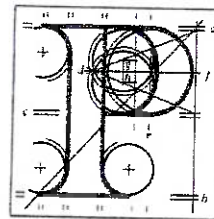


Our Case Number: ABP-318607-23

Your Reference: SID-OBS-001475



**An
Bord
Pleanála**

Cllr Sophie Nicoullaud and Joan Collins TD
10A Old County Road
Crumlin
Dublin 12

Date: 02 February 2024

Re: Proposed construction of a residential led mixed use scheme across 16 blocks within 9 buildings ranging in height from 4 to 15 storeys
Lands at Park West Avenue, Cherry Orchard Dublin 10. Bound by Cloverhill Road to the north, Cedar Brook Avenue and Park West Avenue to the east, Park West Cherry Orchard Rail Station to the southeast & the M50 to the west

Dear Sir / Madam,

An Bord Pleanála has received your recent submission in relation to the above mentioned proposed development and will take it into consideration in its determination of the matter. Please accept this letter as a receipt for the fee of €50 that you have paid.

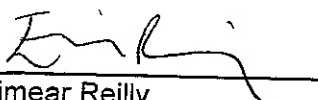
It is noted you made two submissions via the Board online submission portal. As your submission with the reference code SID-OBS-002474 did not include an address, it cannot be considered by the Board and is herewith returned. A refund for the €50 that you have paid for this submission will issue to the credit/debit card used to make the payment. Please be advised that your submission under reference code SID-OBS-001475 is **valid** and will be considered by the Board in relation to this case.

Please note that the proposed development shall not be carried out unless the Board has approved it or approved it with conditions.

If you have any queries in relation to the matter, please do not hesitate to contact the undersigned officer of the Board at laps@pleanala.ie

Please quote the above mentioned An Bord Pleanála reference number in any correspondence or telephone contact with the Board.

Yours faithfully,


Eimear Reilly
Executive Officer
Direct Line: 01-8737184

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64 Sráid Maoilbhríde	64 Marlborough Street
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Monday 29 January 2024

Dublin,

TD Joan Collins

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joan.collins@oir.ie

Cllr Sophie Nicoullaud

085 7047290

sophie.nicoullaud@dublincity.ie

Constituency office at 10A Old County Road, Crumlin D12, Ireland

Councillor Sophie Nicoullaud & TD Joan Collins observation

ABP Case number :318607

Location: Cherry Orchard Point Phase 1- lands at Cherry Orchard, Dublin 10 (known as Development Site 4 in the Park West Cherry Orchard Local Area Plan 2019). Schedule of Accommodation Summary

To grant planning application with the following necessary conditions

- **Provide a wider array of planning documents with higher accuracy**
- **Provide more 3 beds and more**
- **No housing segregation**
- **Lower building height**
- **No negative impact on access to natural light**
- **Priorities hard and soft infrastructures before bringing more residents**
- **Estate management plan based and equal rights**

Provide a wider array of planning documents with higher accuracy

We are asking that more detailed documents be included as part of the planning application in order for the board to make an accurate decision on this proposal. Only presenting phase 1 in the light study as part of the planning application is not an accurate reflection of the impact of the entire Cherry Orchard Point project on residential units in Barnville and Cedar Brook. This planning application is not giving all the necessary information to the residents and ABP in order the planners to make a professional judgment and final decision on the project. This is greatly masking what will the reality of

the project be like when all completed if it goes as planned. We are asking that the entire Cherry Orchard Point project that includes the 4 phases be in the light study and be made available to the residents in Barnville, Cedar Brook and ABP prior to the board making a decision.

Phase 1 will have a negative impact on Cedar Brook residents especially when it comes to the loss of natural light and will be negatively impacted by the loss of natural light with phase 3. The light study needs to show the proposed cumulative effects on Cedar Brook, Barneville and Phase 3 as well. In the document Verified View Photomontages, Phase 1 and its landmark building will have a negative impact on sunlight on future apartments on phase 3. Phase 3 will have a negative impact on sunlight on Cedar Brook and probably Barneville. The only photo montage there is *View 3 Winter Proposed Cumulative* that includes all the phase. There are no photo montages of View 5 that includes phase 3 during winter or summer. View 4 is taken from further. Not only Cedar Brook will be affected by phase 1 but it will also be affected by phase 3. This double negative impact when it comes to light study needs to be taken into consideration and not in silo as it is doing now. The planning application lacks information and is not of high standard. There are some missing parts in the documents provided that prevent to give an accurate image of what Cherry Orchard Point will be like and its impacts.

There is a lack of consistency in photomontages, 3D drawings over time. The photo below is extracted from a paper brochure circulated to elected councillors in June 2023. This brochure was not made public or accessible to residents and is not part of the planning application either. This is wrong and these pictures should have been part of the background documents added to the planning application. Below Figure 1 is not showing anywhere in the planning application. The current planning application has no image showing this Park West Avenue from South with the 15 storeys landmark building and the taller building of phase 4: from the same point of view, it has images showing phase 1.



Figure 1 14.06.2023 Scheme Design Presentation - DCC

Figure 2 below has an inaccurate legend with pink colour missing any explanation and square representing building with no height details. The 2 landmark buildings have a yellow star are both pink in colour but one is to be a 15-storey building in phase 1 and the other it is unclear from all the various images and LAP and this proposal of what height it is proposed to be.

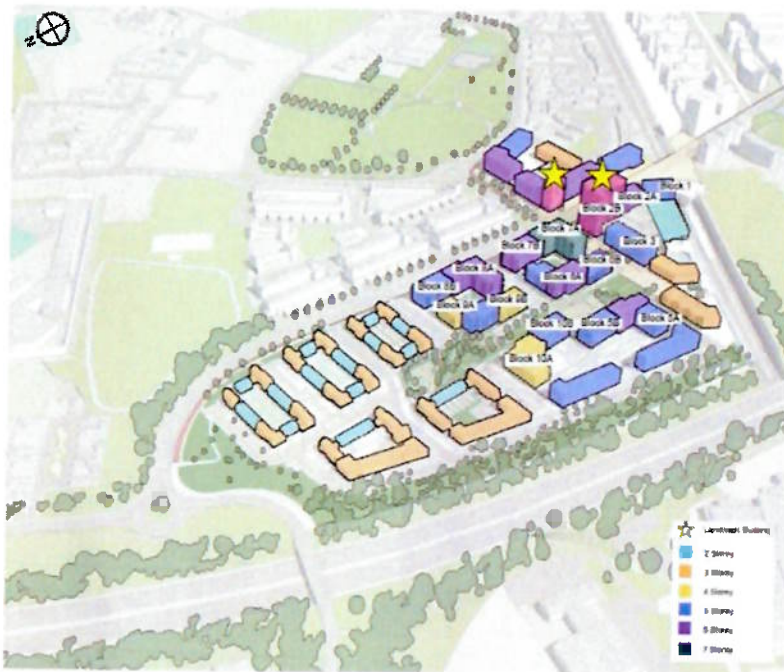


Figure 2.4 - Heights Diagram

² (left) and for the Proposed Scheme (right).

Figure 2 [2-1225-Cherry-Orchard-Planning-Report-V3.0.pdf \(cherryorchardpointphase1partx.ie\)](https://www.cherryorchardpointphase1partx.ie/2-1225-Cherry-Orchard-Planning-Report-V3.0.pdf)

There is a lack of contextual attention into drawing in this present planning application resulting in non-existing or untrue facts. Cedar Brook is a private complex and couldn't be used for connectivity. Cedar Brook Avenue has never been taken in charge by DCC, the residents and the BOM of Cedar Brook have never been approached and consulted prior to be included in a planning application with a proposal for its use as a through access for connectivity. This map is inaccurate and cannot be used to show connectivity for the new scheme. It makes for sloppy planning analysis.



Figure 3 LCHE014 LDA Cherry Orchard Landscape Design Statement October 2023

Provide more 3 beds and more

We are asking for more family living units with more 3-beds and to add 4 and 5 -bed units. There are not enough 3-beds and there need to be 4 and 5 beds as well. There are only 7% of 3 beds with 49 units and only 23 3-beds for DCC tenants. When DCC's own policy is not to have siblings of opposite sex sleeping in the same bedroom after the age of 9, this is not providing housing solutions to a large number of households including families with a parent or a couple and a boy and a girl over the age of 9. This results in not enough 3 bed units representing only less than 16% of the total of social housing. Considering the large number of families on DCC housing list for a 3 bed and more, this proposal will only have a drop in the ocean impact on solving the lack of family homes in DCC. More 3 bed and 4 and 5 bed units are needed both for the social and the cost rental residential units. Housing typology should not restrict family sizes and further deepen demographics trends with Ireland having an increasing aging population creating an unsustainable situation to plan for the future of the country.

<https://www.cso.ie/en/releasesandpublications/hubs/p-opi/olderpersonsinformationhub/ageingpopulation/>

A single person should be able to live with a family member other than a child. A single person should have the possibility to live with an uncle or a grand parent or an adult sibling with both having a room. A single person should have an extra room to accommodate a carer and/or a family member to come and visit. The way units are sized and design does not allow the proposal to cater for more than parent and children family arrangement within the social housing tenancy. Having so many one bed units is too restrictive and discriminative to single persons who cannot then have anybody over in a space room that could be used as an office or study room.

We are calling for all 2-beds to be the designed for 4 people based on the size of the proposed unit for 4 people. Considering that out of 368 2-beds apartments, 52 of them are meant for 3 people, it reduces even more the chance to house families in the complex. None of the 52 2-beds for 3 people are for DCC tenants. Only 89 apartments out of 319 are for 4 people.

No housing segregation

We are demanding that there is no housing segregation whatsoever within the plans. Dedicating specific blocks for social housing is segregation. This goes against the Vienna Model promoted in the past by Dublin City Council to make indistinguishable where one lives. This proposal here distinguished between future Part V/social housing tenants and future cost rental tenants because the two population groups will have different entrance doors.

This is the separation proposed based on the document 20.07.2023 Schedule of Accommodation Summary p.2.

Block	tenure
1	LDA
2A	DCC
2B	LDA
3	LDA
5A	LDA
5B	DCC
6A	LDA
6B	DCC
7A	LDA
7B	DCC
8A	LDA
8B	LDA
9A	LDA
9B	DCC
10A	LDA
10B	DCC

The Cherry Orchard Point team replied by email the following to my request for pepper potting clarification on the 27th of June 2023.

"The social homes are located within the overall apartment blocks throughout the site, sharing communal spaces with the cost-rental residents. The overall development is designed to be tenure blind with no discernible differences between social and cost rental homes. DCC do have mandatory Part V specification requirements that will apply to the social homes, typically these are around robustness of materials and operational management. The social homes are co-located within the overall blocks to facilitate their management by DCC.

This is not correct to say that the development is designed to be tenure blind with no discernible differences between social and cost rental homes. This complex by providing different block for different tenure group. The proposal from the LDA and DCC both public bodies, makes a difference

between groups in our society with discernible differences in door entrances between social and cost rental homes. Cost rental and social housing are not pepper potted and are located in separate blocks.

This proposal is only the start of segregation. With other phases coming up, more segregation will take place. The proposal indicates that phase 2 will only be Affordable Homes and social housing for that phase being delivered in Phase 1 with this application.

"with the Phase 2 of Cherry Orchard Point comprises approximately 25% of the overall development site area and will provide approximately 168 new affordable homes. The social units for this phase will be provided as part of Phase 1."

P.23 of proposed Design Plans for Public Feedback June 2023

Lower Building height

We are asking that no building should be more than 6-storey high and that the ones facing Cedar Brook be its reflection with buildings the same height to avoid any negative impact on sunlight and to make sure passive surveillance can take place.

This proposal shows a lack of taking into consideration the surrounding site context. Cedar Brook is a 3 to 4 storey complex and Barnville are 1 storey houses. The only high buildings in the area are in Park West with building of 7 storeys.

The LAP was proposing that the landmark building be closer to the train station further from Cedar Brook. The landmark building in this proposal has been replaced by block 1 with 6 storey and same for block 2B. In the current proposal the landmark building has been moved at the intersection with Cedar Brook Way and Park West Avenue. This move is contrary to the LAP. It does not make sense to erect a 15-storey building across from the 3-4 storey Cedar Brook complex. It is contrary to the LAP as it does not offer a gradual change in building heights but instead creates a significant market increase in height from 3-4 storey in Cedar Brook across the road to 15 storey building. The LAP says that across from Cedar Brook height shall be up to 6 storeys to the southern end. The proposal today is for 7-storey with building 7A.

"High density residential development is sought in proximity to the train station, scaling down in height and density towards the northern half of the site. Lower density residential development will be considered to the northern half to "kick start" development. Building heights along Park West Avenue, opposite Cedarbrook shall range up to four stories to the northern end and up to six stories to the southern end..." (LAP p. 70)

It is of the utmost importance that passive surveillance is maintained throughout the entire Cherry Orchard Point proposal. Cherry Orchard suffers from a cycle of anti-social behaviour problem for 30 years. Community groups and DCC among others are working hard to have the best quality of life experience for the residents. This work cannot be jeopardised by poor town planning. It is known now that after a specific building there is no more passive surveillance because the buildings are too high. High rises do not offer and ensure high level of safety and security for the residents because it does not discourage anti-social behaviour. In the South Dublin County Council Guidelines for designing out anti-social behaviour of April 2008 recommends that the height is not more than 6 storeys. None of

the national and regional policies listed in the LCHE014 2023 10 24 Cherry Orchard document mention the issue with the lack of passive surveillance at the result of building tall buildings.

Appropriate height	Building heights above 6 storeys reduce connectivity with ground level and therefore minimise opportunities for passive surveillance. Apartment buildings should generally not exceed this height.
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Figure 4 South Dublin County Council Guidelines for designing out anti-social behaviour of April 2008

"From Section 15.4.5 of The Dublin City Development Plan 2022-2028: Safe and Secure Design New developments and refurbishments should be designed to promote safety and security and avoid anti-social behaviour by: • Maximising passive surveillance of streets, open spaces, play areas and surface parking."

"Key urban design principles which form the basis for Cherry Orchard Point site and landscape design will be integral to encouraging neighbourliness, fostering a sense of community and discouraging anti-social behaviour, vandalism and crime."

<https://cherryorchardpointphase1partx.ie/wp-content/uploads/2023/10/Architectural-Design-Statement.pdf>

A very detailed and thorough study of appropriate contextual building height is the SDCC [appendix-10-building-height-and-density-guide-2022.pdf \(sdcc.ie\)](#). The same architect studio, O'Mahony Pike who wrote this document designed Cedar Brook, a then higher density residential complex with 37 homes per acres. The SDCC documents gives more background for choosing building height while this proposal doesn't give much explanation to back up the choice for high buildings.

No negative impact on access to natural light

We are asking that there is no negative natural light impact on Cedar Brook complex and on the future phase 3 of the plans.

Cedar Brook was built as a sustainable high-density complex in 2003 with 3 or 4 floors maximum. The same height should be taking place on site on site 4 with a better population distribution to avoid high rises and any building higher than 6 storeys further back from lower buildings in Cedar Brook and Barnville.

We are asking that accurate shadow images are provided of the plans before ABP makes a decision on the topic of natural light and shadows from proposed buildings. We are asking that the entire Cedar Brook complexes appear in the 3D drawing of the light study and not only the part of Cedar Brooks facing phase 1 and 2. We are asking that this light study include all the 4 phases of the entire Cherry Orchard Point project. on the 3 D drawing below, we can see that the entire shadow does not appear on the drawing: the shadow is not fully appearing between Cedar Brook and the proposed building 7 and 8. This omission is an obstruction to the real size and coverage of the shadow. This omission minimises the impact on the land of Cedar Brook and its building. This is not an accurate representation of the true impact of shadows created by the proposed buildings. It needs to be

rectified in order for APB to be in a position to make an accurate judgment. (see drawing below with yellow highlight where omission occurs.)



Figure 295 Shadow image on March 21st at 18:00 of Cedarbrook Apartments with Proposed Development (modelling software)

Figure 5



Figure 313. Shadow image on December 21st at 12:00 of Cedarbrook Apartments with Proposed Development (modelling software)

Figure 6

The omission doesn't occur in the drawings without the proposed development as below

Aerial View 01 – June 21st

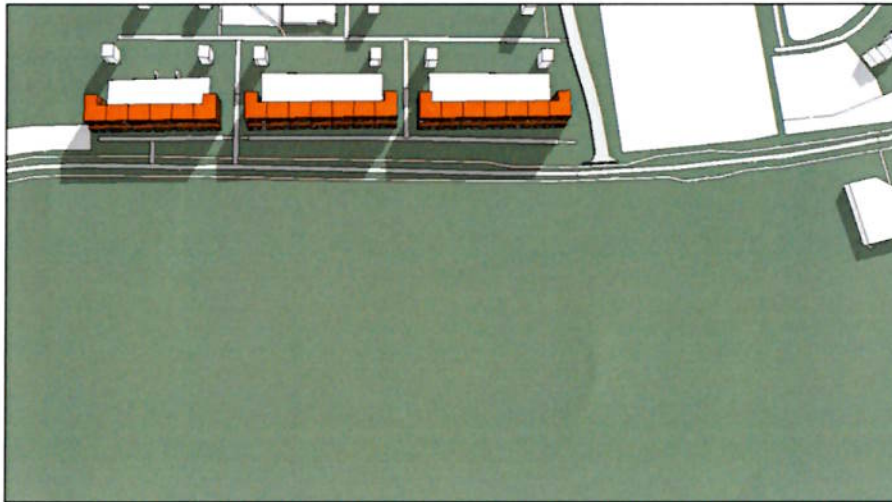


Figure 296. Shadow image on June 21st at 08:00 of Cedarbrook Apartments without Proposed Development (modelling software)

Figure 7

The height of the proposed buildings will have too much of an impact with the loss of natural light. Some residents living closer to the landmark building and also the same one or others living across from site 5 within phase 3 will be receiving a double impact with greater loss of light. The impact of the shadow from the proposed building doesn't appear fully in the study. The image below doesn't show the full extent of the 15 storey and building 1 and 2 A either. Barnville and the existing houses don't appear. This a flaw in the light study.

As it is Cedar Brook has many construction issues with dampness and mould and poor insulation. With less natural light penetrating in a substantial number of apartments, the problem will be greater. Some units will be seriously impacted by this proposal. It will have a detrimental effect on the existing apartments.



Figure 367. Shadow image on March 21st at 18:00 of Cedarbrook Apartments with Proposed Development (modelling software)

Figure 8

Priorities hard and soft infrastructures before bringing more residents

Childcare

We are asking that more childcare facilities be provided to cater first of all for the lack of childcare facilities in the area. Every childcare facility in the area has a waiting list. Below is the waiting for the Community Childcare facility in Cherry Orchard as of December 2023. They have a total of 200 children on the waiting list.

Year of birth	number
Babies due	7
2023	57
2022	49
2021	43
2020	11
2019	6
2018	6
After school	27

This assessment considers that the proposed childcare facility is adequate for the proposed scheme, this first of all is based on a desktop study and Design Standard Guidelines that eliminate all studios, 1 beds and 30 % of the 2beds of including children between birth and 6 years. This is a very dangerous "guest estimation". In reality, our constituents live in one hotel room, one room in emergency accommodation family hubs, 1 bedroom out of the family home with 1 or 2 adults and 2 kids sharing the bedroom. Secondly it does not take into consideration the existing need for childcare places. All premises have waiting list and families cannot

"In order to ensure an accurate reflection of future demand for childcare and school places, the Guidelines state that studio and one-bedroom units should not be included in any count that estimates the number of minors in a future development and this may also apply to a portion of units with 2 no. or more bedrooms (See Section 2.5, 4 and 5)" Design Standards for New Apartments (2023)

Considering the number of officially homeless children and the lack of data on the number of unofficially homeless children living in crowded bedroom with 4 people in the same room, with children living in living rooms, these guidelines are nowhere the reflexion of the current housing situation that will unfortunately last in time because of the acute need for homes in this country and moreover in Dublin. The existing demand for childcare is greater than the offer of places.

This estimation and elimination of children between the age of 0 and 6 from up 30 % to 2 bed apartments is has no base onto reality, is an absolute outrage and can only be described as made up.

We are asking that only community creches be accepted. The development plan and the LAP call for social enterprise and community facilities. That the example is taken from Thornton Heights in Inchicore be applied here where DCC is able to offer a rent of 200€ per annum with VAT not applicable

provided the premises is used as a community creche and afterschool facility. The market price there was estimated in December 2023 at €80,000

« That the annual market rent shall be €80,000 (eighty thousand euro) per annum, VAT not applicable, abated to €200 (two hundred euro) per annum, VAT not applicable, provided the demised premises is used as a community crèche and afterschool facility. Should the premises cease to be used by the Lessee for this purpose, the above open market rent shall apply as determined by the City Valuer. Lease "of ground floor Creche at Thornton Heights, Inchicore, Dublin 8 to the Family Resource Centre CLG. SCAC 17/1/24

Community infrastructures / social services

As part of the LAP for the area, a possibility of creating community stables was to be looked at with local HorsePower group. The department of Agriculture has yet to get back to the proposal they have sent in September 2022. This is the type of infrastructure that needs to be sorted before bringing in more people to live in this area. Bringing in more people will not erase the need to address the lack of appropriate structures for local horses, it will only exacerbate the issue. The proposal for community stables is meant to bring a physical solution for keeping horses already present in the area and also to provide a social enterprise to address professional inequalities within the existing community.

The 7 retail units and the anchor supermarket with community arts and cultural use are all welcome.

It goes without saying that there is a lack of confidence in this scheme to deliver commercial units based on the existing state of the empty retail units in Park West since the day they were built with the same phenomenon happening in Fatima in D8, in Drimnagh on Davitt Road in D12. There is a serious concern the units will remain empty and attract ASB.

"The purpose of these Guidelines is to assist in achieving the objectives for Delivering Homes, Sustaining Communities contained in the Government Statement on Housing Policy which focuses on creating sustainable communities that are socially inclusive by: promoting high standards in the design and construction and in the provision of residential amenity and services in new housing schemes" Mission statement of the Quality Housing for Sustainable Communities 2007

While the creche is supposed to be sufficient and only to cater for the need of this development, other services are not mentioned and the addition of thousands of new residents in this area will have a serious and negative impact on a community and geographical area lacking all infrastructures from doctors to AGS staff, Post Office or financial services, primary and secondary schools , Dublin City Council staff etc.

Transport

The transport study in this planning application does not mention the need to do the upgrade of the Dublin electricity infrastructure.

These improvements will help to meet the growing and changing electricity needs of Dublin. This includes the electrification of transport systems. [Powering Up Dublin](#) | [Projects](#) | [EirGrid](#)

The preferred route to upgrade from Inchicore has yet to be finalised. The routes for the upgrade were planned to be announced in January 2024 but has been delayed until later in 2024. It needs to be noted that the first phase for the The DART + South West, is the upgrade of the Dublin' electricity infrastructure. We have yet to know the preferred route for the work to take. It is will be years before the Dart + South West is in place. Another worry is the lowering in the NTA budget for major transport schemes. Until this is solved and put in place many residents will use their cars and add to the already existing traffic jam in the area including more pollution, safety risks for pedestrians and cyclists.

We are asking for improved connectivity and frequency in public transport offers.

Estate management plan based and equal rights

We are asking that all tenants be treated the exact same way. Based on current experiences within private complexes sharing Part V and privately rented accommodation, we are asking that all tenants no matter what are treated equality and share the same rights and access within the complex.

It is unclear how many parking spaces will be allocated to DCC tenants and to LDA tenants. It is important to clarify as quickly as possible how much a parking permit for a space will cost a tenant yearly. The same applies to communal spaces and infrastructures.

The document included in the planning application from Savills on management plans is a source of worry. The worry is that the management of the proposed complex will be managed by a private company which would be outsourced to a private company of maintenance of public infrastructures.

We are asking that the maintenance and estate management of the complex remains public and not outsourced to a private company and that if the need for a CCTV is identifying then for it to be managed under a community scheme based on the one soon to be installed on Benbulbin Road in Drimnagh that no private company be involved at any stage with this.

The land is public and it is a worry to read such proposal for estate management from a private company and that it is proposed to have a private company looking after the CCTV for security.

There is a double privatisation taking place with Savills proposed to be the management company contracting another private company for CCTV. This privatisation could have a negative impact of the affordability of the cost rental scheme.

The second worry is to have CCTV system as suggested in the document to be managed by a private company. We are asking that all theses points are clarified beforehand including what amount is affordable for a cost rental unit.

"The CCTV system requirements for the development are not agreed with DCC currently nor the overall property management strategy so there is no possibility of any company being appointed to the management nor CCTV management at this stage." Laura O'Gorman by email 17/1/24