilisation of the subject site. However the Planning Authority are of the view that there would be impacts on the infrastructural carrying capacity of the area.

At District/Neighbourhood/Street Level

☐ Proposal must respond to its overall natural and built environment and make a positive contribution to the urban neighbourhood and streetscape.

The applicant's submission, including a Statement of Consistency with the County Development Plan 2022-2028, indicates that the proposed development has been assessed against the 'Sustainable Residential Development in Urban Areas' and the accompanying 'Urban Design Manual - A Best Practice Guide' above and is considered in accordance with both documents. The submission states inter alia:

- ☐ The proposed development includes a creche, retail unit, residential amenities and large areas of public and communal open space.
- ☐ The site is a short distance from Cabinteely and Carrickmines and Foxrock/Leopardstown which provide a range of retail, restaurants, cafes, and facilities.
- ☐ The site is within close proximity to various high quality public transport options including the Luas, DART and a high frequency bus service.
- ☐ The development proposes a sustainable community that integrates into the emerging Brennanstown community and that provides for the housing needs of people in a broad range of lifecycle stages.
- ☐ It will provide residential design that inherently prioritises cycling, walking and public transport.
- ☐ A residential layout that ensures high levels of amenity, security and convenience with open spaces and services provided on site or in proximity.
- ☐ An attractive layout with a clear sense of place and which is legible and permeable.
- ☐ Due respect for the natural and built heritage as it retains Barrington Tower and allows for a diameter of 30 metres around the protected structure

While it is noted that precedent exists at the subject site for a development of an apartment blocks of height, some concern is noted with regard to the maximum height of a number of blocks forming part of the proposed scheme, and their relative position to site boundaries. In this regard, notwithstanding the variety of building heights proposed throughout the scheme, concern is noted with regard to the overall height of proposed Blocks AB and CD relative to the adjacent properties along Brennanstown Road and the Protected Structure Barrington Tower. A refusal of permission is recommended on this basis.

Regarding the proposal and the existing natural and built environment, it is noted that to the south and south-east of the subject site there is a private burial ground (with mausoleum) and a pocket of woodland within the valley of Glen Druid which extends east and includes the Giant's Tomb dolmen, c.200m east of the site. The site adjoins lands to the south that are zoned for Objective 'F' – "To preserve and provide for open space with ancillary active recreational amenities."

While it is noted that precedent exists at the subject site for the development of apartment blocks of heights up to 6 storeys, the Planning Authority is of the view that the proposed development, with heights up to 9 storeys plus lower ground floor would represent an abrupt transition in height and use at this location and the applicant has not sufficiently demonstrated that the proposal would not adversely impact the existing amenities of same. It is considered that it has not been demonstrated that the proposal would successfully integrate and make a positive contribution to the urban neighbourhood and streetscape. A refusal of permission is recommended on this basis.

While design rational and landscape proposals for the scheme are noted, it is considered that a reduction in height of Blocks AB, CD by one storey (to a maximum height of 4 storeys)

would result in a more satisfactory integration of this building to the receiving environment. In addition, notwithstanding the topography of the site, it is considered the omission of one storey at Block E, G, and I and J and two storeys at Block F and Block H would result in a more measured gradation of building height to adjacent built form and having regard to the overall natural and built environment.

Should An Bord Pleanála be minded to grant permission, the Planning Authority would recommend a condition be included to omit floor elements/units in proposed apartment Blocks, specifically as follows;

- Block AB, 4th Floor;
- Block CD, 4th Floor;
- Block E, 4th Floor;
- Block F, 4th and 5th Floor;
- Block G, 4th Floor;
- Block H, 4th and 5th Floor;
- Block I, 4th Floor;

☐ Proposal should not be monolithic and should avoid long, uninterrupted walls of building in the form of slab blocks.

The Planning Authority notes that the apartment block elements of the proposed development provide for some articulation through stepped height, projecting balcony/terrace elements along facades of the buildings, and/or staggered building lines of the proposed blocks. Notwithstanding same, as noted above it is considered that the proposed development would appear visually overbearing when viewed in its entirety from existing adjacent development, the streetscape of Brennanstown Road and the Luas line due to its overall massing and volume. This may be addressed by way of modification, specifically the reduction in height of blocks, as detailed above.

☐ Proposal must show use of high quality, well considered materials.

The external materials of the proposed apartment blocks, as detailed, are considered generally acceptable with regard to the subject streetscape and wider area.

☐ Proposal where relevant must enhance urban design context for public spaces and key thoroughfares and marine or river/stream frontage.

Having regard to the subject site layout and context of same, this criterion is not applicable with regard to the subject development. Further analysis with regard to open space provision is, however, included within the Open Space Provision and Public Realm section of this report.

☐ Proposal must make a positive contribution to the improvement of legibility through the site or wider urban area. Where the building meets the street, public realm should be improved.

As outlined previously in this report, the TII report of 16/05/2022, detailed in full in Appendix B, outlines serious concerns regarding access and permeability to Brennanstown Luas stop, and access to Brennanstown Luas stop substation. The report concludes that 'the Authority has examined the current proposal and finds it at variance with the protection of Luas assets, including the advancement of the opening of Brennanstown Luas Stop as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the efficient operation and safety of Luas as well as undermining investment

made in sustainable mobility. In TII's opinion the proposal is premature pending the resolution of the matters outlined in this correspondence. The Authority is of the opinion that the current proposal is unacceptable as it conflicts with the national policy objectives to safeguard the investment made in the light rail transport network to ensure quality levels of service, accessibility, and connectivity to transport users.'

Parks and Landscapes Services, in a report dated 01/06/2022 and detailed in full in Appendix B, recommend attaching conditions in relation to open space and the public realm, if permission is granted.

- ❑ *Proposal should provide an appropriate level of enclosure of streets or spaces.*

The Planning Authority is satisfied that the layout of development as proposed would provide for an appropriate level of enclosure of streets or spaces of the scheme within the subject site.

- ❑ *Proposal should be of an urban grain that allows meaningful human contact between all levels of buildings and the street or spaces.*

The Planning Authority is generally satisfied that the design of the development allows meaningful human contact between all levels of buildings and the street or spaces through orientation of the balconies/terrace elements overlooking the communal amenity areas, and provision of passive surveillance to the landscaped and parking areas of the scheme.

At site/building scale

- ❑ *Proposed design should maximise access to natural daylight, ventilation and views and minimise overshadowing.*

- ❑ *Proposal should demonstrate how it complies with quantitative performance standards on daylight and sunlight as set out in BRE guidance "Site Layout Planning for Daylight and Sunlight" (2nd Edition).*

Where a proposal does not meet all the requirements, this must be clearly identified and the rationale for any alternative, compensatory design solutions must be set out. On relatively unconstrained sites requirements should be met.

The submission included a Daylight, Sunlight & Overshadowing Report (prepared by Avison Young), findings state:

"The internal daylight amenity assessment indicates that 93% of the habitable rooms assessed will meet the minimum recommended ADF targets of 1% for a bedroom and 2% for an LKD, studio or communal space. This increases to 96% when applying an alternative target of 1.5% for the LKD's. In our professional opinion this represents a high level of daylight performance with the majority of rooms meeting the minimum recommended daylight standard, despite isolated transgressions which in our experience are not unusual when assessing modern residential developments such as this.

The NSL analysis indicates that 80% of the rooms will achieve the recommended level of NSL to 80% or more of the room areas. Furthermore, 94% of the rooms will achieve daylight distribution to 50% or more of their areas, with the majority of the front portion of these rooms achieving good levels of daylight distribution.

In our professional opinion, the Proposed Development performs well against the minimum recommended BRE targets, representing a high level of daylight performance, with the significant majority of rooms meeting the minimum recommended daylight standards.

In terms of sun hours on ground overshadowing, the assessment found that eight of the 10 (80%) proposed amenity areas and 289 of the 535 (54%) proposed balconies/terraces will comply with the BRE's recommended sun hours on ground analysis on 21st March. Furthermore, all 10 (100%) proposed amenity areas and 480 (90%) of the proposed balconies/terraces will achieve two or more hours of direct sunlight to over 50% of their areas on 21st June and thus will be well sunlit when they are most likely to be in use during the summer months.

The transient overshadowing assessment indicates that shadow from the Proposed Development will be cast on some of the proposed amenity areas particularly during winter, this is largely due to longer shadows being cast from the low position of the sun in the sky. During spring and summer, a number of the proposed amenity areas assessed will experience isolated times of overshadowing from the Proposed Development, with the shadows moving quickly throughout the days tested and many of the areas will experience limited or no overshadowing for the remainder of the day. In consideration of the transient overshadowing assessments on 21st March, June and December and the SHOG overshadowing assessments on 21st March and June, overall it is our professional opinion that the level of overshadowing to the 10 proposed communal/public amenity areas is acceptable.

The majority of neighbouring windows/rooms assessed will meet the recommended BRE Guidelines for daylight/sunlight. The results of the technical analysis indicate high levels of compliance with the target criteria set out in the BRE guidelines, with 99% VSC compliance; 99% NSL compliance; 98% winter sunlight compliance; and 100% APSH compliance."

Having regard to same, the Planning Authority is satisfied that the apartments within the apartment block elements of the development proposed would benefit from a good standard of amenity.

☐ *Proposal should ensure no significant adverse impact on adjoining properties by way of overlooking, overbearing and/or overshadowing.*

A full assessment of the potential impact of the development proposed on the residential amenity of properties within the vicinity is included below in this report.

☐ *Proposal should not negatively impact on an Architectural Conservation Area (ACA) or the setting of a protected structure.*

As noted above, it is the view of the Planning Authority's Conservation Officer that the scale, height and massing of the proposed development comprising 8 no. blocks ranging in height up to 10 storeys would adversely impact on the character of the surrounding area and in particular on the setting and visual amenity of Barrington's Tower, a designated Protected Structure in the Dún Laoghaire-Rathdown County Development Plan. It is considered that the proposed development fails to comply with the Dún Laoghaire-Rathdown County Development Plan 2028-2028 Policy Objective HER8: Work to a Protected Structures, Chapter 12, Section 12.11.2.3 Development within the Grounds of a Protected Structure and is contrary to the Council's Buildings Height Strategy with regard to new development in the context of a Protected Structure. A refusal of permission is recommended on this basis.

If An Bord Pleanála is minded to grant permission for the proposed development a condition to omit floor elements/units in proposed apartment Blocks, is recommended specifically as follows;

- Block AB, 4th Floor;
- Block CD, 4th Floor;
- Block E, 4th Floor;
- Block F, 4th and 5th Floor;
- Block G, 4th Floor;
- Block H, 4th and 5th Floor;
- Block I, 4th Floor;
- Block J, 4th Floor.

Proposals must demonstrate regard to the relative energy cost of and expected embodied and operational carbon emissions over the lifetime of the development. Proposals must demonstrate maximum energy efficiency to align with climate policy. Building height must have regard to the relative energy cost of and expected embodied carbon emissions over the lifetime of the development.

The submission included an Energy & Sustainable Report, prepared by OCSC. The submission indicates that the design of the proposed development will limit the amount of energy required for its operation and the amount of carbon dioxide (CO₂) emissions associated with this energy use. New residential units shall meet the energy performance standards, limiting heat loss where appropriate, and availing of heat gain through the fabric of the building. Renewable energy sources which are proposed for this scheme are solar photo-voltaic systems, solar thermal system, CHP units and heat pumps.

Having regard to same, the Planning Authority is satisfied that this element of the proposed development has been considered.

County Specific Criteria

Having regard to the County's outstanding architectural heritage which is located along the coast, where increased height and/or taller buildings are proposed within the Coastal area from Booterstown to Dalkey the proposal should protect the particular character of the coastline. Any such proposals should relate to the existing coastal towns and villages as opposed to the coastal corridor.

Having regard to the high quality mountain foothill landscape that characterises parts of the County any proposals for increased heights and/or taller building in this area should ensure appropriate scale, height and massing so as to avoid being obtrusive.

These criteria are not strictly applicable to the development proposal given the location of the subject site.

Specific assessments such as assessment of microclimatic impacts such as down draft.

The submission included a Wind Microclimate Study prepared by IBS. The submission concludes "The site is still completely safe for pedestrians. It meets the Lawsons's Walking criteria requirements. It generally meets requirements of Lawsons's Standing and Sitting criteria in conjunction with each other. Some balconies are seen to experience exceedance of the Lawson's Sitting and Standing criteria. However, the balcony spaces are the private spaces which are used by the people residing in the respective flat. They will be expected to use their

own discretion in judging the comfortable weather conditions. It is not a space that can be treated as a public open space where people have to use it frequently. So, no further mitigation measures required as such." Having regard to same, the Planning Authority is satisfied that this element of the proposed development has been considered.

☐ *Potential interaction of building, materials and lighting on flight lines in locations in proximity to sensitive bird/bat areas.*

Particulars submitted with this application included an Ecological Impact Statement prepared by Altermar, a Bat Assessment by Bat Eco Services, which includes guidance for the lighting throughout the site, as well as advice regarding the alterations to Barrington Tower to ensure it remains an attractive Bat Roosting location, and a new bat house is proposed to minimise the potential impacts on bats. Having regard to this, the Planning Authority is satisfied that this element of the proposed development has been considered.

☐ *Assessment that the proposals allows for the retention of telecommunications channels, such as microwave links.*

☐ *An assessment that the proposal maintains safe air navigation.*

Given the location of the subject site and the overall scale, height and form of the proposed development, the Planning Authority is satisfied that the proposed development will not result in any significant impact on telecommunications, nor will the development proposal have an adverse impact on safe air navigation.

☐ *Relevant environmental assessment requirements, including SEA, EIA (schedule 7 information if required), AA and Ecological Impact Assessment, as appropriate.*

The submission of the applicant included an Ecological Impact Statement, Appropriate Assessment Screening Report, and Natura Impact Statement, all prepared by Altermar Ecological Services, and an Environmental Impact Report. Pursuant to the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended, the Planning Authority notes that the competent authority for Appropriate Assessment and EIA in the SHD process is An Bord Pleanála.

Height Conclusion:

The Planning Authority is not satisfied that the subject site is capable of accommodating increased height as proposed and it has not been demonstrated that the proposed development would comply with the applicable performance-based criteria set out in Table 5.1 of the Building Height Strategy comprising Appendix 5 of the Dún Laoghaire Rathdown County Development Plan 2022-2028.

Should An Bord Pleanála be minded to grant permission, the Planning Authority would recommend a condition be included to omit floor elements/apartment units specifically comprising:

- Block AB, 4th Floor;
- Block CD, 4th Floor;
- Block E, 4th Floor;
- Block F, 4th and 5th Floor;
- Block G, 4th Floor;
- Block H, 4th and 5th Floor;
- Block I, 4th Floor;
- Block J, 4th Floor.

Additional concerns with respect to the potential impact of the development on adjoining properties is discussed in further detail within this report.

In this regard, please see the assessment below under the section Impact on Adjoining Amenities and the following amendments that are proposed.

Design and Layout

As noted above, Policy Objective PHP18: Residential Density of the County Development Plan 2022-2028 seeks to promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites, and to encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between protection of existing amenities and character of the area, with the need to provide for high quality sustainable residential development.

In this regard, development proposed in the 'northern' portion of the subject site proposes lower building height along Brennanstown Road and Barrington Tower with heights increased southwards throughout the site reflecting the topography of the site which slopes steeply towards the Luas line.

Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access is proposed through the site to the Brennanstown Luas Stop with an internal pedestrian access concentrated along the western site boundary with vehicular access concentrated along the eastern site boundary.

The proposed apartment blocks would be served by projecting balcony and terrace elements, many of which would face onto landscaped areas within the subject site. Articulation would be provided in the form of stepped height, balcony/terrace elements along facades of the buildings, and/or stepped building lines of the proposed blocks. External finishes of the proposed apartment blocks, as detailed in the submission, would include contrasting brick tones, with metal detailing to balcony/terrace elements.

All blocks are arranged around landscaped courtyards, each with an individual character with seating areas. The proposal also includes additional residential amenities including a creche, residents' gym, cinema and a convenience shop/ cafe.

Under the provisions of Section 12.3.5.2 Separation Between Blocks of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, all proposals for residential development, particularly apartment developments and those over three storeys high, shall provide for acceptable separation distances between blocks to avoid negative effects such as excessive overlooking, overbearing and overshadowing effects and provide sustainable residential amenity conditions and open spaces. Section 12.3.5.2 seeks to provide for a minimum clearance distance of circa 22 metres between opposing windows in the case of apartments up to three storeys in height, with greater separation distances potentially prescribed having regard to the layout, size and design of the development. In certain instances, depending on orientation and location in built-up areas, reduced separation distances may be acceptable. In all instances where the minimum separation distances are not met, the applicant shall submit a daylight availability analysis for the proposed development.

It is noted that a minimum separation distance of 22m would not be achieved between:

- Block E and F
- Block E and G
- Block F and H
- Block H and G
- Block G and J
- Block I and J

As such, the layout of these proposed apartment block elements would not accord with the provisions of 12.3.5.2 Separation Between Blocks of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Impact on Adjoining Residential Amenities

Having regard to the relative layout of the proposed apartment blocks within the site to adjacent built form, sunlight and daylight analysis submitted (detailed above), siting of the blocks relative to subject site boundaries, and landscaping proposals detailed, it is considered that the development as proposed is adequate to protect against overshadowing impact or undue overlooking of adjacent built form. Concern is, however, noted with regard to the potential visual impact of the development as proposed when viewed from existing adjacent residential properties.

Open Space Provision and Public Realm

The contents of the submission, including submitted Tree Survey and Arboricultural Report, Landscape Design Statement and Landscape Management Plan and specifications (prepared by Murray and Associates), are noted.

Table 12.7 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 notes that communal open space is for the use of a set group of residents within a development, ordinarily maintained by a Management Company (i.e.: privately owned), and typical of apartment-type residential developments. It is noted that said communal open space can be gated or located adjacent to specific apartment blocks for their exclusive semi-private use. Under Section 12.8.3.2 Communal Open Space of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, communal open space areas required per unit are as follows:

- ▣ Studio: 4sqm
- ▣ 1 bedroom unit: 5sqm
- ▣ 2 bedroom unit (3 person): 6sqm
- ▣ 2 bedroom unit (4 person): 7sqm
- ▣ 3 bedroom unit: 9sqm

It is noted that the above requirements reflect those detailed in Table 12.9 of the Apartment Guidelines regarding communal open space quantum requirements.

The proposal includes a total of 13,250sqm which is made up of c. 5,900sqm primary public open space, 3,000sqm secondary public open space and c. 4,350sqm communal open space.

Based on the apartment unit mix of the overall 534 no. units proposed, the development would generate a requirement to provide 3,480sqm communal open space (120 x 4sqm; 135 x 5sqm; 318 x 7sqm; 51 x 9sqm) in line with same. As per particulars submitted, the proposal would provide for 1,134sqm communal open space between blocks AB and CD and 3,066sqm between Blocks E – J. The communal open space provision of the development is considered acceptable with regard to the relevant requirements of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

Separately, under Section 12.8.3.1 Public Open Space of the current County Development Plan, all residential schemes must provide a minimum provision of public open space in accordance with Table 12.8, under which 15% of the site area must be designed as public open space. Section 12.8.3.1 states that to qualify as public open space, the area must be 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 (i.e.: must accord with the Council policy on taking-in-charge of open spaces).

As per particulars submitted, the proposed scheme would provide for 9,370sqm public open space, with 6,346sqm located around Barrington Tower and secondary public open space along the pedestrian access concentrated along the western boundary of the site of 3,024sqm. This area of open space would be accessible via the subject site access from Brennanstown Road. The public open space provision of the development is considered acceptable with regard to the relevant requirements of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

With regard to submitted landscape plans for the proposed development, the submission indicates that 163 of 184 Category B trees surveyed trees on site would be retained, 54 of 181 Category C trees retained and 14 of 21 Category U trees retained, in addition to 1 no. Category B hedges, 14 no. Category C hedges and 2 no. Category U hedges removed. As noted above, an objective to protect Trees and Hedgerows applies to the subject site. The arboricultural assessment carried out by The Tree File identifies *"that there are Monterey Cypress on the site which dominate the Barrington Tower area. There is concern about their sustainability and suitability for retention within a development context "undoubtedly, some must be removed to allow for the efficient development of site space, however the species is intolerant of fragmentation and shelter loss and therefore the effects of such impacts will have repercussions on any trees which might appear retainable. Accordingly, it is advised that an all or nothing approach be taken regarding this particular species."* The report further highlights that *"it appears unlikely that the central area of the site offers many opportunities for tree retention. This aspect of the development has been appreciated by the project Landscape Architects and addressed by way of an extensive tree planting scheme as part of the landscaping proposals."*

The report notes that the proposed development is mostly removed from the tree supporting boundaries. Nonetheless, various works will be required, though these are generally restricted to landscape works. Such works, including the provision of paths or the creation of new plantings and landscapes can all be achieved with minimal impact to trees. The report concludes that 'Sustainable tree retention will be based on the provision of suitable tree protection measures for the duration of site works.'

Murray Associate Landscape Architects have provided a full landscape design statement and landscape drawing pack setting out the strategy in terms of the layout, location and hierarchy of open space throughout the development.

The Parks and Landscape report dated 01/06/2022 and detailed in full in the Appendix B of this report, recommends the addition of conditions in the event of a grant of permission, in relation to Landscape Design and Maintenance.

The landscaping proposals are considered generally acceptable, subject to condition.

Childcare Facilities

Under Policy Objective PHP6: Childcare Facilities, it is the policy of the Planning Authority to encourage the provision of appropriate childcare facilities as an integral part of proposals for new residential developments, and that in general, at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. Section 12.3.2.4 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 with regard to Childcare Facilities states that in considering applications for new Childcare Facilities the Planning Authority will refer to Section 4.7 of the Design Standards for New Apartments Guidelines for Planning Authorities, 2020, specifically the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, as detailed in Section 4.7 of the Guidelines, with the exception for one-bedroom or studio type units, which should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms.

For clarity, Section 4.7 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines, 2020, which states the following, is noted:

"Notwithstanding the Planning Guidelines for Childcare Facilities (2001), in respect of which a review is to be progressed, and which recommend the provision of one child-care facility (equivalent to a minimum of 20 child places) for every 75 dwelling units, the threshold for provision of any such facilities in apartment schemes should be established having regard to the scale and unit mix of the proposed development and the existing geographical distribution of childcare facilities and the emerging demographic profile of the area. One-bedroom or studio type units should not generally be considered to contribute to a requirement for any childcare provision and subject to location, this may also apply in part or whole, to units with two or more bedrooms".

Under Section 12.3.2.4 of the County Development Plan 2022-2028, it also states that where it is proposed to provide a new childcare facility as part of a new residential development, the facility should be constructed in tandem with the overall scheme, with detail of operational hours and intended operator (where feasible) relative to the completion and occupation of dwellings also required.

It is noted that 369 of the proposed 524 apartment units proposed at the subject site would comprise two, three bedroom units, which in line with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020), may be considered to contribute to a requirement for childcare provision. As noted above, the development proposed would include for a 356sqm childcare facility at ground floor level of proposed apartment Block CD, with a capacity for 99 children.

With regard to childcare provision, McGill Planning Limited have conducted a Childcare Assessment which has examined the existing childcare facilities in the area, the demographics of the area, and the expected demand from the proposed development. As noted in the submission, the assessment found that *"there are 18 no. childcare facilities operating within a 2km catchment area of the subject site. We note that there are no vacancies in any of the childcare facilities, therefore the proposed development will cause an increasing demand for childcare spaces in the area. An analysis of the local demographics showed that 6.3% of the local population were within the 0-4 age cohort in 2016. Applying this percentage to the proposed development's expected population, and excluding the one beds and studios, indicates that there will be 53 no. children aged 0-4. Given the limited capacity of the existing childcare facilities in the area, and the increased demand that this proposed development will create, it is considered appropriate to provide a creche which can accommodate 99 children. This will not only meet the need of the development but also any existing demand in the wider area."*

The contents of the submission in this regard are noted in full and considered to generally accord with the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and Design Standards for New Apartments Guidelines for Planning Authorities, 2020 regarding childcare facilities.

To ensure full compliance with the provisions of Section 12.3.2.4: Childcare Facilities of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is recommended that in the event a grant of permission was to be considered for the development that the phasing of the proposed development including delivery of the childcare facility in the context of the overall development, and operational hours of same, be addressed by way of appropriate condition.

Retail Unit

The site is zoned Objective A 'To provide residential development and improve residential amenity while protecting the existing residential amenities' in the Dún Laoghaire-Rathdown County Development Plan 2022 – 2028.

Section 12.6.3 of the County Development Plan 2022-2028 states that a small/local convenience shop will be open for consideration within a residential area (lands zoned Objective 'A' – "*To provide residential development and improve residential amenity while protecting the existing residential amenities*"). When assessing any such proposals, the Council will have regard to the distance from the proposed development to established local shopping facilities and to its impact on the amenity of adjoining dwellings. Local convenience shops shall not have a floorspace greater than 100 sq.m. net.

A c.336sqm shop is proposed as part of this development located at the ground floor of Block CD.

With regard retail provision McGill Planning Limited completed a Retail Viability Study to *'demonstrate that the provision of a retail unit in this location will not only support this proposed development but also the new and existing developments in the wider area, providing a convenience retail area in a location where there is a growing need for same.'*

The contents of the submission in this regard are noted in full and considered to generally accord with the relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 regarding retail provision, except for the size of the unit.

To ensure full compliance with the provisions of Section 12.6.3 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, it is recommended that in the event a grant of permission was to be considered for the development, that the size of the proposed retail unit does not exceed 100sqm, be addressed by way of appropriate condition.

Drainage

The Drainage Planning report, dated 06/05/2022 and detailed in full in Appendix B, noted that following a process of engagement by the applicant with the Planning Authority on drainage issues, the submitted plans and particulars generally satisfy the requirements of Drainage Planning. The report includes commentary on calculations included in the submission, and includes a number of stated conditions recommended in the event that permission was to be considered for the proposed development pertaining to the requirement for an updated report and any associated drawings as required to address identified typographical errors/inconsistencies in the submitted Civil Engineering Infrastructure Report; requirement for a construction management plan and programme of works; requirement for dimensioned construction details of the proposed attenuation systems; green roof areas

proposed; details relating to proposed SuDS measures; details of flow control devices; tree location detail relative to the proposed attenuation tank; requirement for a Stage 2-Detailed Design Stage Stormwater Audit; and requirement for a Stage 3 – Completion Stage Stormwater Audit upon completion of development.

In the event that a grant of permission was to be considered for the proposed development, appropriate conditions to address same are recommended.

Separately, the Drainage Planning report states that the contents and conclusion of the submitted Site Specific Flood Risk Assessment (SSFRA) are considered acceptable and in accordance with the provisions of Appendix 15 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 regarding Flood Risk Assessment.

Transportation, Parking and Access

As detailed above, the proposed Build-to-Rent development is for an apartment scheme of 534 units (165 no. studio / 1 bed, 318 no. 2 bed and 51 no. 3 bed) in several blocks, with proposed vehicular and pedestrian access onto Brennanstown Road.

The Transportation Planning report dated 13/05/2022 and detailed in full in Appendix B, provides assessment of the proposed scheme, including site access, permeability and connectivity, car parking provision, motorcycle and bicycle parking provision, public lighting, and shared surface areas of the development.

The Transportation Planning report of 13/05/2022 recommends a refusal on the following grounds:

1. Due to Endangerment of Public Safety as a result of the intensification of additional traffic/pedestrians accessing the proposed development onto Brennanstown Road, and the lack of safe pedestrian and cycling facilities leading to relevant transportation nodes (bus stops, footpaths and cycle network) and commercial retail locations i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.
2. Prematurity – i.e. the proposed development is premature because of the lack of adequate, safe pedestrian facilities on Brennanstown Road which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development, as per Clause 1 (e) of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

The Transportation Planning report of 13/05/2022 recommends a number of stated conditions in the event that permission was to be considered for the proposed development relating to the subject site access, alignment of Brennanstown Road, quality and nature of all permeability routes across the site, the provision of legible routes for pedestrian/cyclist users, car parking provision of 1 space per residential unit, Electric Vehicle Charging Points/Spaces, cycle parking, Travel Plan and Construction Management.

Public Lighting

The Transportation Planning – Public Lighting Section report dated 07/05/2022 and detailed in full in Appendix B, states that the use of bollards and other low-level lighting is not recommended on health and safety grounds and will not be taken in charge. The Public

Lighting Section's report notes that the lighting report is not complete and the Reality Lighting design report and calculation table is missing. Furthermore, the report states that the results visible from the drawing provided show lighting levels far exceeding the desired levels for the lighting class selected but do not allow for analysis of the full lighting spread or obtrusive light issues. The report further states that the reports provided do not have enough detail to enable a full analysis of the proposed lighting.

Separately, the report states that the EV provision is adequate for the number of spaces provided, assuming that none of the spaces will be specifically assigned to any individual residence, provision to enable all spaces to have EV charging installed has been stated as being provided with ducting to all spaces. The EV charging provision should also be extended to electric bikes and other chargeable forms of transport.

In the event that a grant of permission was to be considered for the proposed development, appropriate conditions to address same are recommended.

Refuse Management, Scheme Management and Construction Details

The Waste Section report of 11/05/2022, detailed in full in the Appendix B of this report, states that while the submitted documents are generally acceptable, further consideration is required in relation to both construction and operational waste management and the design of building services to avoid the creation of serious environmental nuisance in the operation of the proposed works.

Separately, the Environmental Health Officer's report dated 30/05/2022 and detailed in full in Appendix B of this report, states that *"the environmental noise survey conducted at the site in order to quantify the existing noise environment is not proportionate to the site. The Attended Location 2, "AT2- Attended location to capture a snapshot of the daytime noise environment at existing house along Brennanstown Road" is not located at site boundary and should not be considered for Construction Noise Thresholds (CNT). There was no noise measurement location at nearest residential property in Brennanstown Vale in order to represent Noise sensitive locations surrounding the proposed development. The following statement is therefore inconclusive: "For residential NSLs it is considered appropriate to adopt 65 - 75 dB(A) CNT depending on existing noise level. Given the baseline monitoring carried out, it would indicate that Category A and C values are appropriate using the ABC method."*

It is recommended that these issues be addressed by appropriate condition in the event that a grant of permission was considered for the proposed development.

Part V

With respect to Part V, the submission indicates that it is proposed to provide 53 no. 2 beds units on the site, representing 10% of the units. 40% of the units are stated to be dual aspect. The units are dispersed throughout the scheme, on lower ground, 1st, 2nd and 3rd floors within blocks AB, CD, E, F, G, H, I and J.

The report of the Housing Department, dated 10/05/2022 and detailed in full in Appendix B, notes that the applicant proposes to comply with the Part V requirements by way of a long-term lease of 53no. 2-bedroom units on-site. Indicative average monthly rents of €2,375 for 2-bedroom units. The report states *"It is the government's stated policy to phase out long-*

term leasing of social housing. As long-term leasing currently remains a Part V compliance option, we are prepared to provisionally accept the compliance proposal as tabled. Should planning permission be granted we will review the proposal in light of available compliance options and current housing demand."

In the event that a grant of permission was to be considered for the proposed development, it is recommended that an appropriate condition regarding Part V provision be attached in this regard.

Taking-in-Charge

As per details submitted, no part of the application site is proposed to be taken-in-charge by the Planning Authority.

In the event that a grant of permission for the proposed development is considered by An Bord Pleanála, it is recommended that a condition stipulating that the development, both on the public road and within the scheme, is carried out in accordance with the County Council's standards is attached to any grant of permission. A condition relating to a Management Company is also recommended in the event of a grant of planning permission.

Environmental Impact Assessment / Appropriate Assessment / Ecology

The Applicant has submitted an Appropriate Assessment Screening report and Natura Impact Statement for the proposed development, prepared by Altermar Marine and Environmental Consultancy. This report concludes that *"In a strict application of the precautionary principle, it has been concluded that mitigation measures are required during construction to prevent impacts on the Rockabill to Dalkey Island SAC.Following the implementation of the mitigation measures outlined, the construction and presence of this development would not be deemed to have a significant impact on the integrity of European sites. No significant impacts are likely on European sites, along in combination with other plans and projects based on the implementation of standard construction phase mitigation measures."* Pursuant to the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended, the Planning Authority notes that the competent authority for Appropriate Assessment in the SHD process is An Bord Pleanála.

The Applicant has submitted an Environmental Impact Assessment Report (3 no. volumes), prepared by McGill Planning as part of the planning application. The report notes that the *"subject site exceeds the thresholds set out in Annex I and Annex II of the EIA Directive and therefore an EIAR is required for the proposed development."* The report sets out mitigation measures in each EIAR chapter and concludes that *"the implementation of the mitigation measures outlined in each EIAR chapter will reduce the potential negative impacts of the proposed development in both the construction and operational phases of the development."* Pursuant to the Planning and Development Act, 2000, as amended, and the Planning and Development Regulations, 2001, as amended, the Planning Authority notes that the competent authority for EIA in the SHD process is An Bord Pleanála.

Comment on Third Party Submissions and Observations

The issues raised in the third-party submissions have been summarised above. The main issues raised included, inter alia, building height and scale; existing character of the receiving environment; impact on existing properties; scheme layout; road safety, proposed site

permeability; tree and hedgerow loss; impact on biodiversity; contravention with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028; and details of the submission.

The proposed development has been assessed in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the national and regional guidance as set out above. The proposed development is located on lands subject to zoning objective A, which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities', under which residential development is permitted in principle. Residential development may be permitted where the Planning Authority is satisfied that the development would be compatible with the overall policies, objectives, standards and requirements of the County Development Plan and relevant national policy regarding residential development. All third-party submissions have been considered and noted, with concerns raised in same addressed in the relevant sections of the assessment above.

With respect to the issues raised in relation to transportation, drainage, public lighting, the contents of reports received from the various internal departments (all contained in the Appendices section of this report) are also noted, which indicated no objection to the principle of the proposed development subject to compliance with a number of stated conditions in the event of a grant of permission for same to address outstanding issues.

CONCLUSION

Although the principle of a housing development would be considered acceptable at this location, the Planning Authority has significant concerns regarding traffic safety, density, scale, massing, height, unit mix and form of the proposed development and compliance with the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2022-2028.

As currently proposed, the Planning Authority cannot support the proposed development due to significant concerns regarding the endangerment of public safety as a result of the intensification of additional traffic/pedestrians accessing the proposed development onto Brennanstown Road, and the lack of safe pedestrian and cycling facilities leading to relevant transportation nodes (bus stops, footpaths and cycle network) and commercial retail locations. Furthermore, the proposed development is considered premature because of the lack of adequate, safe pedestrian facilities on Brennanstown Road which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development. It is considered that the proposed development would be contrary to SLO 73 of the current County Development Plan.

Having regard to the zoning of the site and the location of the subject site relative to existing public transport routes, the BTR development proposed does not accord with the provisions of Policy Objective PHP28: Build-to Rent and Shared Accommodation/Co-Living Developments and Section 12.3.6 Build-to-Rent Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, under which BTR development is required to be located within a 10 minute walking time of high frequency public transport routes. The development of BTR development at the subject site would therefore be inconsistent with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The report from Transport Infrastructure Ireland dated 16/05/2022 in relation to concerns regarding the non-operational Brennanstown Luas stop to the south of the subject site are also noted in this regard.

The Planning Authority has concerns that the proposal in its current form would adversely impact on the character of the receiving environment. The overall proposed density of 140 u/p/ha density proposed would represent overdevelopment of this subject site, particularly noting the Protected Structure on this site, sylvan character of the area and topography of the site. Furthermore, the Planning Authority is of the view that the scale, height, massing and separation distances of the proposed blocks ranging in height from up to 9 stores plus lower ground floor, would fail to integrate successfully into the subject site and surrounding area and would have a significant impact on the setting and visual amenity of the Protected Structure, Barrington Tower, RPS. 1729.

It is considered that the proposed development, would have a detrimental impact on the character of the surrounding area, noting the loss of vegetation along Brennanstown Road and the existing sylvan character of same. The proposed development is considered to be contrary to Appendix 5 (Building Height Strategy) of the Dún Laoghaire- Rathdown County Development Plan, 2022-2028 and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG).

Accordingly, having regard to the matters set out above, the Planning Authority recommends refusal of permission for the reason as set out in the following section.

STATEMENT IN ACCORDANCE WITH SECTION 8(3)(B)(II)

Having regard to the site's location on lands zoned Objective 'A', to the height, density, scale and massing of the proposed development, the provisions of the Dún Laoghaire- Rathdown County Development Plan 2022-2028, the National Planning Framework, the Regional Spatial and Economic Strategies (RSES) for the Eastern and Midland Region (2019-2031) and Section 28 Guidelines for Planning Authorities, it is considered that the proposed development fails to accord with the above policy guidance documents and the proper planning and sustainable development of the area, and this Planning Authority recommends that permission be refused for the following reasons,

1. The proposed development would endanger public safety as a result of the intensification of additional traffic/pedestrians accessing the proposed development onto Brennanstown Road, and the lack of safe pedestrian and cycling facilities leading to relevant transportation nodes (bus stops, footpaths and cycle network) and commercial retail locations. In addition, the proposed development is considered premature because of the lack of adequate, safe pedestrian facilities on Brennanstown Road. It is considered that the proposed development would be contrary to SLO 73 of the current County Development Plan. The development proposed would thus be contrary to the proper planning and sustainable development of the area.
2. Having regard to the zoning and location of the subject site relative to existing public transport routes, the proposed Build-to-Rent (BTR) development proposed does not accord with the provisions of Policy Objective PHP28: Build-to Rent and Shared Accommodation/Co-Living Developments and Section 12.3.6 Build-to-Rent Accommodation of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, under which BTR development is required to be located within a 10-minute walking time of high-frequency public transport routes. The proposed development of BTR development at the subject site would therefore be inconsistent with the

provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The development proposed would thus be contrary to the proper planning and sustainable development of the area.

3. Having regard to the proposed density, scale, height, massing, and separation distances of the proposed blocks, it is considered that the proposed development would result in overdevelopment of the site, and would not comply with Section 12.3.5.2 Separation Between Blocks of the Dún Laoghaire- Rathdown County Development Plan 2022-2028, and would not accord with Table 5.1 of the Dún Laoghaire-Rathdown Building Height Strategy, Appendix 5 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
4. Having regard to the scale, height and massing of the proposed development comprising 8 no. blocks ranging in height up to 9 storeys plus lower ground floor, the proposed development would adversely impact on the character of the surrounding area and in particular on the setting and visual amenity of Barrington's Tower, a designated Protected Structure in the Dún Laoghaire-Rathdown County Development Plan 2022-2028. It is considered that the proposed development fails to comply with the Dún Laoghaire-Rathdown County Development Plan 2028-2028 Policy Objective HER8: Work to a Protected Structures, Chapter 12, Section 12.11.2.3 Development within the Grounds of a Protected Structure and is contrary to the Council's Buildings Height Strategy with regard to new development in the context of a Protected Structure. As stated in the Section 2.8 of the 2018 DHPLG, 'Urban Development and Building Heights Guidelines for Planning Authorities', "Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings". The proposed development fails to strike a balance between permitting new residential development while protecting the Architectural heritage and historic building stock within the County. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Development Summary	
Total number of units proposed:	524 Build-to-Rent
Dwelling house units:	0
Apartment units:	524
No. of Apartment units as a result of omitted floors:	431 units

Omissions of the following totalling 93 units:

- Block AB, 4th Floor; 8 x 2 bed units
- Block CD, 4th Floor; 8 x 2 bed units
- Block E, 4th Floor; 11 x 2 bed units
- Block F, 4th and 5th Floor; 22 x 2 bed units
- Block G, 4th Floor; 12 units, 2 x studio, 4 x 1 bed, 4 x 2 bed, 2 x 3 bed.
- Block H, 4th and 5th Floor; 24 units, 8 x 2 beds, 16 x 4 beds

- Block I, 4th Floor; 8 units, 3 x 1 bed, 1 x 2 bed, 4 x 3 bed
- ~~Block J, 4th Floor. 8 units, 1 x 1 bed, 3 x 2 bed, 4 x 3 bed~~

SUGGESTED CONDITONS

If An Bord Pleanála is minded to grant permission for the proposed development, the Planning Authority recommends the conditions below be imposed. With regard to same, the Planning Authority respectfully requests that, in the interest of clarity, any conditions attached by An Bord Pleanála to a grant of permission for the proposed development include the requirements as set out in the reports of the technical departments of the Planning Authority.

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto. If agreement cannot be reached between the developer of the land and the Planning Authority with regard to any conditions which require a submission of compliance, the matter may be referred to the Board for determination.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. (a) The development hereby permitted shall be for Build-to-Rent units in blocks referenced as Blocks F, G, H, I and J on the submitted Proposed Site Layout Plan, Drawing BRT-1-02-SW-ZZZ-DR-RAU-AR-1003 only, which shall operate in accordance with the definition of Build to Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020 and be used for long term rentals only.

The remaining units across the scheme, in Blocks AB, CD and E shall not be BTR units. For clarity it should be noted that the amendment as proposed would not restrict private rental opportunities at the subject site but would mean that SPPR7 and SPPR8 would not apply to these units.

(b) Prior to commencement of development the Applicant shall submit revised plans showing a re-configured apartment mix in Blocks AB, CD and E that complies with the requirements of Table 12.1 of the Development Plan 2022-2028 and is consistent with Policy Objective PHP27. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

REASON: In the interest of achieving a sustainable unit mix and in accordance with the Development Plan.

3. Prior to commencement of development, revised plans and particulars shall be submitted, which shall show the following modifications to the proposed development:

The removal of;

- (a) Block AB, the 4th Floor;
- (b) Block CD, the 4th Floor;
- (c) Block E, the 4th Floor;
- (d) Block F, the 4th and 5th Floors;
- (e) Block G, the 4th Floor;
- (f) Block H, the 4th and 5th Floors;
- (g) Block I, the 4th Floor;

REASON: In the interests of the visual amenities of the area, and in the interest of the proper planning and sustainable development of the area.

4. Prior to commencement of development, revised plans and particulars shall be submitted, for the written agreement of the Planning Authority, which shall show the boundary treatment along Brennanstown Road which is more in keeping with the existing sylvan character of the area.

Reason: In the interest of the visual amenity.

5. The development shall be carried out on a phased basis in accordance with a phasing scheme, which shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of any development.

REASON: To ensure the timely provision of services, and in the interests of residential amenity.

6. The permitted use of the applicable elements of the development shall be residential rental accommodation only for a minimum period of 15 years from the date of the occupation of the first apartments within the scheme. The Applicant shall notify the Planning Authority in writing when the apartments are first occupied, and a revised deed of covenant shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development on site.

REASON: In the interests of the proper planning and sustainable development of the area.

7. Each of the proposed apartments shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

REASON: To prevent unauthorised development.

8. Prior to the commencement of development, details of the operational hours and intended operator of the childcare facility permitted shall be submitted for the written agreement of the Planning Authority.

REASON: In the interest of orderly development.

9. Prior to the commencement of the development, revised plans and particulars shall be submitted and agreed in writing with the Planning Authority, which shall show the size of the retail unit not exceeding 100sqm.

REASON: In the interests of the proper planning and sustainable development of the area.

10. (a) The specific use of the retail unit shall be agreed in writing with the Planning Authority prior to occupation of such unit and commencement of trading.

(b) No subdivision of the retail unit shall take place without a prior grant of planning permission by the Planning Authority or by An Bord Pleanála on appeal.

(c) The proposed retail unit shall not be used for:-

- a. a fried fish shop or a shop for the sale of hot food for consumption off the premises;
- b. a shop for the sale of pet animals or birds;
- c. a shop for the sale or display for sale of motor vehicles other than bicycles.

REASON: To prevent unauthorised development.

11. Notwithstanding the provisions of the Planning and Development Regulations, 2001 (as amended), no advertisement signs, including any signs installed to be visible through the

windows, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site without a prior grant of permission.

REASON: To avoid visual clutter.

12. Details of the retail unit shopfront and signage shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

REASON: In the interest of the proper planning and sustainable development of the area.

13. No advertising sign or structure shall be erected except those which are exempted development, without the prior written agreement of the Planning Authority.

REASON: In the interest of visual amenities.

14. Prior to commencement of development the Applicant shall submit an Operational Management Plan for the proposed Build-to-Rent residential development. The Operational Management Plan shall provide details of the management structure in place and shall provide information relating to:

- a. Reception/concierge;
- b. Staffing;
- c. Moving in/out;
- d. Occupiers facilities;
- e. Control of rooftop amenity spaces;
- f. Car parking management/allocation including details for car sharing;
- g. Deliveries;
- h. Security;
- i. Health and Safety; and,
- j. Building maintenance.

REASON: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

15. Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority (Drainage Planning Section):

- a) 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.
- b) 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 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.

- c) full dimensioned construction details of the proposed Green Roofs. Details shall include the exact coverage of intensive and extensive green roof areas in accordance with the requirements of Appendix 7.2: Green Roof Policy of the County Development Plan 2022-2028 as well as 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. The Green roofs/podiums shall be designed in accordance with The SUDS Manual (C753) and BS EN 12056-3:2000.
- d) full dimensioned construction details of the proposed SuDS measures. Details shall include 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. The SuDS measures, such as swales, permeable paving, porous surfacing and filter drains shall be designed in accordance with The SUDS Manual (C753).
- e) full details of each flow control device, including model and make number, orifice size and flow control hydraulic characteristics graph. The applicant shall ensure that the flow control devices will not have a bypass door.
- f) long-sections of the surface water drainage system, clearly labelling cover levels, invert levels, pipe gradients and pipe diameters.
- g) confirmation that a utilities clash check has been carried out ensuring all utilities' vertical and horizontal separation distances can be provided throughout the scheme. The applicant should demonstrate this with cross-sections at critical locations such as junctions, site thresholds and connection points to public utilities. Minimum separation distances shall be in accordance with applicable Codes of Practice.
- h) a Stage 2 - Detailed Design Stage Stormwater Audit, as required under Policy EI9: Stormwater Impact Assessments of the County Development Plan, 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. The applicant shall also include a standalone 1-2 page design statement for the proposed surface water management system noting critical elements, their operation and significant design parameters (attenuation volumes, flow rates etc).
- i) 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.

REASON: In the interests of the proper planning and sustainable development of the area.

16. Prior to the commencement of development, the following shall be submitted for the written agreement of the Planning Authority (Transportation Planning):

(a) works and location / setting out of alignments and level details onto Brennanstown Road.

(b) revised drawings and details which clearly demonstrate the quality and nature of all permeability routes across the site. The provision of legible routes for pedestrian/cyclist users which mitigate potential conflicts should be clearly demonstrated, and due regard shall be given to the NTA's guidance: "Building for Everyone: A Universal Design Approach" for all design and circulation aspects. The revised drawings shall be subject to a required Quality Audit.

(c) 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.

(d) revised drawings and details which shall demonstrate that the basement car parking complies 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. This should include but not limited to

- removal of long cul de sacs 6-spaces or more
- demonstration 2.4m headroom
- adequate ramp gradients,
- shared access provision and wayfinding for all users.
- secondary access to car parks of more than 300 units

(e) revised/additional drawings/details showing that the proposed development complies with the requirements of Section 12 Car Parking Standards of the current County Development Plan 2022-2028, and in particular that visitor car parking, preferably grouped within communal parking areas, are adequately provided for and reserved only for the use of visitors and that spaces for both residents and visitors shall be clearly designated. Transportation Planning consider that 10% of the total car parking provision is generally the desirable minimum amount of visitor parking.

(f) revised/additional drawings/details showing that the proposed development complies with the requirements of Section 12 Electrically Operated Vehicles of the current County Development Plan 2022-2028. Electric Vehicle Charging Points/Spaces should be provided for both resident and visitor car parking and all spaces should be ducted and adequately spaced to facilitate future charging points.

(g) 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).

(h) revised plans and details which shall clearly identify the access routes and locations all proposed necessary set-down areas for the use of deliveries, visitors, taxis and maintenance (vans) larger vehicles for the apartment units and should be clearly marked in the submitted drawings. Transportation also request amended drawings showing swept path for refuse vehicle not encroaching footpath areas. further details of refuse collection movements for the apartment blocks and location of refuse storage areas. The Applicant shall show the above on a detailed layout drawing by using a Computer Aided Design (CAD) software such as Autoturn or similar computerised design software.

REASON: In the interest of orderly development.

17. (a) The Applicant shall ensure that all development works, both on the public road and within the proposed development, (i.e. road carriageways, kerbs (which must be insitu), footpaths, street lighting, etc) are designed and constructed, at the Applicant's own expense, to meet Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements 'Taking In Charge Policy Document (April 2016)', and all to the satisfaction of the Planning Authority. For 'Taking-in-Charge' standards to meet a 40-year design life a minimum 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. 40mm Clause 942, surface course
- b. 60mm Clause 906, binder course
- c. 100mm, base course macadam
- d. minimum 150mm Clause 804

(b) Prior to undertaking works to be carried out on the public road/footpath the Applicants shall obtain a Road Opening Licence from DLRCC Municipal Services Department - Road Maintenance & Roads Control Sections.

(c) The applicant shall comply with the car parking provision of 1 space per residential unit, spaces to serve the proposed development. The Applicant shall submit drawings which demonstrate this level of provision. The submitted drawings should clearly demonstrate the required number and location of car parking spaces assigned .

(d) The Applicant/Developer shall ensure by appropriate lease/contract clauses that all future management and occupiers of the proposed developments 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 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.

(e) 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:

- i) 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.
- ii) 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.
- iii) An access route to site for construction traffic/vehicles to be agreed with DLRCC Traffic Section, Municipal Services Department.
- iv) How/where it is intended to provide a site compound including materials storage and staff welfare facilities.
- v) 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.
- vi) 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.
- vii) How it is intended to provide suitable facilities for vehicle cleansing and wheel washing on site.
- viii) 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.
- ix) A procedure for dealing with complaints from third parties arising from the construction process.

REASON: In the interest of orderly development.

18. The applicant shall ensure that all car parking spaces are allocated to specific units within the scheme. Car parking spaces shall be sold off in conjunction with the units and not sold separately or let.

REASON: In the interest of orderly development.

19. All proposed residential car parking spaces should be constructed to be capable of accommodating future electric charging points for electrically operated vehicles (ducting, mini-pillars etc.) without the requirement for future excavations/intrusive works.

REASON: In the interest of orderly development.

20. The applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property as a result of the site construction works and repair any damage to the public road arising from carrying out the works. Storage of construction materials is not permitted on the public road/footway unless agreed in writing with the Planning Authority.

REASON: To protect the amenities of the area and in the interests of road safety.

21. The applicant shall complete, within a period to be specified in writing to the Applicant by the Planning Authority, all infrastructural works (including Roads, Footpaths, Car Parks, Open Spaces, Sewers, Watermains, Drains & Public Lighting) to the standards in the Council's Guidance Document on *Development Works in Residential and Industrial Areas*.

REASON: To ensure the development is carried out in accordance with the County Council's Standards and in the interests of the proper planning and sustainable development of the area in which the development is located.

22. Prior to the commencement of development, the applicant shall submit, for the written agreement of the Planning Authority (Planning Transportation – Public Lighting Section), revised specification, plans and particulars for the public lighting scheme of the development. Revised particulars shall include the location of all lighting elements, and demonstrate that the location of all lighting elements do not conflict with proposed tree locations/location of trees to be retained.

REASON: To ensure a satisfactory standard of public lighting.

23. Construction hours shall be restricted to between the hours of 0700hrs-1900hrs Monday to Friday and 0800hrs-1400hrs on Saturdays. No construction works to be carried out on Sundays and Public Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

REASON: In order to safeguard the residential amenities of property in the vicinity.

24. Prior to the commencement of development, the following shall be submitted for the written agreement of the Planning Authority (Parks and Landscape Services):

- (a) a Landscape Design Rationale together with comprehensive, detailed Landscape Design and Maintenance Proposals, all prepared by a qualified Landscape Architect. The proposals shall include: -
 - (i) details of the appointment of 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 from the consultant and name of the Consultant in 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.

- (ii) details of the erection of 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.
- (iii) Certification from the Arboricultural Consultant, 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.

Method Statement and Protection Plan, and to make any necessary adjustments thereto, in the light of on-going assessments during construction. The Arboricultural Consultant shall inspect the site at a minimum of fortnightly intervals, to ensure full implementation of the

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.

25. 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.

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.

26. 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.

27. Prior to the commencement of development and related tree felling and construction activities, the applicant shall

(a) 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 value of the Tree Bond shall be €150,000.

(b) 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.

(c) 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.

28. The Project Arboriculturist shall

- (a) 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.
- (b) Subsequent to each site inspection 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 3-5 days.
- (c) 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.

- (d) 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.

29. Prior to the commencement of development, the following shall be submitted for the written agreement of the Planning Authority (Parks and Landscape Services):

- a) A Preliminary Landscape Masterplan - with cross- sections (where applicable) - showing all external spaces, including play spaces, and proposed lighting, boundaries, along with any small structures and other hard and soft landscape elements. Landscape drawings shall also include showing all locations and construction-detailing of existing and proposed Engineering services and Utilities (above + below ground).
- b) Landscape section drawings does not clearly display or include proposed installed engineering services to indicate the Tree protection area which shall need to be resubmitted and agreed with DLR Parks before works commence.
- c) Collaborative drawings of engineering services and Arborist Tree protection shall be provided onto all drawings (Engineering, Arborist and Landscape architect drawings).
- d) Increased details of topographic levels overhead and cross section onto all Landscape drawings, clearly illustrating the proposed level changes relative to the surrounds. All grass areas shall have a minimum depth of 300mm topsoil overlying piped drainage
- e) revised plans and details which shall show proposed Hard Landscape plans surrounding the Barrington tower and play areas with softer landscaped surface, reduction in the hardscape pathways surrounding the tower and play areas with reinforced grass and natural based solutions.
- f) An Outline Landscape Specification for all materials (hard and soft), for workmanship and Landscape Maintenance (18 months minimum period).
- g) A Timescale for Implementation of all proposals, including the specified landscape maintenance operations. The landscape contract shall include a post- Practical Completion Certificate (signed by the landscape consultant) and a Defects Liability Clause of 18 months minimum.
- h) If development in part or full is to be Taken in Charge by DLR Co. Co., maps of proposed Taking In Charge areas ~~should be submitted as part of the application~~, including proposed maintenance schedules / requirements.
- i) Revised plans and details which shall show play and recreation opportunities for children and teenagers, as appropriate to the scale and character of proposed development. These opportunities shall be informed by the National Children's Play Policy 'Ready Steady Play' (2004) and 'Teenspace', National Recreation Policy for

Young People (2007), and in accordance with departmental and local standards (Dlr CDP 2016-22 Section 8.2.8.5), as appropriate.

- j) Revised plans and details which shall show play proposals in the form of a Proposed Play Rationale and Layout Plan (separate to, but related to the Landscape Masterplan), using Nature-based Solutions, informed by the 'genus loci' of the site (e.g. existing and planned landform, character etc.), to provide informal, impromptu and spontaneous play opportunities, along with structure, equipped play, as appropriate; for agreement with Dlr Parks+Landscape Services.
- k) Details which shall include a Quality Audit during construction to provide evidence to verify during installation works that the landscape specification is adhering to the Landscape standards required.
- l) The Layout Plan shall comprise the following: -
 - i. showing types of play and play area(s), target age groups, landform (included levels and contours) and boundaries, gates and planting,
 - ii. design and construction details of play opportunities and facilities in respect of landform, planting, boundaries, equipment and safety surface.
 - iii. 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).

REASON: In the interest of amenity.

30. Prior to the commencement of development, the applicant, or any other person with an interest in the land to which the application relates, shall comply with requirements of Part V, Section 96 of the Planning and Development Act 2000, as amended, and in accordance with agreement to be reached with the County Council's Housing Department, unless the applicant shall have applied for and been granted an exemption certificate under Section 97 of the Planning & Development Act, 2000, as amended. In this regard, the Applicant shall submit a detailed submission to include, inter alia, existing and development use land values, construction, development and any attributable costs associated with the development.

REASON: To comply with Part V of the Planning and Development Act, 2000, as amended.

31. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the Planning Authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

(i) the nature and location of archaeological material on the site, and

(ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the Planning Authority and, arising from this assessment, the developer shall agree in writing with the Planning Authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works. In

default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

REASON: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

32. All public services to the proposed development, including electrical, telephone cables and equipment shall be located underground throughout the entire site. Provision shall be made for broadband connectivity in the development.

REASON: In the interest of amenity.

33. An acceptable street naming and house numbering scheme, in both Irish and English, shall be submitted for the written agreement of the Planning Authority prior to the commencement of development or the erection of any advertising hoardings on site. In this regard, the use of street names reflecting local place names or local history would be acceptable.

REASON: In the interest of orderly development.

34. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plants, telecommunication aerials antennas or equipment, unless authorised by a further grant of planning permission.

REASON: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

35. Details of all external finishes including materials, colours and textures shall be submitted prior to the commencement of development, for the written agreement of the Planning Authority.

REASON: In the interest of visual amenity.

36. Access to non-amenity roof areas shall be restricted for the purpose of maintenance works only.

REASON: In the interest of residential amenities.

37. Existing materials from demolished structures shall, where possible, be re-used and recycled.

REASON: In the interest of proper planning and sustainable development of the area.

38. Only works indicated for demolition on the plans lodged with the application shall be removed.

REASON: In the interests of the proper planning and sustainable development of the area.

39. Prior to the commencement of development, the Applicant / Developer shall submit the following for the written approval of the Planning Authority (Environmental Enforcement Section):

(a) a Detailed Construction and Demolition Waste Management Plan consistent with the Circular WPR 07/06 - Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects, published by the DECLG, July 2006. This Plan shall provide details of the measures regarding (i) Overall waste management, (ii) Waste compound, (iii) Waste reuse and recycling management, (iv) Hazardous waste identification and management, and (v) Excavated materials and demolition waste.

(b) an operational waste management plan demonstrating segregation and handling of waste within the curtilage of the development.

(c) An appropriate rodent/pest control plan for the overall development.

(d) A materials source and management plan illustrating design for maintenance and replacement in addition to type of materials/proportion of re-use/recycled materials to be used.

The formulation of the above plans shall take account of the following:

- i. DLR Guidance Notes for Environmental Management of Construction Projects.
- ii. DLR Guidance Notes for Waste Management in Residential and Commercial Developments.

REASON: In the interest of proper planning and sustainable development of the area.

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

REASON: To ensure the satisfactory completion and maintenance of the development until taken in charge.

41. Prior to commencement of development the applicant shall submit full details of a properly constituted Owners' Management Company for the written agreement of the Planning Authority. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Membership of this Company shall be compulsory for all purchasers of property in the development. Confirmation that this Company has been set up shall be submitted to the Planning Authority prior to the occupation of the first residential unit.

REASON: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

42. A financial contribution shall be paid by the proposer to the Council towards the cost of the extension of Luas Line B from the Sandyford Depot to Cherrywood, namely Luas Line B1. This contribution shall be paid prior to the commencement of the development or in such other manner as may otherwise be agreed with the Planning Authority. The rate of contribution payable shall be that pertaining to the particular year in which implementation of the Planning Permission is commenced. The Supplementary Development Contribution Scheme provides for an annual increase in the levels of contribution payable, as outlined in the scheme, by a factor of 5% compound interest per annum. The levels of contribution will be reviewed annually on the 13th of January of each year during which the scheme is in force to take account of the aforementioned increase.

The rate of contribution payable in respect of this development, at current contribution rates, is € , and is subject to increase as outlined above.

It should be noted that contributions assessed in accordance with the Supplementary Development Contribution Scheme cannot be appealed to An Bord Pleanála unless the applicant considers the levy referred to in this condition has not been properly applied in accordance with the terms of the Scheme.

REASON: To part finance the extension of the Luas Line B1 from Sandyford Depot to Cherrywood, as provided for in the Supplementary Development Contribution Scheme adopted by the Council of Dún Laoghaire-Rathdown on the 13th of January, 2003.

43. The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of € to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of Surface Water Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015 and as included in Table 2 of the Cherrywood Planning Scheme Development Contribution Scheme 2017-2020. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Surface Water Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

Note on above Condition:

Please note that with effect from 1st January, 2014 Irish Water are now the statutory body responsible for both water and waste water services. Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. Further details/clarification can be obtained from Irish Water at Tel. 1 850 278 278.

44.The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of € to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015 and as included in Table 2 of the Cherrywood Planning Scheme Development Contribution Scheme 2017-2020. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Roads Public Infrastructure and Facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

45.The Developer shall, prior to commencement or as otherwise agreed in writing with the Planning Authority, pay the sum of € to the Planning Authority as a contribution towards expenditure that was/or is proposed to be incurred by the Planning Authority in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area of the Authority, as provided for in the Development Contribution Scheme made by Dún Laoghaire-Rathdown County Council on the 14th December, 2015 and as included in Table 2 of the Cherrywood Planning Scheme Development Contribution Scheme 2017-2020. These rates of contribution shall be updated effective from 1 January each year during the life of the Scheme in accordance with the SCSi Tender Price Index (See Article 12 of the Scheme) commencing from 1st January, 2018. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced, as provided for in Note 1 to the Table at Article 9 of the Scheme. Outstanding balances may be subject to interest charges.

REASON: It is considered reasonable that the payment of a contribution be required in respect of the provision of the Community & Parks Public Infrastructure, Facilities and

Amenities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

46. No development on foot of this permission shall commence until security for the provision and satisfactory completion of services (including roads, footpaths, open spaces, public lighting, sewers, watermains and drains) in accordance with the Plans and particulars lodged with the application, has been given by:-

a) Lodgement with the Council of an approved Insurance Company Bond in the sum of € which shall be kept in force by the Developer until such time as Roads, Open Spaces, Car Parks, Sewers, Watermains and Drains are completed to the satisfaction of the Council OR/...

b) Lodgement with the Council of a Cash Sum of € to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provision and completion of such services to standard specifications.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

47. This development shall not be carried out without prior agreement, in writing, between the Applicant & the Planning Authority relating to the payment of development contributions.

REASON: Investment by Dún Laoghaire-Rathdown County Council in Local Authority works has facilitated and will facilitate the proposed development. It is considered appropriate and reasonable that the developer should contribute to the cost of same.

NOTE 1: The following requirements of Irish Water shall be complied with in the proposed development:

- ☐ The applicant must sign a connection agreement with Irish Water prior to any works commencing and connecting to our network.
- ☐ Irish Water does not permit any build over of its assets and separation distances as per Irish Waters Standards Codes and Practices must be achieved.
Where any proposals by the applicant to build over or divert existing water or wastewater services subsequently occurs the applicant submit details to Irish Water for assessment of feasibility and have written confirmation of feasibility of diversion(s) from Irish Water prior to connection agreement.
- ☐ All development is to be carried out in compliance with Irish Water Standards codes and practices.

NOTE 2: The attention of the applicant is drawn to Section 34(13) of the Planning and Development Act 2000, which relates as follows, 'A person shall not be entitled solely by reason of a permission under this section to carry out any development'.

NOTE 3: The Applicant is advised that all/any requirements of the Environmental Health Officer shall be ascertained and strictly adhered to.

NOTE 4: The Applicant is advised that all/any requirements of the Environmental Health Officer – Air Pollution and Noise Control Unit shall be ascertained and strictly adhered to.

NOTE 5: The Applicant is advised that all/any requirements of Inland Fisheries Ireland shall be ascertained and strictly adhered to.

NOTE 6: In advance of making the connections to the public foul/combined sewers, the applicant shall contact the Drainage Area Engineer of DLRCC.

NOTE 7: This permission does not imply any consent or approval for the structural stability and/or habitability of the works carried out and does not imply that the structure complies with the Building Regulations.

NOTE 8: Any alterations to the drainage systems within the site are a matter for compliance with the Building Regulation.

NOTE 9: The Applicant is advised that in the event of encroachment or oversailing of the adjoining property, the consent of the adjoining property owner is required. If this written agreement is not obtained, the proposed development shall be modified only insofar as is required to do this.

Signed Liam Walsh
Senior Planner

Date 1-6-22

Signed M. Kelly
Director of Planning on
Behalf of the Chief Executive,
Dún Laoghaire Rathdown County Council

Date 7th June '22.

Appendix A

Record

PAC/SHD 219/20

Meeting Date: Thursday 1st October 2020.

Meeting Type: Online Teams meeting

Attendees:

Liam Walsh, Senior Planner, Planning Department

Michelle Breslin, Senior Executive Planner, Planning Department.

Fiona Cummins, Executive Planner, Planning Department.

Aiden Conroy, Housing.

O'Dulaing Ruairi, Parks Department

Egan Bernard, Transportation Department

Hegarty Mary, Road Maintenance, Public Lighting& Cleansing.

External Attendees:

John Grace, Cairn Homes

Emma Flanagan, Cairn Homes

Aidan McLernon, Cairn Homes

Trevor Sadler, McGill Planning

Daibhi Mac Domhnaill, Landscaping

Tony Reddy, Architectural

Kosta Kapetangiannis, Architectural

Joe Gibbons, Waterman Moylan

Brian McCann, Waterman Moylan

[Note: The external attendees will be collectively referred to as the Applicant hereunder in the interest of clarity].

WELCOME AND INTRODUCTIONS

Liam Walsh, representing the Planning Department of Dún Laoghaire-Rathdown County Council, opened the meeting. The purpose of this Pre-Planning Meeting was noted, and the format of the Meeting was outlined. Meeting participants in turn introduced themselves and identified which organisation they represented at this meeting.

PROPOSED DEVELOPMENT

The Applicant submitted proposals on 7th September 2020 for the following development on lands at 'Barrington' and 'Appledore/Apollo', Brennanstown Road, Dublin 18:

Development Description:

Strategic Housing Development.

- 657 residential units.
- 30 studios.
- 189 1 bed.
- 344 2 bed.
- 62 3 – 4 bed houses.
- Associated works to Brennanstown Road.
- Public connections to Brennanstown Luas station.
- Retention and rehabilitation of Barrington Tower.
- Provision of a creche.
- Blocks A-D – located along Brennanstown Road southern aspect = 5/6 stories
- Blocks K and J – located to west and S-W = 7 stories
- Blocks G and E – internal to the site = 9 stories
- Block I – 8 stores with 7 storey northern element
- Block F - located to SE – 11 stories – with 10 storey northern element
- Block H – highest proposed building – 12 stories with 10 storey element – similar to Block F

Discussion:

- Noting that the site includes Barrington Tower, a protected structure, the Planning Authority highlighted the opportunity for unique place making.
- The application straddles Brennanstown Road lands to the north and south, in effect making this two development sites. To address this, the applicant may need to either have with two Red Line boundaries or require a letter of consent from the relevant authorities to include sections of Brennanstown Road. The Applicant stated that they were not in a position to discuss the proposed development of the northern site at this stage. The Planning Authority note the disconnect between the proposed development of the southern site in terms of the physical infrastructure (Road); design (houses rather than apartments) etc. LW noted that there does not seem to be a clear rationale for inclusion of the northern site within this SHD application, other than to meet density requirements.
- The Applicant agreed that the proposed SHD planning application will need to be accompanied by an Environmental Impact Statement (EIS) / Environmental Impact Assessment Report (EIAR).
- The Applicant agreed that the scope of the scheme for EIAR would be agreed with Traffic and Transportation.

- The Applicant noted layout of the internal roads provides a set down loop to serve the creche.
- The Applicant noted that the internal road is unlikely to be taken in charge.
- The Applicant noted that the public will have full access to the internal roads in the scheme.
- The Applicant noted that a maintenance access to the Luas only will be provided only for TII.
- It was recommended to the Applicant that the access arrangements be made as clear as possible in the application as it progresses.

MAIN ISSUES DISCUSSED/CONCERNS RAISED

Drainage Planning

Issues raised and comments made as follows:

- More detailed submission required, ideally before Stage 2 submission to An Bord Pleanála. Applicant response (Waterman Moylan): details will be developed and submitted in advance of Stage 2 application to the Bord.
- Phasing will be a major consideration. Each phase, if proposed, will have to be stand-alone from SW perspective.
- Attenuation tanks in series; as above phasing is important.
- Draining across Brennanstown Road from upper section (housing) - phasing of same is important as there is no SW system in Brennanstown Road at the moment.
- Full SuDS proposal required in accordance with the CDP policies.
- SSFRA required notwithstanding proposed building outside of Flood Zones.

Parks and Landscapes

Issues raised and comments made as follows:

- Not sufficient information at this stage to fully comment.
- Mature trees on site.
- Parks and Landscape will be looking to see which trees can be retained.
- Tree protection strategy required.
- Significant concerns raised by the Planning Authority 'Public and Communal Amenity Space' – Key issue would appear location/usability of Open space/ play areas – all appear ancillary, serious concerns regarding microclimate / overshadowing – spaces are located around the edges of the development rather than being incorporated into it. There does not seem to be much space around Barrington's Tower – sense of place opportunity missed.
- Concerns raised by Parks and Planning Authority regarding amount of hard landscaping e.g. Public pathway to Luas.
- Concern raised regarding sloping nature of the site and usability of open space.
- Concern regarding location and layout of public open space.

- There is a laneway to adjoining cemetery.
- Would like to see the Applicant maximise linkage with Cabinteely Park.
- Details of areas to be taken in charge or privately management to be provided.
- Concerns raised by regarding Open space/accessibility – given the sharp change in levels across the site – and based on the images provided – serious concern regarding amount of hard landscaping/accessible measures required through scheme – these essentially 'eat into' the areas which otherwise would have been potential open space – means a lot of the public realm is not necessarily useable – foresee future issues with design/ mechanical plant/gradients/ vents etc.
- Communal open space proposed for the blocks.
- Applicant agreed to organise a site visit.
- The Planning Authority requested to see an arborist report prior to meeting on site.

Public Lighting

Issues raised and comments made:

- Pedestrian route needs to be lit higher.
- Bats need to be considered in lighting proposals.
- A comprehensive lighting plan is required.

Housing

Issues raised and comments made:

- The priority would be on site acquisition.
- Apartment block K is an option.
- Consider change the types.

Transportation and Roads

Issues raised and comments made:

- Noted premature having regard to SLO for Brennanstown Road.
- Confirmation that Luas stop will be open.
- Conversation whether traffic access to Luas.
- Obligation that access to substation be maintained.
- Applicant stated there will be a separate maintenance access.
- Applicant stated that access to the basement would be private.
- Car parking ratio 0.7. Planning Authority requires 1:1.
- There was a discussion around the opening of the Luas station.
- The Applicant requested to assistance of DLR in relation to this matter.

- Scope of EIAR traffic to be discussed further with Claire Casey.
- The Applicant stated signalised junction was a preference.
- The Planning Authority queried whether the set down was just for the creche. Applicant stated that it would be for deliveries too.
- The Planning Authority queried whether there would be a set down for Luas.

Planning

Issues raised and comments made:

- Scale
- Height
- Impact on existing properties.
- In principle, serious concerns.
- Logic for layout for microclimate
- BTR undecided.
- Discuss childcare provision with County Childcare Committee.
- Applicant required to demonstrate how it interlinks with Cherrywood SDZ Planning Scheme.
- Concerns proposal would not accord with Appendix 9 of the Building Height Strategy or building height guidelines.
- Clarification required going forward whether the northern part of the site is being included.
- Concern raised regarding the proposed development which is located within proximity to a protected structure.

Other

- The applicant will organise a site visit.

THE MEETING WAS CONCLUDED

ON SITE MEETING 3RD November 2020

Attendees included:

Michelle Breslin, Senior Executive Planner DLR

Fiona Cummins, Executive Planner DLR

Bob Hannan, Senior Architect DLR

Julie Craig, Conservation Architect DLR

Neil Molloy, Parks Inspector DLR

Applicant Attendees:

Aidan McLernon, Cairn

Cliona Eogan, Cairn

Trevor Sadler, McGill Planning.

Site visit held to inspect Barrington Tower, the site levels, trees, boundaries, location of Luas line. It was noted there were mature trees located outside the boundaries of the subject site in particular along the east and south east boundaries.

The PA concerns were outlined again and Julie outlined her concerns regarding the current proposal and the importance of providing a suitable context for Barrington Tower. The Applicants said that the current proposal was at an early stage.

We requested specific details be provided as to how the site will link / facilitate a link with Cherrywood lands / greenway down at the Luas Line. The level changes at that particular location were noted regarding accessibility / linkages. More detail required.

Concerns were raised regarding density, height, mass, scale. The Applicant mentioned the development Marianella in Rathgar as an example. PA noted the different location, context and lower height of that scheme.

PA requested more details of levels, cross sections to be provided.

Concerns raised regarding daylight / sunlight.

Concerns raised regarding communal open space, quantum and usability – details of levels required.

Concerns raised regarding microclimates and wind tunnelling.

FC and NM viewed the site across Brennanstown Road. The Applicant said that it was an idea of the Applicant that an avenue / access laneway leading to a house outside the Applicants ownership would be used as the communal open space to serve the housing development to the north of Brennanstown Road. The Applicant noted that this was a right of way and an agreement would be required with a third party to use the avenue as an amenity area. An alternative access to the house would also be required. The Applicant discussed the possibility of the site to the north side of Brennanstown Road being included with this SHD application or else submitted as a separate planning application for a low density development to the north.

FC and NM also viewed the site with the empty large house identified as 'Aras Eibhear' on the Ordinance Survey Map submitted (to the west of the main body of the site on the south side of Brennanstown Road. The house is currently vacant. It is proposed to construct block K, 7 stories there. The rear of Moylough, Brennanstown Vale is clearly visible from the rear of this empty house. It was noted that Kilkeerin, Brennanstown Vale is also located along this boundary but is less visible.

NM advised that the public amenity space shown to the east of Block K (Shown on Site Plan – Public and Communal Amenity Space) be 'rationalised' to provide a more usable space than as currently proposed. It is noted that steps and level changes and an pedestrian route are shown through this public amenity space. Applicant said they would look at this again.

The narrow width of the entrance to 'Aras Eibhear' was noted. The Applicant noted that width is limited due to houses / sites in separate ownership to the east and west of the entrance.

DEPARTMENTAL REPORTS (Appendix B)

Drainage Planning, report dated 06/05/2022

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

To: DLR Planning Department
Fiona Cummins, Executive Planner

Re: ABP-313281-22

Site Location: Site of c3.81 ha at Winterbrook and Barrington Tower, Brennanstown Road, Dublin 18

Lodged: 12th April 2022

Drainage Planning Report Date: 06th May 2022

ABP due decision date:

Drainage Planning report

Introduction

Following an iterative process of constructive engagement by the applicant and their Consultants with Municipal Services – Water and Drainage Planning, the applicant has submitted a detailed report and accompanying drawings that generally satisfies the requirements of Municipal Services subject to the following comments and proposed conditions:

Surface Water Drainage

Comments

The applicant has provided an appropriate level of detail for the planning design stage of the proposed development. For clarity where construction details are requested in the conditions listed below it is in reference to updated design drawings that reflect the changes (if any) that may have occurred during the detailed design and tender/construction stage and that reflect the final design that is to be constructed on site. As such all compliance submissions by the applicant should include tender/construction stage drawings informed by the detailed design process.

1. 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.
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 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 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. Details shall include the exact coverage of intensive and extensive green roof areas in accordance with the requirements of Appendix 7.2: Green Roof Policy of the County Development Plan 2022-2028 as well as 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, such as swales, permeable paving, porous surfacing and filter drains 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 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 each flow control device, including model and make number, orifice size and flow control hydraulic characteristics graph. The applicant shall ensure that the flow control devices will not have a bypass door.
6. Prior to the commencement of development, the applicant shall submit long-sections of the surface water drainage system, clearly labelling cover levels, invert levels, pipe gradients and pipe diameters.
7. Prior to the commencement of development, the applicant shall confirm that a utilities clash check has been carried out ensuring all utilities' vertical and horizontal separation distances can be provided throughout the scheme. The applicant should demonstrate this with cross-sections at critical locations such as junctions, site thresholds and connection points to public utilities. Minimum separation distances shall be in accordance with applicable Codes of Practice.
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: Stormwater Impact Assessments of the County Development Plan, 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. The applicant shall also include a standalone 1-2 page design statement for the proposed surface water management system noting critical elements, their operation and significant design parameters (attenuation volumes, flow rates etc).
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.

Flood Risk Assessment

Based on the information contained in the Site Specific Flood Risk Assessment (SSFRA) submitted by the applicant, the conclusions contained therein are accepted and thus the

proposed development is considered to be in accordance with Appendix 15 (Strategic Flood Risk Assessment) of the Dun Laoghaire-Rathdown County Development Plan 2022-2028.

Signed: _____

John Cunniffe

Executive Engineer

Drainage Planning

Municipal Services Department

Date: _____

Signed: _____

Elaine Carroll

A/Senior Executive Engineer

Drainage Planning

Municipal Services Department

Date: _____

Transportation Planning, report dated 13/05/2022

The proposed build to rent development is for an Apartment scheme of 534 units (165 no. studio / 1 bed, 318 no. 2 bed and 51 no. 3 bed) in several blocks, with proposed vehicular and pedestrian access onto Brennanstown Road.

The proposals supersede the previous permitted PL06D.227861 / D07A0161 for the provision of 158 no dwellings.

Response to ABP opinion on Relevant Transportation Items:

Item 1 A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, for the overall Brennanstown Road area, in particular the Brennanstown Wood development to the north west, and the future LUAS stop to the south, with regard to vehicular, pedestrian and cycle connections.

Item 2 A detailed statement, with accompanying plans and drawings, setting out in detail, adequate, safe traffic / pedestrian facilities on Brennanstown Road to accommodate the scale and quantum of development proposed.

Comments on Applicant's Submitted Response:

The applicant's response for items ABP opinion 1 on 2 demonstrate proposals and plans with a view to justify how the proposed development can / will with 'tie in safely' with the existing pedestrian infrastructure on Brennanstown Road and connection to the future Luas stop to the south.

The main proposed features include the provision of 2m footpath along the front boundary onto Brennanstown Road, raised table and signalised pedestrian crossing and signalised junctions, showing connectivity to the existing westward 1.3m footpath.

One of the main arguments put forward supporting the proposed development is the following:

'Planning permission has already been granted by An Bord Pleanála for the upgrade of two significant sections at either end of Brennanstown Road. The approvals aggregate to a total length of 880 metres (45% of the overall length of 1,940 metres)'

The statement, albeit literally factual, does not translate to substantial infrastructure on site as these footpaths are / will be generally provide only on side of the road, indicating that the percentage of 'adequate' pedestrian infrastructure is only available to approximately 22.5% (2 footpaths x1940m)/ 880m) on Brennanstown Road.

It is also noted that the plans have made no provision for cycling infrastructure.

Transportation planning has the opinion that the entirety of the proposals do not adequately address the safety concerns on Brennanstown Road and will expose road users, existing and future residents, pedestrians, cyclists and drivers to

undesirable circumstances, whilst failing to comply with relevant Policies and Strategic Local Objectives in the County Development Plan, and recommendations from the Part 8 – Environmental Report, and refusal for the proposed development is recommended.

Considerations:

1. The proposals are non-compliant with the County Development Plan:

1. CDP (2016-2022)

Particulars of the *Policy ST25 – Roads*, which states:

It is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:

- *reduce traffic speeds and improve road safety.*
- *provide improved facilities for vulnerable road users.*
- *reduce through traffic.*
- *facilitate the development of zoned lands.*

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

The Brennanstown Road Traffic Management Scheme may determine the future development potential of the area and therefore it is also an objective of the Council to limit developments along Brennanstown Road to minor domestic infills and extensions until the Scheme has been completed and its recommendations implemented.

Commentary:

The proposed development does not accord with specific guidelines of the Policy ST25 in relation to Brennanstown Road that, if granted, would result in a substantial development, with high density, with substandard adjoining infrastructure as basic as continuous footpaths, with severe safety implications for its current and future residents and vulnerable road users.

**2. Strategic Local Objective 130 (CDP 2016-2022)
Strategic Local Objective 73 (CDP 2022-2028)**

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented

Commentary:

The proposed development does not accord with Strategic Local Objective 130, and if granted, would result in a substantial development, with high density, with substandard adjoining infrastructure.

2. The proposed development at this scale would reach the upper limit of the advisory cap on development / number of dwellings arising from the Part 8 – Environmental Report for the Brennanstown Road – Traffic Management Scheme.

The Part 8 – Environmental Report / Volume 1, prepared by Aecom / Roughna O'Donovan Alliance, dated August 2016, Section 4.3 states that:

An objective of the scheme is to allow for development in the area. Each planning application will be subject to the planning process requirements of Dun Laoghaire Rathdown County council.

Preliminary Analysis was carried out on the existing traffic situation, which suggested that development in the region of 700-1000 residential units could be accommodated on the Brennanstown Road following the provision of scheme. This does not Take into consideration development outside the immediate area.

Commentary:

In the immediate lands with access to Brennanstown Road, the total number of at 364no approved dwellings (234no under ref: ABP30585919 and 136no under ref: ABP-301614-18), plus the now proposed 567no, result in a total of 931no dwellings, for only 3 development sites, almost reaching the upper limit of 1000no dwellings to be accommodated following the provision of the Brennanstown Road Traffic Management Scheme.

The already approved and current proposed dwellings / units are on the upper limit of the acceptable development stipulated in the Environmental Report, prior to the delivery of comprehensive Brennanstown Road Traffic Management Scheme, with significant implications for existing and future resident and vulnerable road users, with likely introduction of constraints in the development of adjacent lands due to traffic impacts.

3. Endangerment of public safety by reason of traffic hazard or obstruction of road users

Commentary:

The vicinity of the site has substandard infrastructure in terms of pedestrian and cycling facilities.

The considerations presented in the submitted Traffic and Transport Assessment, and also in the DMURS Compliance statement do not reflect the existing surrounding infrastructure to enable necessary safe and high-quality access to the public transport, commercial / retail, county cycling network, etc.

The combination of the proposed development and associated intensification of use with the lack of adequate infrastructure allowing safe linkages to transportation modes and commercial / retail facilities for vulnerable road users is considered a significant traffic hazard.

Transportation Planning recommends refusal on the following grounds:

1. Due to Endangerment of Public Safety as a result of the intensification of additional traffic/pedestrians accessing the proposed development onto Brennanstown Road, and the lack of safe pedestrian and cycling facilities leading to relevant transportation nodes (bus stops, footpaths and cycle network) and commercial retail locations i.e. the proposed development would endanger public safety by reason of traffic hazard or obstruction of road users or otherwise, as per Clause 4 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.
2. Prematurity – i.e. the proposed development is premature because of the lack of adequate, safe pedestrian facilities on Brennanstown Road which renders it unsuitable to carry the increased pedestrian traffic likely to result from the proposed development, as per Clause 1 (e) of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000.

Relevant Items:

Traffic and Transport Assessment

The submitted Traffic and Transport Assessment dated April 2022, prepared by Waterman Moylan Consulting Engineers Limited is noted.

The report concludes that *"the volume of traffic expected to be generated by the proposed development has been derived using the trip rates from TRICS database. The trips generated by the proposed development are 65 arrivals and 175 departures for the AM Peak Hour, and 126 arrivals and 79 departures for the PM Peak Hour. The analysis results indicate that Junction No.1 will operate slightly above capacity during the future assessment year (2041) all other analysed junctions will operate within capacity for the future assessment year."*

Transportation is uncertain that the provided walking and cycling distances maps accurate, considering the lack of pedestrian and cycling infrastructure, which would imply that areas to the east are not accessible in a safe manner. There are mainly noted in the submitted images (extracted from report) as follows:

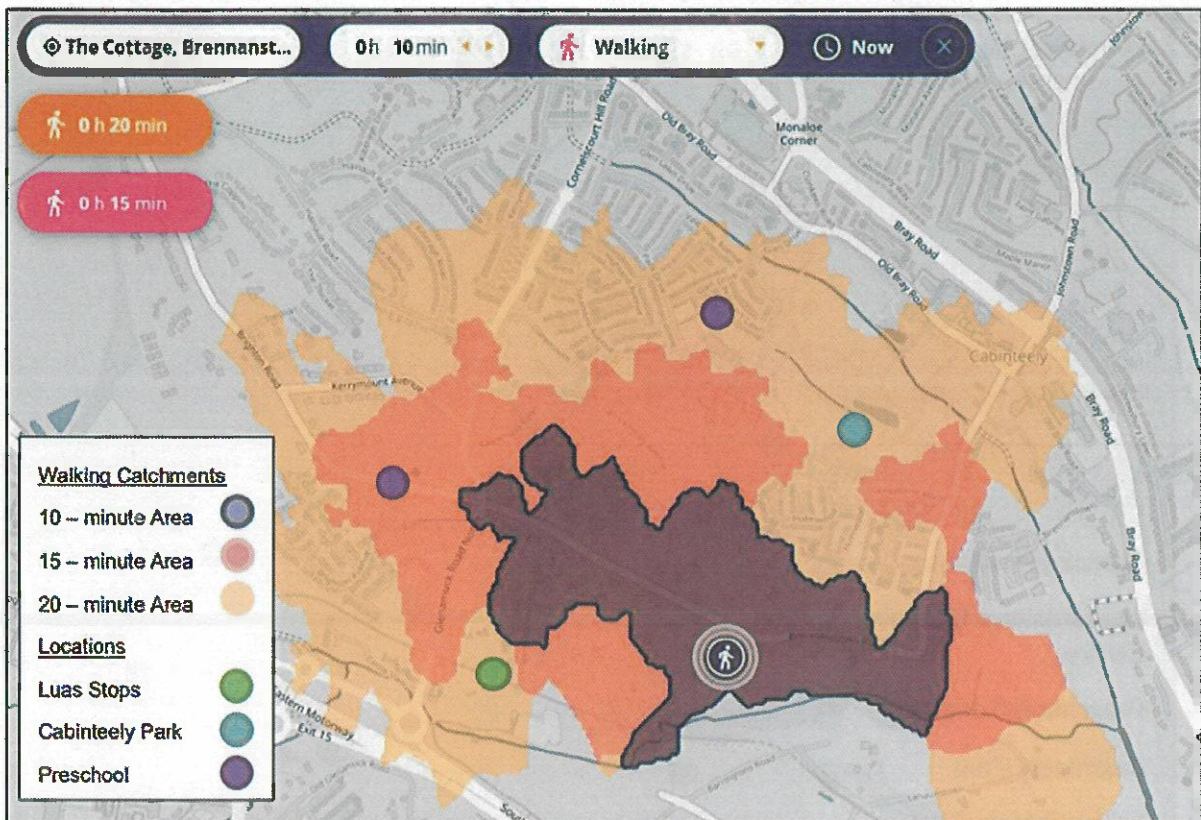


Figure 5-3 | Site Accessibility - Walking Distance.

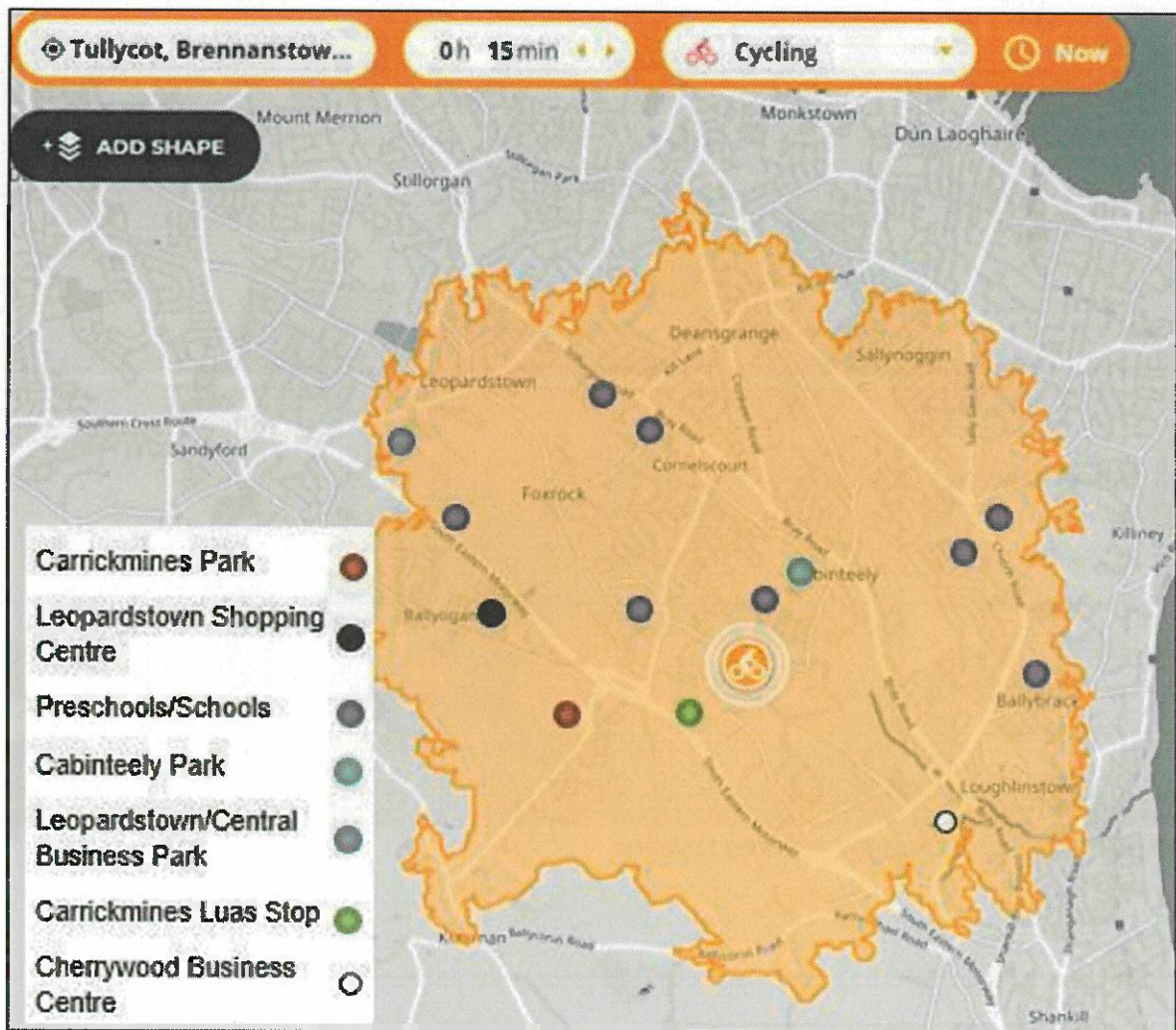


Figure 5-4 | Site Accessibility - Cycle Distance.

Also relevant to Traffic and Transport assessment are the Capacity of Luas Green Line Report and attached email consultation with the TII.

DMURS

The submitted **DMURS Statement of Consistency** prepared by Waterman Moylan Consulting engineers is noted.

Car Parking Provision

The proposed car parking provision for the development considers a total of 419 no. car parking spaces (400 basement car parking and 19 Surface car parking), including 15 no. disabled parking spaces and 84 no. electric car spaces.

Transportation Planning consider the Applicant's proposed level of reduced car parking unacceptable. The proximity to future Luas station is noted, however Transportation Planning places the development in a suburban location and reduced rate equivalent to 1 car space per apartment unit is more appropriate to ensure sufficient car storage/car parking provision within the site.

In accordance with Section 4.23 of the DHPLG Design Standards for New Apartments - Guidelines for Planning Authorities (March 2018) some reduction in recommended residential car parking standards for the proposed apartments is deemed acceptable. Transportation Planning recommend a reduced rate equivalent to 1 car space per apartment unit ie. 1 No. car space per residential unit (being: 1.0 = resident/visitor/disable/car share parking)

Taking current and anticipated levels of car ownership in this area into consideration the Applicant's reliance on management company parking restrictions and enforcement may not be sufficient to avoid potential for negatively impacting on adjoining neighbourhood roads with overspill parking.

Adequate provision of residential basement spaces is recommended to ensure that the proposed residential development site is not to be reliant on parking provision/ car storage outside the site which may result in increased demand for car parking within the adjoining area and adversely impact neighbouring property.

DLR's reduced standards recommend a car parking ratio of 1 per unit, a total of 534no car parking to serve the proposed development.

Cycle Parking

The proposed cycle parking provision of 1,266 no. cycle parking spaces (1,058 no. residential spaces at basement level and 208 no. visitor spaces at surface level) is noted. The Applicant has indicated the provision of a higher number of long-stay and short-stay parking cycle parking than stipulated in the DLRCC minimum standards but less than that stipulated by the DHPLG standard.

The quantum of cycle parking provision is deemed acceptable for the proposed development.

Long-term cycle Parking

There are reservations in that the cycle parking provision does not comply with the requirements in DLR's standards for cycle parking.

The long-term cycle park appears to use, exclusively, double stack cycle parking as there are no references in the submitted documents. This type of provision is not acceptable. It is considered that the documents are deficient in demonstrating in terms the number, type of stands, spacing between stands and walls, location of compounds, access routes for residents and visitors, gradients, headroom, doors, lifts, signage, CCTV and

The provision of rental / share bikes schemes for the use of future residents is welcomed.

The cycle parking provision should comply with the design principles set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development – January 2018'.

https://www.dlrcoco.ie/sites/default/files/atoms/files/dlr_standards_for_cycle_parking.pdf

Short-term Cycle Parking – The short-term cycle parking provision is acceptable for the proposed development, subject that the spacing between Sheffield Cycle Stands respect the minimum spaces of 1m between stands and 600m to wall or other features, in accordance with DLR's standards for cycle parking. The drawings "Ancillary Buildings" showing details of short-term cycle parking provision is noted.

Cargo Bikes

It is considered that the plans are deficient as they do not make provision for long and short term cycle parking for Cargo Bikes or Tricycles, for developments where there may be a demand such as retail. "A larger footprint is required for cargo bike parking. Cargo bikes are generally wider than a typical bike as they contain a cargo/passenger at the front of the bike and are longer. Some bikes can be up to 0.9m wide and 2.5m in length. Thus a footprint of about 3.5m x 2.0m wide is required for cargo bikes in addition to the 2.0m pedestrian clearance width outside the bikes, as appropriate"

The cycle parking provision should comply with the design principles set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development – January 2018'.

https://www.dlrco.co.ie/sites/default/files/atoms/files/dlr_standards_for_cycle_parking.pdf

Motorcycle Parking

The proposed provision of 9no motorcycle car parking spaces is deemed adequate for the proposed development.

Travel Plan and Car Parking Management

The submitted Travel Plan, dated April 2022, prepared by Waterman Moylan Consulting Engineers Limited is noted, along with preliminary items for relating to a Car Parking Management plan.

If permission is contemplated, the applicant will be requested to comply with standard conditions associated with Travel Plans.

Quality Audit

The submitted Quality Audit, prepared by Brutton Consulting Engineers is noted. In the case of a grant of permission, standard conditions for Detailed Design and Post-Construction Quality audit are applicable.

Construction Management Plan

The submitted Construction Management Plan dated April 2022, prepared by Waterman Moylan Consulting engineer is noted.

Transportation reservations in terms of pedestrian and cyclist access to the proposed development are still valid during construction stage.

It is noted an error in the submitted figure 6.1 – Construction Traffic Route from site.

In case permission is contemplated, prior to commencing of any works, all proposed works onto Brennanstown Road shall be agreed with relevant sections in Dun Loghaire-Rathdown County Council.

All proposed public infrastructure works onto shall be delivered prior to any substantial works commence on the site, to allow for personal working on the site to have pedestrians' routes into the site.

Design of Basement Car Park

The proposed 2 level expansive basement car park design has not be accompanied of a technical note from a competent engineering consultant stating that the proposed design in accordance with Section 8.2.4.10 - Design of Underground and Multi-storey car parks in the current County Development Plan (2022-2028) / 12.4.9 Design of Underground and Multi- Storey Car Parks.

Transportation has concerns on the proposed design as follows:

Access Ramp: Proposed gradient of 8% in the internal access ramp between levels -1 and -2, is not in accordance with the required standards set out in the UK's Institution of Structural Engineers booklet entitled 'Design Recommendations for Multi Storey and Underground Car Park Fourth Edition' (2011).

Lack of Secondary Access: The design apart to not compliant with the following guideline "Provision shall be made for an emergency access to underground car parks and, where more than 300 parking spaces are being provided, a second vehicular access point to an underground car park is required."

Width of Corridors: It is noted that some corridors have less than 6m in width.

IF PERMISSION IS CONTEMPLATED, THE FOLLOWING CONDITIONS ARE RECOMMENDED:

Prior to commencement the applicant shall liaise with DLR's Traffic, Road Maintenance sections for agreement on the proposed works and location / setting out of alignments and level details onto Brennanstown Road.

The Applicant shall ensure that all development works, both on the public road and within the proposed development, (i.e. road carriageways, kerbs (which must be insitu), footpaths, street lighting, etc) are designed and constructed, at the Applicant's own expense, to meet Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge' requirements 'Taking In Charge Policy Document (September, 2011 - Updated April 2013)': <http://www.dlrcco.ie/media/media,7464,en.doc> and 'Taking in Charge Procedure Document': <http://www.dlrcco.ie/media/media,10719,en.pdf>, and all to the satisfaction of the Planning Authority. For 'Taking-in-Charge' standards to meet a 40-year design life a minimum 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:

- b. 40mm Clause 942, surface course
- c. 60mm Clause 906, binder course
- d. 100mm, base course macadam
- e. minimum 150mm Clause 804

Prior to undertaking works to be carried out on the public road/footpath the Applicants shall obtain a Road Opening Licence from DLRCC Municipal Services Department - Road Maintenance & Roads Control Sections.

The Applicant shall submit revised drawings and details which clearly demonstrate the quality and nature of all permeability routes across the site. The provision of legible routes for pedestrian/cyclist users which mitigate potential conflicts should be clearly demonstrated, and due regard shall be given to the NTA's guidance: "Building for Everyone: A Universal Design Approach" for all design and circulation aspects. The revised drawings shall be subject to a required 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.

The applicant shall comply with the car parking provision of 1 space per residential unit, spaces to serve the proposed development. The Applicant shall submit drawings which demonstrate this level of provision. The submitted drawings should clearly demonstrate the required number and location of car parking spaces assigned .

Prior to commencement the applicant shall demonstrate that the basement car parking complies 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. This should include but not limited to

- removal of long cul de sacs 6-spaces or more
- demonstration 2.4m headroom
- adequate ramp gradients,
- shared access provision and wayfinding for all users.

- secondary access to car parks of more than 300 units

Prior to commencement the applicant shall clearly identify the access routes and locations all proposed necessary set-down areas for the use of deliveries, visitors, taxis and maintenance (vans) larger vehicles for the apartment units and should be clearly marked in the submitted drawings. Transportation also request amended drawings showing swept path for refuse vehicle not encroaching footpath areas. further details of refuse collection movements for the apartment blocks and location of refuse storage areas. The Applicant shall show the above on a detailed layout drawing by using a Computer Aided Design (CAD) software such as Autoturn or similar computerised design software.

The Applicant is requested to submit revised/additional drawings/details showing that the proposed development complies with the requirements of Section 12 Car Parking Standards of the current County Development Plan 2022-2028, and in particular that visitor car parking, preferably grouped within communal parking areas, are adequately provided for and reserved only for the use of visitors and that spaces for both residents and visitors shall be clearly designated. Transportation Planning consider that 10% of the total car parking provision is generally the desirable minimum amount of visitor parking.

The Applicant is requested to submit revised/additional drawings/details showing that the proposed development complies with the requirements of Section 12 Electrically Operated Vehicles of the current County Development Plan 2022-2028. Electric Vehicle Charging Points/Spaces should be provided for both resident and visitor car parking and all spaces should be ducted and adequately spaced to facilitate future charging points.

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).

The Applicant/Developer shall ensure by appropriate lease/contract clauses that all future management and occupiers of the proposed developments 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 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.

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.

c. 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.

13th May 2022
Thiago Bodini
Executive Engineer

Conservation Division, report dated 13/05/2022

Date: 13th May 2022

Planning Ref: ABP31328122 Site at Winterbrook and Barrington's Tower, Brennanstown Road, Dublin 18

Proposed Development

Planning permission for a strategic housing development consisting of the demolition of an existing habitable dwelling 'Winterbrook', and the derelict, former dwelling attached to Barrington Tower protected structure. 'Barrington Tower' itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road. The development will provide a 'Build to Rent' (BTR) apartment development consisting of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. apartments. Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided.

Site Context

The subject site includes Barrington Tower which is listed in the Record of Protected Structures of the Dun Laoghaire County Development Plan 2018-2022, RPS Nos. 1729.

Relevant County Development Plan Policies

As part of the site lies within the grounds of a Protected Structures it is subject to the provisions of the County Development Plan 2022-2028, Chapter 11: Heritage & Conservation, Policy Objective HER8: Work to a Protected Structures, where it is Council policy to: (i) "Protect structures included on the RPS from any works that would negatively impact their special character and appearance" (ii) "Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to "Architectural Heritage Protection Guidelines for Planning Authorities" (iii) " Ensure that all works are carried out under supervision of a qualified professional with specialised conservation expertise." (iv) Ensure that any development, modification, alteration, or extension affecting a Protected Structure and/or its setting is sensitively sited and designed, and is appropriate in terms of the proposed

scale, mass, height, density, layout, and materials. v. "Ensure that the form and structural integrity of the Protected Structure is retained in any redevelopment and that the relationship between the Protected Structure and any complex of adjoining buildings, designed landscape features, or views and vistas from within the grounds of the structure are respected."

(viii) Protect the curtilage of protected structures and to refuse planning permission for inappropriate development within the curtilage and attendant grounds that would adversely impact on the special character of the Protected Structure. (ix). Protect and retain important elements of built heritage including historic gardens, stone walls, entrance gates and piers and any other associated curtilage features. (x) Ensure historic landscapes and gardens associated with Protected Structures are protected from inappropriate development (consistent with NPO 17 of the NPF and RPO 9.30 of the RSES).

Chapter 12, Section 12.11.2.3 Development within the Grounds of a Protected Structure

Any development must be consistent with conservation policies and the proper planning and sustainable development of the area. Considering recent changes to National Policy, (including the 20128 DHPLG, 'Urban Development and Building Heights Guidelines for Planning Authorities', a balance must be struck between allowing compact development, while protecting the Architectural heritage and historic building stock within the County.

Any proposal for development within the grounds of a Protected Structure will be assessed in terms of the following:

- ☐ The proximity and potential impact in terms of scale, height, massing and alignment on the Protected Structure, impact on existing features and important landscape elements including trees, hedgerows, and boundary treatments. Any development should be sensitive of the relationship between the principal residence and its adjoining lands and should not sever this.
- ☐ Where a Protected Structure is part of a larger development then the phasing of the works needs to ensure that those relating to the Protected Structure take place early on, preferably first, or in tandem (as agreed by the Planning Authority), so that the conservation, and use of the Protected Structure is secured at the start of the project.
- ☐ Development proposals within historic landscapes and gardens shall include an appraisal of the existing landscape character to include identification and description of the structures, features, planting, and boundaries. This appraisal should be undertaken prior to the

initial design of any development, as it will provide an understanding of the essential character of the site and help to inform the appropriate location for any development.

- ☐ Have regard to the development management criteria as set out in Chapter 3 of the Department of Housing, Planning and Local Government, (DHPLG), 'Urban Development and Building Height Guidelines'; and shall indicate how the proposed development responds to its overall natural and built environment, and make a positive contribution to the urban neighbourhood and streetscape; ensure the proposal is not monolithic and avoids long, uninterrupted walls of building in the form of slab blocks with materials/building fabric well considered; ensure the proposal positively contributes to the mix of uses, and/ or building/dwelling typologies available in the neighbourhood.
- ☐ The retention of an appropriate setting for the Protected Structure to ensure the relationship between the building, associated structures, amenity value, and/or landscape features remain unaffected by the development.
- ☐ Impact of associated works including street furniture, car parking, hard landscaping finishes, lighting, and services. These should be designed using appropriate mitigation measures, such as careful choice of palette of materials, and finishes, and use of screen planting.

SLO 73 "To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented."

Appendix 5: Building Height Strategy

- ☐ Section 4.3.2 Protected Structures - The central issue in relation to our built heritage is striking a balance between the protection and enhancement of this enviable heritage asset while ensuring the continued development of the County through the 21st Century. New developments should respond to local character and protect and enhance the built heritage and new buildings should not have an adverse effect on a protected structure in terms of scale, height, massing, alignment and materials. Impact on Protected Structures is included in the Performance Based Criteria set out in Section 5,

National Policy & Guidelines

"Department of Housing, Planning and Local Government "Urban Development and Building Heights Guidelines for Planning Authorities", Dec 2018 (DHPLG). Chapter 2 addresses the subject of Building Height and the Development Plan. The applicants fail to make reference to other sections of the above Guidelines which are most relevant to this site as they deal specifically with the historic environment and architectural heritage:

- ▣ Section 2.8 Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings.
- ▣ Section 2.10 Notwithstanding the above, the provisions contained within Part (IV) Planning and Development Acts 2000, as amended, regarding architectural heritage and associated character/setting remain in place. Planning Authorities are the primary consent authority in establishing if proposals align with best practice in this area and which design standards are to be used in certain circumstances. Planning Authorities can reference Architectural Heritage Protection – Guidelines for Planning Authorities (DEHLG) and Shaping the Future – Case Studies in Adaptation and Reuse in Historic Urban Environments (DAHG) 2012.

Pre-planning Consultation

There were extensive pre-planning discussions submitted under PAC/SHD/219/20 and a report was issued by the Conservation Officer on the 20th September 2021 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 15th November 2021.

Works to the Protected Structure

Barrington's Tower (RPS No, 1729) is an early nineteenth century folly with a later attached mock Georgian house. Much of its charm is derived from the secluded nature of the site and its sylvan setting. As stated in the 'Architectural Heritage Impact Assessment' Statement by Howley Hayes Cooney Architects (HHC), the tower was built to avail of views across the Carrickmines Valley towards the Wicklow Mountains.

Chapter 5 of the report sets out the Conservation Strategy which proposed to demolish the pastiche twentieth century house which is not considered to be of any cultural significance. Removal of this structure is considered a positive intervention and will facilitate the repair and conservation of the original early 19th Century tower. The tower will be left as a stand-alone element within the proposed scheme.

According to the Method Statement and Schedule of Works prepared by HHC Architects, works will be carried out to the highest conservation standards with the guiding principle to do 'as little as possible but as much as necessary'.

We welcome the proposed re-use of the tower which is important to ensure its long-term viability. However as stated in Section 12.11.2 of the County Development Plan 2022-2028, *"The refurbishment, re-use and, where appropriate, redevelopment of Protected Structures, and their setting, shall not adversely affect the character and special interest of the building.*

The methodology by HHC for working in close proximity to, or around the tower, and the 'Outline schedule of conservation works' set out in the report, should be adhered to. We suggest that the following conditions should apply:

- ❑ The applicant shall submit a Schedule of Works and Method Statements as necessary on the exact nature of works proposed for the repair and conservation of the tower to include treatment of the roof, walls (external and internal), windows, doors etc. This should be prepared by an accredited conservation architect or equivalent with specialised conservation expertise.
- ❑ All works are to be carried out under the professional supervision of an appropriately qualified person with specialised conservation expertise who shall manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric and to certify upon completion that the specified works have been carried out in accordance with good conservation practice. On-site operatives/contractors should have experience dealing with historic buildings

Residential Development within the grounds of the Protected Structure

The proposed development can be divided into three distinct areas:

- ❑ Northern area beside Brennanstown Road;
- ❑ Central open space area incorporating Barrington's Tower;

☐ Southern high-density residential area.

The most sensitive part of the site from a built heritage standpoint is the northern area beside Brennanstown Road and the area around Barrington's Tower. As stated in the 'Architectural Heritage Impact Assessment' Statement by Howley Hayes Cooney Architects (HHC), Barrington's Tower was designed to serve two purposes; one as an ornamental garden folly set in the landscape, to be admired from afar; and two, as a prospect tower, to facilitate views for the observer across the surrounding landscape. The report acknowledges that the proposed development will have a significant impact on views to and from the tower and includes an assessment of the CGI Views prepared by Modelworks as requested during pre-planning discussions.

It is proposed to construct two new residential blocks on the northern part of the site, Blocks A-B and C-D, both are five storey blocks, positioned perpendicular to Brennanstown Road so that they frame axial views of the tower. The EIAR claims that the impact of these Blocks will be mitigated by their set back from the road (c.13.5m) and the strip of shrubs and meadow planting as illustrated in the Landscape Master Plan by Murray & Associates. The applicant's claim the proposed landscaping and strong green edge will also compliment the historic character of Brennanstown Road. With respect I disagree with this view. The overly manicured landscaping and proposed boundary treatment fails to respect the existing sylvan character along this part of Brennanstown Road, as illustrated in (Views 02 to 05 in the Verified Views and CGIs by Modelworks, March 2022).

It is the view of the Planning Authority's Conservation Officer that Blocks A-B and C-D to the north of the tower, would have an overwhelming impact on the setting and visual amenity of tower (this is evident in CGI 01 and 02, Proposed View from Brennanstown Road). As previously advised during pre-planning discussions the front portion of the site overlooking Brennanstown Road, should be treated differently with lower density development which would be more in keeping with the established character of the Road. It is therefore recommended that Blocks A-B and C-D should be revisited and reduced in scale, height and massing to ensure they accord with County Development Plan Policy with regards to development within the grounds of a Protected Structure.

Boundary Treatment

Brennanstown Road is a relatively narrow two-lane roadway with a footpath part running along one side. It has a particularly attractive enclosed sylvan, rural character. This character is predominantly formed by the demesne walls on both sides of the road with substantial mature trees behind.

The existing boundary treatment is to be completely changed, the proposals are set out in Section 5.3 of the Landscape Design Statement prepared by Murray & Associates. The existing old granite wall will be removed and replaced by a new wall, reusing the existing stone from the wall where possible along with a new railing mounted above (as illustrated in CGI View 04 to View 05 by Modelworks). We would not be supportive of the proposed boundary treatment along Brennanstown Road which would have the effect to quote the EIAR of "urbanising the appearance of the road corridor". We would ask that revised proposal be sought for the boundary along Brennanstown Road which is more in keeping with the existing sylvan character and omits the proposed railing from the new stone wall.

In Conclusion

It is the view of the Planning Authority's Conservation Officer that the scale, height and massing of the proposed development comprising 8 no. blocks ranging in height up to 10 storeys would adversely impact on the character of the surrounding area and in particular on the setting and visual amenity of Barrington's Tower, a designated Protected Structure in the Dún Laoghaire-Rathdown County Development Plan. It is considered that the proposed development fails to comply with the Dún Laoghaire-Rathdown County Development Plan 2028-2028 Policy Objective HER8: Work to a Protected Structures, Chapter 12, Section 12.11.2.3 Development within the Grounds of a Protected Structure and is contrary to the Council's Buildings Height Strategy with regard to new development in the context of a Protected Structure as set out above.

As stated in the Section 2.8 of the 2018 DHPLG, 'Urban Development and Building Heights Guidelines for Planning Authorities', *"Historic environments can be sensitive to large scale and tall buildings. In that context, Planning Authorities must determine if increased height buildings are an appropriate typology or not in particular settings"*. As currently proposed we cannot support the proposed development as it fails to strike a balance between permitting new residential development while protecting the Architectural heritage and historic building stock within the County.

Julie Craig

A/Conservation Officer

13th May 2022

Housing Department, report dated 10/05/2022.

HOUSING DEPARTMENT

MEMORANDUM

To: Mary Henchy,
Director of Services
Planning & Organisational Innovation
Level 2,
County Hall

Date: 10th May 2022

Re: ABP-313281-22 Permission for Build to Rent SHD Development on site of c.3.81 ha at Winterbrook and Barrington Tower, Brennanstown Road, Dublin 18; Cairn Homes Properties Limited

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 requirements by way of a long-term lease of 53no. 2-bedroom units on-site. Indicative average monthly rents of €2,375 for 2-bedroom units.

It is the government's stated policy to phase out long-term leasing of social housing. As long-term leasing currently remains a Part V compliance option, we are prepared to provisionally accept the compliance proposal as tabled. Should planning permission be granted we will review the proposal in light of available compliance options and current housing demand.

It should be noted that acceptance of this proposal in no way contractually binds the Council or its agents to lease the stated units, or such other units, or to lease them at the stated rents, which are acknowledged as being indicative only and subject to full review and evaluation should planning permission be granted.

Any proposal for compliance with Part V will be subject to Planning Permission and funding being made available and agreement being reached on land values and market rents/costs.

Aiden Conroy

Aiden Conroy

Administrative Officer

Housing Department

Environmental Enforcement Section, report dated 11/05/2022

Waste Section Planning Report

Reg. Ref: ABP 313281 22 - Barrington Tower, Brennanstown Road

Date: 11th May'22

Engineer: Dermot O'Connor

General Comments

Environmental Enforcement note the location of the proposed development in close proximity to other high density strategic developments.

Submitted Documents

Environmental enforcement are generally happy with the submitted documents and consider that compliance with these documents should be conditioned in any grant of planning permission. There are however high level documents and as such lack detail. It is considered that further consideration is required, particularly in relation to both construction and operational waste management and the design of building services to avoid the creation of serious environmental nuisance in the operation of the proposed works.

Recommendations

The following minimum planning conditions are recommended;

1. Noise management

- ② **A Noise Management Plan shall be developed and implemented demonstrating selection of construction methodology and implementation of mitigation measures to minimise nuisance affecting adjoining properties and design of building services, including proposed heating provision, to avoid creation of nuisance affecting both the completed development and adjoining areas.**

2. Environmental Monitoring

- ② **Prior to the commencement of the proposed site works noise, vibration and dust monitoring stations to be installed and maintained to provide continuous monitoring to measure and record the impact of site activities on local receptors. Noise monitoring to demonstrate compliance with the recommendations contained in BS 5228 shall be installed, monitored and reported on at weekly intervals by a suitable qualified specialist company for the duration of the contract.**

All monitoring data to be compiled into a weekly technical monitoring report which shall identify remedial measures where levels exceed relevant limit values.

3. Construction Waste

- ☐ Records shall be maintained and made available for inspection on site demonstrating tracking of all waste generated to final destination.**
- ☐ A Materials Source and Management Plan, complying with "BEST PRACTICE GUIDELINES for the preparation of resource & waste management plans for construction & demolition projects", published by the Environmental Protection Agency shall be developed and implemented identifying type of materials/proportion of re-use/recycled materials and future maintenance to support the implementation of Government and EU circular economy policy.)**

4. Liaison with Public

- ☐ A Public Liaison Plan shall be developed and implemented for the duration of the works, covering the following;**
- ☐ Appointment of a Liaison Officer as a single point of contact to engage with the local community and respond to concerns**
- ☐ Keeping local residents informed of progress and timing of particular construction activities that may impact on them**
- ☐ Provision of a notice at the site entrance identifying the proposed means for making a complaint**
- ☐ Maintenance of a complaints log recording all complaints received and follow up action**

5. Operational Waste Management

- ☐ Submission of a detailed Operational Waste Management Plan demonstrating designation of suitable waste storage and collection areas within the curtilage of the completed development and proposals for segregation and management of waste within the completed development.**

6. Pest Control

- ☐ An appropriate rodent/pest control plan shall be developed and implemented for the duration of the works on site.**

Public lighting, report dated 07/05/2022

For the proposed lighting:

1. Bollard and low level wall mounted lighting and handrail lighting is not recommended on health and safety grounds and will not be taken-in-charge
2. The lighting report is not complete and the Reality Lighting design report and calculation table is missing.
3. The results visible from the drawing provided show lighting levels far exceeding the desired levels for the lighting class selected but do not allow for analysis of the full lighting spread or obtrusive light issues.
4. The reports provided does not have enough detail to enable a full analysis of the proposed lighting

The EV provision is adequate for the number of spaces provided, assuming that none of the spaces will be specifically assigned to any individual residence, provision to enable all spaces to have EV charging installed has been stated as being provided with ducting to all spaces. The EV charging provision should also be extended to electric bikes and other chargeable forms of transport.

Please ask the developer to provide the lighting reality report with the masking hidden.

Parks and Landscaping, report dated 01/06/2022

Environment Department
An Roinn Comhshaoil
Parks and Landscape Services

From: Donal Kearney, Assistant Parks Superintendent
To: Planning Department
F.A.O: Anne-Marie Wood Wolfe Senior Executive Planner
Date: 1st June 2022

Our Ref: EM

ABP31328122 – Barrington Tower, Brennanstown Road, Dublin 18

The Parks department recommends the following conditions

COMMENTS

Ref >Dlr CDP 2022-2028 (Landscape Plans)

Prior to the commencement of permitted development, the applicant shall submit a Landscape Design Rationale together with comprehensive, detailed Landscape Design and Maintenance Proposals, all prepared by a qualified Landscape Architect, for the written approval of Dlr Parks and Landscape Services.

The proposals shall include: -

- (iv) 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 from the consultant and name of the Consultant in 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.

- (v) Prior to the commencement of development, and or any Site Clearance operations, (aswell as per the arborists report) 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.
- (vi) 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.
- (vii) Site Visits: the Arboricultural Consultant shall inspect the site at a minimum of fortnightly 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.
- (viii) 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.
- (ix) 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.

Tree Bond and Arboricultural Agreement

- (d) 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 value of the Tree Bond shall be €150,000.

- (e) 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-adjoining 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.
- (f) 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.
- (g) 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.
- (h) 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.
- (i) 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.
- (j) 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.

1. A Preliminary Landscape Masterplan - with cross- sections (where applicable) - showing all external spaces, including play spaces, and proposed lighting,

boundaries, along with any small structures and other hard and soft landscape elements. Landscape drawings shall also include showing all locations and construction-detailing of existing and proposed Engineering services and Utilities (above + below ground).

2. Landscape section drawings does not clearly display or include proposed installed engineering services to indicate the Tree protection area which shall need to be resubmitted and agreed with DLR Parks before works commence.
3. Collaborative drawings of engineering services and Arborist Tree protection shall be provided onto all drawings (Engineering, Arborist and Landscape architect drawings).
4. Submit increased details of topographic levels overhead and cross section onto all Landscape drawings, clearly illustrating the proposed level changes relative to the surrounds. All grass areas shall have a minimum depth of 300mm topsoil overlying piped drainage
5. Proposed Hard Landscape plans surrounding the Barrington tower and play areas will be revisited by choosing softer landscaped surface. Reduce the hardscape pathways surrounding the tower and play areas with reinforced grass and natural based solutions.
6. An Outline Landscape Specification for all materials (hard and soft), for workmanship and Landscape Maintenance (18 months minimum period). Use of chemical herbicides is not recommended or advised for installation works or maintenance operations. 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.
7. The use of qualified organic fertilisers only are required and the applicant shall provide a description of this before works commence. The candidate is better placed to seek the advice of a qualified horticulturalist advising the use of organic fertilisers.
8. Landscape works on site to 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.
9. A Timescale for Implementation of all proposals, including the specified landscape maintenance operations. The landscape contract shall include a post- Practical Completion Certificate (signed by the landscape consultant) and a Defects Liability Clause of 18 months minimum.
10. If development in part or full is to be Taken in Charge by DLR Co. Co., maps of proposed TIC areas should be submitted as part of the application, including proposed maintenance schedules / requirements.
11. The applicant shall provide play and recreation opportunities for children and teenagers, as appropriate to the scale and character of proposed development. These opportunities shall be informed by the National Children's Play Policy 'Ready Steady Play' (2004) and 'Teenspace', National Recreation Policy for Young People

- (2007), and in accordance with departmental and local standards (Dlr CDP 2016-22 Section 8.2.8.5), as appropriate.
12. Play Proposals shall be submitted in the form of a Proposed Play Rationale and Layout Plan (separate to, but related to the Landscape Masterplan), using Nature-based Solutions, informed by the 'genus loci' of the site (e.g. existing and planned landform, character etc.), to provide informal, impromptu and spontaneous play opportunities, along with structure, equipped play, as appropriate; for agreement with Dlr Parks+Landscape Services.
 13. The Layout Plan shall comprise the following: -
 - a. showing types of play and play area(s), target age groups, landform (included levels and contours) and boundaries, gates and planting,
 - b. design and construction details of play opportunities and facilities in respect of landform, planting, boundaries, equipment and safety surface.
 - c. 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).

Donal Kearney

Assistant Parks Superintendent

Endorsed by :- _____

Ruairí Ó Dúlaing Senior Parks Superintendent

Cherrywood DAPT, report dated 13/05/2022

CHERRYWOOD SDZ PLANNING SCHEME: ABP-313281-22 Barrington Tower, Brennanstown Road, Dublin 18.

CHERRYWOOD DEVELOPMENT AGENCY PROJECT TEAM	
Prepared by	Date
Dan Aspell Executive Planner	13/05/2022 (Addendum 20/05)
Tara Skakie Graduate Planner	
Rob Fahy Senior Executive Engineer	
Sarah McCullough Project Manager Landscape, Amenity and Recreation	
Approved by	
Vivienne Byrne Senior Planner	13/05/2022

(i) Details

Applicant: Cairn Homes Properties Limited.

Site Location: 'Winterbrook' and Barrington Tower, Brennanstown Road, Dublin 18.

Brief Description: Demolition of 'Winterbrook' and a derelict dwelling, and restoration of Barrington Tower to provide a build to rent development of 534 no. apartments including resident support facilities and resident services & amenities (including flexible spaces; entertainment, meeting, parcel, and media rooms; lounge; workspaces; gyms; studio; chef's kitchen and dining area), creche and retail unit and all associated site development works, open spaces, landscaping, boundary treatments, plant areas, waste management areas, cycle parking, and services provision.

Relevant Planning History:

Subject site:

ABP-311304-21: Consultation with ABP and PAC/SHD/219/20 Consultation with DLR.

(Previous planning history prior to adoption of Cherrywood SDZ Planning Scheme 2014)

Nearby sites within SDZ:

ABP-311322-22: SHD application for 443 no. residential units (41 no. houses, 402 no. apartments), creche and all associated site works, [Priorsland DA3 \(Live Application\)](#).

DZ21A/0677: Permission Refused (subject to Judicial Review) for a mixed-use Village Centre and residential development consisting of 445 residential units, equating to 48,606sqm and 13,058sqm of basement.

Carrickmines Luas Park & Ride:

DZ19A/0683: Permission Granted (temporary for 3 years) for a park and ride facility to serve Carrickmines Luas, previously granted permission under D10A/0164 and DZ16A/0585.

DZ17A/0114: Permission Granted for a multi storey car park to serve Carrickmines Luas Park and Ride.

DZ16A/0585: Retention permission Granted for 3 years for a temporary park and ride surface car park to serve Carrickmines Luas Station (Reg. Ref. D10A/0164).

Permitted and Planned Developments – Development Areas DA1, DA3 and DA8

The quantum of development in the Cherrywood Planning Scheme Development Areas that are proximate to Brennanstown Luas Stop (Development Areas DA1, DA3 and DA8) which could potentially support the viability in terms of the opening or commissioning of the Luas Stop are highlighted below:

Development Area	Residential Units permitted to date	Number of dwellings permissible under Cherrywood Planning Scheme		Other relevant uses planned
		Min	Max	
Development Area 1	488	1,207	1,818	-
Development Area 3	0	603	915	Primary school
Development Area 8	530	849	1,305	Post-primary school

Residential development permitted to date in Development Area 1:

DZ21A/0334	488 no. dwellings
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Residential development permitted to date in Development Area 8:

DZ19A/0597	179 no. dwellings
DZ20A/0399	136 no. dwellings
DZ20A/0552	168 no. dwellings
DZ21A/0664	47 no. dwellings

(ii) DAPT Comment

The subject site is accessed from Brennanstown Road. Whilst the site is largely located outside the Cherrywood SDZ Planning Scheme area, the submitted drawings indicate the southern tip of the site crosses into the Planning Scheme area (e.g. BRT-1-02-SW-XXX-DR-RAU-AR-1001 Site Location Plan and BRT-1-02-SW-ZZZ-DR-RAU-AR-1003 Proposed Site Plan).

The submitted site plan shows within the Planning Scheme area a pedestrian and cycle access to the development running generally from the Luas line past an existing ESB substation adjacent the site. This is welcome in terms of connectivity and permeability to public transport.

Within the planning application red line the Planning Scheme shows no site-specific objectives as applying to this area. It is noted that Map 3.4 of the Planning Scheme identifies the pedestrian underpass to the east of the site as an 'Item of Local Historical Interest' (Item 1).

The submitted plans show a pathway, paving, lighting and soft landscaping/planting proposed within the Planning Scheme area as part of the proposed development.

Page 13 of the Planning Scheme states that: *"Within the Planning Scheme boundary on Map 2.1 there are lands that do not have a Primary Land Use. These lands are included in the Planning Scheme to provide necessary infrastructure to serve the area. Additional development proposals on these lands will be assessed under the current County Development Plan."*

As set out above, the quantum of development permitted within the Planning Scheme area in the vicinity and nearing the subject site is noted. These developments, in conjunction with the subject application, will support the viability of opening the Brennanstown Luas Stop which would be positive from a public transport perspective and would support sustainable travel patterns at an early stage of occupation for future residents.

CONCLUSION & RECOMMENDATION

In terms of the consistency of the proposal with the Cherrywood Planning Scheme the DAPT considers that having regard to the provisions identified above the development proposed within the Planning Scheme area is acceptable in this regard. Refer to assessment by Development Management for assessment in relation to the current County Development Plan and recommendations including in relation to works adjacent and access to Luas infrastructure.

PRESCRIBED BODY REPORTS (Appendix C)

Transport Infrastructure Ireland, report dated 16/05/2022

STRATEGIC HOUSING UNIT

An Bord Pleanála

64 Marlborough Street

Dublin 1

Dáta | Date: 16/05/2022

Ár dTag | Our Ref: ABP 31328122

Bhur dTag | Your Ref. ABP-313281-22

Applicant: Cairn Homes Properties Limited

Dear Sir/Madam,

TII seeks to ensure that the carrying capacity, operational efficiency, safety and significant national investment being made in national roads and light rail network are protected in accordance with DoECLG *Spatial Planning and National Road Guidelines for Planning Authorities* and TII's *Code of engineering practice for works on, near, or adjacent the Luas light rail system* taking account of the National Planning Framework, Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy (EMRA RSES) and the NTA's Transport Strategy for the Greater Dublin Area.

The following outlines TII's recommendations for the Boards consideration:

1. Access and Permeability to Brennanstown Luas Stop.

The southern end of the application site in submitted drawings appears to directly abuts the Luas Green Line and includes proposals to provide full vehicular / pedestrian and cycle access through the proposed scheme to the non-operational Brennanstown Luas Stop from Brennanstown Road.

Brennanstown Luas Stop and the Luas line demarcates the northern boundary of the *Cherrywood Strategic Development Zone (SDZ)* in this vicinity. The SDZ Scheme includes requirements for direct access to the non-operational Luas Stop from the south under specific objective DA 23.

The Authority is aware that in March 2022 a Part 8 proposal *Green Routes Network, Cherrywood SDZ* has been made by the local planning authority ahead of the submission for the current application. This proposal is noted as it proposes a pedestrian cycleway link from Brennanstown Luas stop that encircle Cherrywood to Bride's Glen Road. The northwestern extremity of this proposal abuts the south eastern corner of the current site. However, it appears that no access proposal has been submitted for the current application lands to date. In the Authority's opinion, insufficient information in regard to the method of connection from the proposed site to Brennanstown Luas Stop is provided to demonstrate access for future passengers from the subject site. In addition, the Authority notes that the submitted site layout, landscaping and lighting plans do not appear to have has specific regard to the presence of the Luas line and function of the southern end of the application site to provide safe and accessible access to Brennanstown Luas Stop in for example, the apparent absence of a pick up and drop off or turnabout for vehicles. This is a serious concern which needs to be addressed to promote sustainable and safe active travel in this area.

2. Brennanstown Luas Stop Substation & associated Luas Infrastructure Operatorial Access

Also, the proposed development does not appear to have regard to TII's *Code of engineering practice for works on, near, or adjacent the Luas light rail system* in the submitted application.

The non-operational Brennanstown Luas Stop is located southeast of the application site which is also adjacent to Luas Green Line. There appears to be no provision of access to Luas underground and overground assets from the subject site.

The Brennanstown Luas Stop substation was the subject of retention planning permission obtained by the Railway Procurement Agency (now TII) under Reg. Ref. D11A/0127. Current access to that substation is via gateway to the north-eastern corner of the substation indicated as forming part of the boundary with the current application site.

It is therefore noted with concern that dedicated access route to the substation is to be removed in the proposed site layout and that the proposed development does not include provisions for the necessary permanent access to the Brennanstown Luas substation, adjacent line and Luas Stop during construction and operation stages.

In addition, at this location with concern, TII notes:

- • The underground electrical, foul, and service drainage services upon which the substation and Brennanstown Luas Stop rely are not adequately identified in the submitted application documentation. For example, there appears to be no proposed taking in charge drawings submitted with the application.
- • The submitted outline Construction Environmental Management Plan nor construction phasing plan make provision for the protection of, and access to Luas assets.
- • The submitted proposed landscaping plans do not make suitable provision for access to the substation. It is noted that tree planting is proposed at the south eastern corner of the substation which the Authority submits would be unsuitable for substation operation and due to the presence of local authority foul and surface water drains running alongside the Luas line at this location.

TII recognises that a new roadway will be installed as part of the development, however that roadway does not make provision for the accessing the substation or Luas line by service vehicles and personnel.

In this regard, safe and adequate access to the Luas substation will be permanently required in the event of the application lands being developed with a legal agreement between the developer, the local authority and TII necessary to secure this access.

The Authority finds the proposal as currently presented, unacceptable as it will frustrate and delay the commissioning and operation of the currently non-operational Brennanstown Luas Stop. This is a matter which needs to be addressed prior to any decision been made on this development.

3. Commission of Brennanstown Luas Stop

Associated with the above points, TII notes with concern that the submitted Traffic and Transport Assessment provides no assessment of bus capacity as the assessment assumes Luas will be the '*more attractive*' mode of transport it being closer than bus (Section 3.2).

Section 3.2.2. of the TTA entitled *Rail Network* acknowledges that the Brennanstown Stop is non-operational. However, the applicant assumes it will be operational for this development and puts the Carrickmines stop at 13 minutes' walk away. In addition, the applicant states that this application provides direct access to the Brennanstown Luas Stop that '*will facilitate linkage to the stop from Brennanstown Road. It is envisaged that this stop will become operational once the subject site is developed.*'

TII advises that the opening of Brennanstown Luas Stop is a matter for the NTA and is contingent upon advancement of development within Cherrywood SDZ. Technical commissioning of the stop will be matter for TII and the Luas operator, which will be co-ordinated with the local authority and the NTA.

However, the Board is advised that technical commissioning could extend beyond a year and possibly more especially with regard to the matters not addressed by applicant highlighted under items 1 and 2 above.

Given that the pedestrian access to the Luas Stop and access to luas infrastructure is critical to the promotion of sustainable mobility at this location, TII consider it would be essential that no residential occupation of the development should take place until the matters outlined in items 1&2 are addressed and the Luas Stop is operational.

Conclusion

The Authority has examined the current proposal and finds it at variance with the protection of Luas assets, including the advancement of the opening of Brennanstown Luas Stop as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the efficient operation and safety of Luas as well as undermining investment made in sustainable mobility. In TII's opinion the proposal is premature pending the resolution of the matters outlined in this correspondence.

The Authority is of the opinion that the current proposal is unacceptable as it conflicts with the national policy objectives to safeguard the investment made in the light rail transport network to ensure quality levels of service, accessibility, and connectivity to transport users. Please acknowledge receipt of this submission in accordance with the provisions of the Planning and Development Regulations, 2001 as amended.

Yours faithfully,

_____ **on behalf of Land Use Planning Unit**

NOTE:

In the interests of clarity TII advises that the proposal falls within the area for an adopted Section 49 Supplementary Development Contribution Scheme. If the above application is successful and is not exempt, please include a condition to apply the Section 49 Luas Line Levy.

****Note: In accordance with the provisions of section 13 of the Roads Act 2015, Transport Infrastructure Ireland (TII) is the operational name of the National Roads Authority with effect from 1 August 2015.***

All planning application referral documentation, including applications, submission acknowledgments, further information notifications and decisions should be notified electronically to TII at. TII would appreciate your Authority's assistance on this matter.

Environmental Health Office, report dated 30/05/2022

LOCATION: ABP31328122 site of c.3.81 ha at Winterbrook and Barrington Tower, Brennanstown Road, Dublin 1

DEV: Planning permission for a strategic housing development consisting of the demolition of an existing habitable dwelling 'Winterbrook', and the derelict, former dwelling attached to Barrington Tower protected structure. 'Barrington Tower' itself will be retained and restored. It is also proposed to demolish the existing boundary wall to the north of the site along Brennanstown Road. The development will provide a 'Build to Rent' (BTR) apartment development consisting of 8 no. blocks ranging in height up to 10 storeys (including lower ground floor) providing a total of 534 no. apartments. This will comprise of: 30 no. studio, 135 no. 1 -beds, 318 no. 2-beds & 51 no. 3-beds. All residential units provided with associated private balconies/terraces to the north/south/east/west elevations. Resident Support Facilities & Resident Services & Amenities (total floor area c.1,496 sq.m) including flexible spaces including entertainment rooms, meeting rooms, parcel rooms, media rooms, lounge and workspaces, gyms and studio, chef's kitchen and dining area. A creche (c.356.5 sq.m), and a retail unit (c.336.8 sq.m). Car and cycle parking at basement (2 levels) and at ground level. This will provide 419 no. car parking spaces, 1,266 no. cycle parking spaces and 17 no. motorcycle spaces. All associated site development works, open spaces and landscaping, boundary treatments, plant areas, waste management areas, cycle parking areas, and services provision (including ESB substations). Vehicular/pedestrian/cyclist access from Brennanstown Road will be provided along with improvement works to the Brennanstown Road including a new junction and pedestrian crossing facilities. Pedestrian/cyclist access through the site to the Brennanstown Luas Stop will also be provided. The application contains a statement setting out how the proposal will be consistent with the objectives of the relevant Dun Laoghaire Rathdown County Development Plan 2016-2022 (currently in force), the Dun Laoghaire Rathdown County Development Plan 2022 – 2028 (adopted, due to come into force on the 21st April 2022) and the Cherrywood Planning Scheme 2014 Strategic Development Zone. The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land. An Environmental Impact Assessment Report and a Natura Impact Assessment have been prepared in respect of the proposed development. The application together with the Environmental Impact Assessment Report and the Natura Impact Assessment may be inspected or purchased at a fee not exceeding the reasonable cost of making a copy, during public opening hours at the offices of An Bord Pleanála and Dun Laoghaire Rathdown County Council. The application may also be inspected online at the following website set up by the applicant: www.barringtontowershd.com

APPLICANT: Cairn Homes Properties Limited

REF: ABP31328122

RECEIVED: No hard copy received RETURNED: 30/05/2022

Observations and Recommendations

The proposal is not acceptable to this office due to impact on human health during excavation, demolition and construction:

1. EIAR Noise and Vibration Baseline Noise Survey Locations

The environmental noise survey conducted at the site in order to quantify the existing noise environment is not proportionate to the site. The Attended Location 2, "AT2- Attended location to capture a snapshot of the daytime noise environment at existing house along Brennanstown Road" is not located at site boundary and should not be considered for Construction Noise Thresholds (CNT).

There was no noise measurement location at nearest residential property in Brennanstown Vale in order to represent Noise sensitive locations surrounding the proposed development.

The following statement is therefore inconclusive:

"For residential NSLs it is considered appropriate to adopt 65 - 75 dB(A) CNT depending on existing noise level. Given the baseline monitoring carried out, it would indicate that Category A and C values are appropriate using the ABC method.

(EIAR Ch8.)

Rose McCaul

Rose McCaul

SENIOR ENVIRONMENTAL HEALTH OFFICER

☐ An Taisce, dated 16/05/2022

An Taisce – The National Trust for Ireland | Tailors' Hall, Back Lane, Dublin, D08 X2A3, Ireland
| www.antaisce.org

Company Limited by Guarantee | Company 12469 | Charity CHY 4741 | Charity Regulator No.
20006358

EU Transparency Register No. 89747144047-77

South County Dublin Association
c/o St. Michael's, Sydenham Villas,
Dundrum, Dublin 14

Tel: 01-298 2832

Strategic Housing Unit,

An Bord Pleanála, **16 May 2022**

64 Marlborough Street,

Dublin 1

By email to strategichousing@pleanala.ie

Dear Sir/Madam,

Planning Application for Strategic Housing Development

ABP-313281-22: "Barrington Tower", Brennanstown Road, Dublin 18.

Applicant: Cairns Homes Properties Ltd.

We make this observation on behalf of An Taisce in relation to the above application, in response to the notification from McGill Planning dated 11th April 2022. No fee is payable for this observation on behalf of An Taisce.

The Site Barrington Tower, as a former folly, is recorded as a Protected Structure under RPS No. 1729 and is entered in the National Inventory of Architectural Heritage ("NIAH") under Reg. No. 60260220. We attach an extract from *Between the Mountains and the Sea* by Peter Pearson, The O'Brien Press, 2007, which describes Barrington Tower and its relationship with the Barrington family's house, Glendruid, and the Barrington family cemetery, as well as the Brennanstown cromlech (or portal tomb) and the river valley in which it stands.

Barrington Tower is an important landmark site. We consider that the mass and height of the proposed development is too great for this important site looking across the valley. The design of the proposed blocks seems unimaginative for such an idyllic site.

The Barrington Cemetery, which lies just to the south of the boundary of the site, is recorded as a Protected Structure under RPS No. 2066 as a private burial ground. The NIAH entry under Re. No. 60260219 describes it as a "Mausoleum" with a date of 1845-1850. The area in which it is located¹ is zoned for Objective 'F' – "To preserve and provide for open space with ancillary active recreational amenities." This 'open space' land extends along most of the southern boundary of the 'residential' site where the development is proposed. The southern part of the site is therefore in a Transitional Zonal Area (as defined at Section 13.1.2 County Development Plan 2022-2028) and it is important to avoid an abrupt transition in scale. In our view, the proposed apartment buildings going up to 10 storeys would have a serious negative impact on the setting of the Protected Structure No. 2066 and would be detrimental to the amenities of the 'open space' land. We also consider that the proposed apartment blocks would be incongruous and overbearing in the context of the river valley that links the burial ground, the woodland and the portal tomb, as

See Land Use Zoning Map 10 in the County Development Plan 2022-2028,
top left-hand corner An Taisce – The National Trust for Ireland | Tailors' Hall, Back Lane,
Dublin, D08 X2A3, Ireland | www.antaisce.org

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20006358

EU Transparency Register No. 89747144047-77

described by Peter Pearson. We support the idea of improving public access to the valley and the portal tomb.

Traffic and Transport

We are concerned that the traffic on Brennanstown Road is already stressed, and the increased traffic would be dangerous, considering the new build and the proposed further build on this narrow road which cannot even accommodate a cycle lane. We direct attention to Specific Local Objection 73 on Maps 7 and 9 of the County Development Plan 2022-2028: 73 To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

LUAS

The application relies upon the Carrickmines stop on the LUAS Green line being within about 1 km. walking distance and the Brennanstown stop being accessible from the site if and when it is opened. The Traffic and Transport Assessment at Section 3.2.2 refers to a capacity assessment for the LUAS based upon additional passengers from the development being added to the loading on the Green Line. We consider that an application for development which relies on the LUAS Green Line should be assessed with regard to the capacity of the Green Line service to accommodate passengers not only from the current proposal (534 apartments) but also from the significant number of large scale proposals either granted or pending for sites on this corridor, including in particular the Cherrywood Planning Scheme (adjacent to the present application site) as well as numerous SHD permissions² and proposals including the SHDs for the Central Mental Hospital site³ and Dundrum Village⁴. We consider that these developments, when occupied, will create capacity problems on the Luas Green Line in both directions.

General

Absence of comment from us about any issue is not to be taken as implying that we accept the Applicant's position on that issue.

Yours faithfully,

Andrew Parkes, for the Planning Sub-committee,

An Taisce South County Dublin Association

2 : PL06D.: 301522 Clay Farm; 302580 Glencairn; 303467 Avid, Carmanhall Road; 304405 Rockbrook, Carmanhall Road;

304590 Walled Garden; 305261 Building 5, Dundrum Town Centre; 305949 Former Aldi site, Carmanhall road; 307415

Lisieux Hall; 307545 Walled Garden 2; 307683 Green Acres 2; 308227 Murphystown Way; 309026 Golf Lane; 309828

Aiken's Village; 310138 Mount St. Mary's, 311287 Frankfort Castle; 311540 St. Joseph's; 311722 Blackthorn

Ave.; 312170 Marmalade Lane;

3 www.dundrumcentralresidential.ie

4 www.dundrumvillageshd.ie

Nature Conservation

Having considered the documentation supporting this application, this Department notes that the Appropriate Assessment (AA) and Ecological Impact Assessment (EiA) of the proposed development supporting the present identified the possibility for pollutants to be mobilised from the development into surface water runoff and into the Carrickmines Stream on the south eastern boundary of the development site. This water course is part of the Loughlinstown River system which supports populations of brown and sea trout, dipper, kingfisher and otter and enters the Killiney Bay at a distance of 1.8 km from Rockabill to Dalkey Island Special Area of Conservation (SAC). Given the existence of this potential hydrological pathway between the development site and this SAC, on a precautionary basis the possibility of detrimental effects on the SAC could not be excluded. A suite of measures proposed in the Natura Impact Statement (NIS) and Construction Environmental Management Plan (CEMP) supporting this application should however prevent any such mobilisation of polluting materials from the development entering the Carrickmines Stream detrimentally affecting the biota of this watercourse or the Rockabill to Dalkey Island SAC downstream..

It is also noted that it is proposed to remove a considerable number of the mature trees and sections of hedgerow from the development site to facilitate the proposed development. No breeding bird survey of the site was carried however 33 bird species were recorded from the site during winter surveys and incidental to other survey work.

Many of these species are nesters in trees and shrubs and therefore any clearance of vegetation from the site during the main bird breeding season from March to August can be expected to lead to the destruction of nests, eggs and nestlings.

Bat activity surveys of the development site in the summers of 2017, 2018, 2019, 2020 and 2021 identified, small numbers of common pipstrelle bats, long-eared bats and on one occasion Daubenton's bats roosting in a protected structure on the site that is to be restored. Both long-eared and Daubenton's bat are species sensitive to artificial illumination. Over twenty trees on the site which are proposed for removal were also identified as having features which could be used by bats for roosting in. As well as the above species soprano pipistrelle and Leisler's bat were recorded foraging over the development site. The Bat Survey Report supporting this application consequently proposes that a Bat House and bat boxes will be provided as substitute roosts while Barrington Tower is restored, subject to the receipt from the National Parks and Wildlife Service (NPWS) of a licence to derogate from the Habitats Directive to carry out the latter

work. A new roosting site for bats will also be installed in the restored tower. It is also recommended that a survey of the potential bat roost trees to be felled should be carried out should be carried out before any tree clearance is carried out on the site and that if evidence of bat usage of the potential bat roosts is found a derogation licence to interfere with them shall also be applied for from the NPWS. The Bat Survey Report in addition proposes the installation of bat friendly lighting in the development.

Recommendations:

In the light of all of the above it is recommended that the Board should attach conditions on the following lines to any planning permission granted in response to the current application:

1. That the measures proposed in the Natura Impact Statement and Construction Environmental Management Plan supporting this application to prevent pollution from the development site being mobilised into surface water runoff shall be incorporated in a finalised Construction Environment Management Plan to be submitted to the planning authority for its written agreement before the commencement of any works on site, and to be implemented in full.

Reason: To avoid downstream detrimental effects on the Carrickmines River and the downstream Rockabill to Dalkey Island SA resulting from water borne pollution originating from the proposed development.

2. That clearance of vegetation from the development site shall only be carried out between September and February ie. outside the main bird breeding season.

Reason: To avoid the unnecessary destruction of bird nests, eggs and nestlings.

3. That felling of potential bat roost trees on the development site shall follow the procedure proposed in the Bat Survey Report supporting the present application and that a bat house and bat boxes and a bat roosting loft in Barrington's Tower shall be installed in the development as proposed in that document.

Reason: To avoid injury to bats roosting on trees on the development site and provide new roosting sites for the bat species recorded in Barrington's Tower on the development site. 4. That a finalised external and internal lighting design scheme for the proposed development signed off on by a bat specialist shall be submitted to the planning authority for their written agreement before the commencement of development on site, this lighting design be implemented in full and its effectiveness in maintaining usage of the development site by bats monitored for two years after the occupation of the development. Reason: To conserve bat species which are afforded a regime of strict protection under the Habitats Directive (92/43/EEC).

Archaeology

The application for permission for development was accompanied by an EIAR (dated April 2022). Chapter 14 considered cultural heritage (archaeology). The Archaeological Assessment was carried out by staff of Irish Archaeological Consultancy Ltd (IAC). It is noted that the report concluded, based on the desk-based assessment and inspection, that the site had a relatively low potential to yield archaeological remains. A geophysical survey (Leigh 17R0025) followed by targeted archaeological test trenching (McIlreavy 17E0181 report dated 2018) were undertaken and reported upon at EIAR stage. Following these works, archaeological mitigation of archaeological monitoring was recommended (section 14.8, page 14.12). Having reviewed all of the development application's documentation and mapping the NMS agrees with this mitigation and now recommends archaeological monitoring.

Archaeological monitoring should be undertaken as follows:

1. The applicant is required to engage the services of a suitably qualified archaeologist to carry out archaeological monitoring under licence at the development site. As per the mitigation set out in the EIAR (2022, Chapter 14, section 14.8, page 14.12) this archaeological monitoring shall include monitoring and recording of any upstanding remains that may contain historic fabric of interest, in addition to subsurface works.

Please allow 5-6 weeks to facilitate the processing of an archaeological licence. No sub-surface work should be undertaken in the absence of the archaeologist without his/her express consent.

Inland Fisheries Ireland, report dated 12/05/2022

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Date: 12th May 2022

Re: SDH 313281- 534 no. Build to Rent apartments. "Barrington Tower",
Brennanstown Road, Dublin 18.

Dear Sir/Madam,

IFI have reviewed the application and associated documentation and make the following observations:

The Carrickmines Stream is not located within the site boundary. However, it is downhill of the proposed works just outside the site outline and would be susceptible to surface water runoff in the absence of mitigation.

The Carrickmines stream will also be the final discharge point for attenuated water post construction phase of the proposed development, which will further increase pressures on the system if all the proposed mitigation measures such as hydrocarbon interceptors, attenuation tanks are not properly maintained and serviced at the required intervals.

IFI have noted a lack of appropriate maintenance on interceptors, attenuation tanks on some developments in the operational phases and would encourage that the applicant management company be required to enter a service maintenance contract with an authorised specialised company with responsibility for the maintenance of this same infrastructure.

Surface runoff of deleterious material entrained including suspended sediment, fuels and materials being used on-site during the construction works could potentially impact the receiving water quality in the Carrickmines Stream.

IFI have concerns that as a result of the proposed development in combination with other developments within the catchment, which are using the river and stream systems (Ticknick, Carrickmines, Shangannagh) as the final discharge point for treated and attenuated surface water generated pre and post construction, that there will be a high probability that Ireland will not be able to comply with their legal obligations as set out in the EU Water Framework Directive in these catchments.

The most recent surface water quality data for the Carrickmines Stream (2020) indicate that it is 'Unpolluted', with the most recent Q values, indicated a welcome improvement to good ecological conditions in June 2020, however **excessive siltation of the substratum** was observed.

Good ecological status must be maintained within the Carrickmines River with appropriate and specific mitigation measures being implemented on all construction sites within the catchment to ensure that there are no uncontrolled discharges of deleterious materials directly or indirectly into surface waters that may result in a deterioration in water quality.

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IFI are opposed to any culverting or re-routing of any surface water course, temporary or otherwise, pre or post construction phases, except for in extreme or emergency situations. We would also encourage that the application of nature-based solutions be incorporated as part of the drainage attenuation design for surface water management as opposed to the usual default to hard engineering solutions, such as underground attenuation tanks.

The Department of Housing, local Government and Heritage have recently published the following interim guidance document on Nature-based Solutions to the Management of Rainwater and Surface Water Runoff in Urban Areas Water Sensitive Urban Design Best Practice Interim Guidance Document which should be considered when designing drainage systems. <https://www.gov.ie/en/publication/10d7c-nature-based-solutions-to-the-management-of-rainwater-and-surface-water-runoff-in-urban-areas-best-practiceinterim-guidance-document/>

- All construction should be in line with a project specific Construction Environmental Management Plan (CEMP). The CEMP should identify potential impacts and mitigating measures, it should provide a mechanism for ensuring compliance with environmental legislation and statutory consents. The CEMP should detail and ensure Best Construction Practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and groundwater and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipework, or at any stage to the existing surface water system.

- It is essential that the receiving foul and storm water infrastructure has adequate capacity to accept predicted volumes from this development during construction and post construction phases with no negative repercussions for the quality of any receiving waters. It is essential that local infrastructural capacity is available to cope with increased surface and foul water generated by the proposed development in order to protect the ecological integrity of any receiving aquatic environment.

- All discharges from the site must be in compliance with the European Communities (Surface Water) Regulations 2009 and the European Communities (Groundwater) Regulations 2010.

- Ground preparation and associated construction works, including large-scale topographic alteration, the creation of roads, buildings, and footpaths, have significant potential to cause the release of sediments and various pollutants into surrounding watercourses. Pollution of the adjacent freshwaters from poor on-site construction practices could have a significantly negative impact on the fauna and flora of this surface water system. A comprehensive and integrated approach for achieving stream protection during construction and operation (in line with international best practice) should be implemented. Construction works must be planned in a manner which prevents extensive tracts of soils from being exposed at

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any time and arrangements must be made for the control and management of any contaminated water resulting from construction.

- Any proposed works directly adjacent to or within the stream can only be completed between the months of July and September in any given year and not without prior consultation and notification to IFI.

- It is recommended that there is a designated, suitably experienced, and qualified person is assigned during the construction phase, to monitor and ensure all conditioned and agreed environmental mitigation measures are implemented and functioning correctly. The contact details of this appointed person should be provided to all relevant agencies, including IFI.

I trust you will take our observations on board when assessing the proposed Greenway Route.

Regards,

Matthew Carroll

Fisheries Environmental Officer
Inland Fisheries Ireland - Dublin

Iascach Intire Eireann

Inland Fisheries Ireland

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Page Break

Appendix D
Development Contributions

ABP31328122
RCN6899
RBN607

Site of c.3.81 ha at Winterbrook and Barrington Tower, Brennanstown Road, Dublin 18

534

Bond Cash Security
1st 20 units €178,400.00 €110,000.00
Next 514 units €1,490,600.00 €925,200.00

Amount of bond based on residential units €1,669,000.00 €1,035,200.00

	C and P c/wide	Roads c/wide	SW c/wide	Total CW
Multiplier retail and non retail	€37.99	€58.57	€2.56	€99.12
Multiplier office	€37.99	€58.57	€2.56	€99.12
Multiplier residential	€4,401.70	€6,780.97	€296.11	€11,478.78
				Total CW

Section 48 and 49 Contributions

	C and P c/wide	Roads c/wide	SW c/wide	Total CW
Residential units	533.5	€3,348,306.95	€157,974.69	€6,123,929.13
Retail area in square metres	0	€-00	€-00	€-00
Non retail in square metres	1129.1	€42,894.51	€2,890.50	€111,916.39
Car park	57	€2,165.43	€145.92	
High Intensity employment (office) in sq metres	0	€-00	€-00	€-00
Totals		€2,393,366.89	€161,011.10	€6,235,845.52

Section 49 calculations Luas	Area in hectares	Multiple (rate per hectare)	Contribution
Residential area	3.7	€351,774	€1,301,563.80
Commercial area	0.11	€802,047	€88,225.17
	3.81	Total	€1,389,788.97

Section 49 calculations Glenamuck

	Number	Multiple per unit	Contribution
Residential units	0	€28,882.73	€0.00
Commercial/retail rate	sq metres	multiple per metre	
	0	€144.70	€0.00

Notes:

Demo of existing residential dwelling Winterbrook gives demo CR of 0.5 leaving 533.5 residential units leviable
Barrington Tower change of use exempt

Commercial as follows:

	sqm
Proposal	
Creche	356.5
Retail	336.8
Block E Ground floor:	
Co-Working Hub	49.9
media room	24.9
meeting room	9.5
meeting/management room (Block I ground floor)	49.7
Gym	138.2
Studio	38.6
Co-Working Hub	125
Total commercial in sqm	1129.1
19 surface car parking spaces for staff/creche as per planning report	

DRAFT
South of Bondle
7th June - 2022

22/6/22

