



THORNTON O'CONNOR
TOWN PLANNING

Statement of Response

Statement of Response

Prepared in Respect of a Proposed
Strategic Housing Development at Glenina
and Karuna, Sandyford Road, Sandyford,
Dublin 18

Prepared on Behalf of Midsal Homes
Limited

April 2022

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The Secretary
An Bord Pleanála
64 Marlborough Street
Dublin 1

Thursday, 28th April 2022

Dear Sir/Madam,

RE: STRATEGIC HOUSING DEVELOPMENT PRINCIPALLY COMPRISED OF THE DEMOLITION OF THE EXISTING STRUCTURES AND BOUNDARY WALL AT THE PROPERTIES KNOWN AS KARUNA AND GLENINA, SANDYFORD ROAD, DUBLIN 18 AND THE CONSTRUCTION OF A PART-1 NO. TO PART-6 NO. STOREY OVER PART-BASEMENT/PART-UNDERCROFT APARTMENT DEVELOPMENT COMPRISING 137 NO. UNITS.

1.0 INTRODUCTION

1.1 Pre-Application Consultation

On 8th October 2021, Thornton O'Connor Town Planning on behalf of Midsal Homes Limited submitted a Section 5 Pre-Application Consultation (PAC) request to An Bord Pleanála. This was in respect of a Strategic Housing Development principally comprised of 147 No. build-to-rent apartment units proposed at a site at comprised of the properties known at 'Karuna' and 'Glenina', Sandyford Road, Sandyford, Dublin 18.

On 6th January 2022, the PAC meeting was held, with attendees from An Bord Pleanála, the Design Team and Dún Laoghaire-Rathdown County Council. The Board's Notice of Pre-Application Consultation Opinion (hereon in referred to as the 'Opinion') was issued on 14th January 2022.

This Opinion stated that it was the Board's determination that the "*documents submitted with the request to enter into consultations constitute a reasonable basis for an application for strategic housing development.*" Notwithstanding this, An Bord Pleanála requested that specific information should be submitted with any application for permission. The purpose of this Report is to respond to the requests for the items listed in said Opinion. This structure of the Report is as follows:

- **Section 2** – Provides responses to the 22 No. items listed by An Bord Pleanála.
- **Section 3** – Provides to responses to the main comments of Dún Laoghaire-Rathdown County Council in their Report submitted to An Bord Pleanála (requested by Item No. 17).

- **Section 4** – Summary details of notification of 4 No. prescribed bodies.

1.2 Key Changes Subsequent to the Section 5 Pre-Application Consultation Meeting with An Bord Pleanála and Dún Laoghaire-Rathdown County Council

It should be noted that following the PAC meeting with An Bord Pleanála and Dún Laoghaire-Rathdown County Council, a series of changes were made to the proposed development. For clarity, the primary changes amongst these include:

- Change in residential typology from 'build-to-rent' to 'standard' residential;
- Reduction in proposed unit numbers – 147 No. to 137 No.;
- Increase in overall floor areas of proposed units to meet the required standards;
- Setting back of development line / basement to accommodate Dún Laoghaire-Rathdown County Council's request for access to undertake road upgrades in the future;
- Reduction in block massing of Blocks A, B and D, which reduced heights, increased separation distances and eliminated some windows which may have previously been perceived as resulting in overlooking;
- Car parking provision has increased from 131 No. spaces for 147 No. units as proposed at PAC-stage, to 137 No. spaces for 137 No. units as part of this planning application;
- Although the total cycle parking provision has decreased between the PAC-stage and this planning application (356 No. to 340 No.), the total number of apartment units has also decreased, but by a more considerable extent. The ratio of 2.42 No. cycle spaces per apartment has increased to 2.48 No. cycle spaces per apartment; and
- A new pedestrian connection is proposed in the north-west corner of the site, linking to the existing cul-de-sac at Cul Cuille.

For full details of the now proposed development, the Board is respectfully directed to the various other materials enclosed as part of this planning application pack.

2.0 RESPONSE TO SPECIFIC INFORMATION REQUIRED

This section will provide a response to the specific information requested by the Board in their Opinion, which states the following:

"Furthermore, pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission..."

2.1 Item No. 1 – Architectural Design Statement

An Bord Pleanála stated the following:

"An updated Architectural Design Statement. The statement should include a justification for the proposed development, having regard to, inter alia, urban design considerations, visual impacts, site context, the locational attributes of the area, linkages through the site, pedestrian connections and national and local planning policy. The statement should specifically address height, scale and massing, finishes of the blocks, the design relationship between the individual blocks within the site, the relationship with adjoining development and the interface along the site boundaries. The statement should be supported by contextual plans and contiguous elevations and sections."

2.1.1 Applicant's Response

A thoroughly detailed *Architectural Design Statement* has been prepared by Horan Rainsford Architects and is included as part of this planning application pack. Given its extensive nature, the Board is directed to review this document.

2.2 Item No. 2 – Cycle Statement

An Bord Pleanála stated the following:

"A detailed statement, demonstrating how the proposed development will tie in safely with the wider road network, along Sandyford Road, in particular with respect to pedestrian and cycle routes."

2.2.1 Applicant's Response

The response to this Item features in Section 5.0 'Response to ABP Opinion & DLRCC Traffic/Road' in NRB Consulting Engineers' *Transportation Assessment Report*. The Board is directed to this for details of the response.

2.3 Item No. 3 – Material Contravention Statement

An Bord Pleanála stated the following:

"A detailed statement, which should provide adequate identification of all such elements and justification as applicable, where the proposed development materially contravenes"

the Development Plan 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."

2.3.1 Applicant's Response

A *Material Contravention Statement* has been prepared by Thornton O'Connor Town Planning and is included in this planning application pack.

2.4 Item No. 4 – Compliance with the Development Plan Policies

An Bord Pleanála stated the following:

"In accordance with section 5(5)(b) of the Act of 2016, as amended, any application made on foot of this opinion should be accompanied by a statement that in the prospective applicant's opinion the proposal is consistent with the relevant objectives of the development plan for the area. Such statement should have regard to the development plan or local area plan in place or, likely to be in place, at the date of the decision of the Board in respect of any application for permission under section 4 of the Act."

2.4.1 Applicant's Response

A *Statement of Consistency* has been prepared by Thornton O'Connor Town Planning and is included in this planning application pack.

2.5 Item No. 5 – Housing Quality Assessment

An Bord Pleanála stated the following:

"A Housing Quality Assessment that provides details in respect of the proposed apartments set out as a schedule of accommodation, with the calculations and tables required to demonstrate compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments. It is important that the proposal meets and preferably exceeds the minimum standards in terms of dual aspect and proportion of apartment which exceed the floor area by 10%. In the interests of clarity clear delineation / colour coding of floor plans indicating which of the apartments are considered by the applicant as dual / single aspect and which apartments exceeds the floor area by 10%."

2.5.1 Applicant's Response

As requested, a detailed *Housing Quality Assessment (HQA)* has been prepared by Horan Rainsford Architects and is included as part of this planning application. The Board is directed to this document for the full details included therein.

As specifically sought, the HQA includes the areas and details of the various standards required and those that are proposed. Per this item, the following observations are worth noting:

- In total, 95 No. of the 137 No. proposed units are dual (or triple) aspect in their design, equivalent to 69%. Therefore, the dual aspect provision significantly exceeds the minimum standard of the Guidelines. All 3-bed units are dual (or triple) aspect.
- A total of 69 No. units (13 No. in Block A, 19 No. in Block B, 23 No. in Block C and 14 No. in Block D) exceed these minimum standards by at least 10%. This exceeds 50% of units.
- The Floor Plan Drawings prepared by Horan Rainsford Architects have been clearly defined to indicate which units are dual aspect and/or exceed the minimum floor area by 10%.

2.6 Item No. 6 – Residential Amenity Report

An Bord Pleanála stated the following:

"A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to potential overlooking, overshadowing and overbearing. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjacent residential development."

2.6.1 Applicant's Response

This specific item has been included in Horan Rainsford Architects' *Architectural Design Statement* for ease of reference and completeness. The Board is respectfully directed to the relevant section of the Statement for the full response. Residential amenity and privacy, for both neighbouring residents and future residents of the proposed development, also feature in the thoroughly detailed Sections 5.2.2 (Height), 5.4 (Residential Amenity and Privacy) and 5.8 (Dwelling Design and Amenity) of the *Planning Report*.

To avoid what would be excessive repetition, the Board is directed to these documents for the full assessments carried out therein.

2.7 Item No. 7 – A Traffic and Transportation Impact Assessment

An Bord Pleanála stated the following:

"A Traffic and Transportation Impact Assessment."

2.7.1 Applicant's Response

A detailed *Transportation Assessment Report* has been prepared by NRB Consulting Engineers and is included as part of this planning application pack. Given the technical nature of much of the analysis of this Report, the Board is respectfully directed to review same.

However, noteworthy observations include:

- The existing road network has adequate capacity to accommodate the minor uplift in demand that will be generated by the proposed development (at 3 No. roads/junctions the expected increase was less than 2% in both the AM and PM peak times, notably below the 5% threshold that warrants further assessment).

- The proposed car parking ratio (1.0 – 1 No. space per unit) is deemed to be sufficient to cater for the proposed development and act as a means to reduce car use and ownership. The inclusion of the car share spaces increases the 'effective' car parking ratio to approximately 1.6.
- The proposed cycle parking wholly complies with local and national standards.
- The set back of the building lines ensures adequate sightlines and that the proposed upgrades to Sandyford Road are not precluded.
- There is ample capacity in the existing Bus and Luas network to accommodate the demand expected to be generated by the proposed development.
- The proposed development has been subject to a Stage 1 Road Safety Audit, with only minor issues identified and subsequently addressed.

2.8 Item No. 8 – Landscaping Plan Details

An Bord Pleanála stated the following:

"Details of a Green Infrastructure Plan, Landscaping Plan, Arboriculture Drawings, and Engineering Plans that take account of one another."

2.8.1 Applicant's Response

All Design Disciplines have carefully worked together and co-ordinated in the preparation of their inputs, but cognisant of others.

For examples and details of this, the Board is directed to Murphy + Sheanon's Drawing titled *Services Overlay Plan*. This Drawing has been prepared following consultation and collaboration between Murphy + Sheanon (Landscape Architects) and Torque Consulting Engineer (Water Services Engineers).

The detailed landscape plan has been prepared to ensure no conflict between the planting proposals and the provision of water services. To protect those trees that come close to water services or structures and to prevent damage to the latter, Murphy + Sheanon have proposed root protection barriers (as shown on their Drawing titled *Planting Plan*).

In addition, the area above the proposed attenuation system has not been included as part of the proposed as part of the proposed communal amenity space.

The Arboricultural Drawings prepared by The Tree File included the proposed water services.

2.9 Item No. 9 – Open Space Provision

An Bord Pleanála stated the following:

"Justification of quantum and quality of open space provision, both communal and public open space (POS). Clarity with regard to change in levels, compliance with Development Plan standards and planting details."

2.9.1 Applicant's Response

Public Open Space

With respect to public open space, a detailed justification has been included in the *Planning Report* prepared by Thornton O'Connor Town Planning for its omission. The Board is directed to Section 5.5.1 of that Report for further information. Ultimately, in lieu of its provision, a financial contribution to the Council will be paid. This option is facilitated by the Development Plan, which states:

"It is acknowledged that in certain instances it may not be possible to provide the above standards of public open space. High density urban schemes and/or smaller urban infill schemes for example may provide adequate communal open space but no actual public open space. In these instances where the required percentage of public open space is not provided the Council will seek a development contribution under Section 48 of the Planning and Development Act 2000, as amended. The contribution in lieu to be paid for any shortfall in the quantum of public open space to be provided will be used for the provision of improved community and civic infrastructure and/or parks and open spaces, in the vicinity of the proposed development for use of the intended occupiers of same."

Prior to lodging this planning application, Thornton O'Connor Town Planning received confirmation (7th March 2022, via e-mail) from Michelle Breslin (Senior Executive Planner) and Ruari O'Dulaing (Head of Parks Department) of Dún Laoghaire-Rathdown County Council that the payment of a financial contribution in lieu of providing public open space was acceptable in principle.

The basis for pursuing the development without public open space is set out as the following:

- The development has been the focus of a thorough landscape design process that has resulted in a high-quality landscape proposal comprised of hard and soft features, significant tree planting, toddler's and children's play areas.
- As part of the above landscape proposition, a total 1,299 sq m of communal amenity space included, exceeding the minimum requirement of 939 sq m by 360 sq m or 38%. The details of this communal amenity space are expounded below; but will provide a high-quality external environment with ecological, environmental, SUDS, aesthetic and social/community benefits.
- A series of other public open space areas are all within short walking distances of the subject site, including those as Kilcross, Bearna, Ticknock Park and Aiken's Village, which can be used for walking, exercise, picnics, relaxing and socialising.
- The notable amenity spaces of Fitzsimon's Wood and Fernhill Park and Gardens are within 6-minute and 12-minute walks respectively. The former is a mature, historic woodland area accessed via Kilcross with rustic trails and a naturally evolving environment. The latter is one of the Council's newest parks with planting, walkways and lawned areas. It is considered that a financial contribution greatly benefit these excellent amenities.
- The siting of the Blocks away from the east boundary to ensure that negative impacts on residents at Coolkill do not occur meant that public open space could only have been placed to the rear of the development site. This would have been inappropriate on the basis that the public would not have been likely to know that it existed or actively sought to use the space. In addition, the movement of non-residents through the development may have undermined the safety and residential amenity of the residents living in the development.

- The need to secure a sustainable and viable density meant that the Block and semi-basement/semi-undercroft footprints needed to be extended, thereby reducing the site area available or appropriate for use a public open space.
- The requirement to meet a whole series of other development management standards (car parking, cycle parking, vehicular and pedestrian entrances, separation distance, 'Root Protection Area' (trees on adjacent sites)) acts to reduce the site area available or appropriate for use public open space.

Communal Amenity Space

A detailed analysis of and justification for the proposed communal amenity space is also included in the enclosed *Planning Report* (Section 5.5.2). For completeness, it has been included below.

With respect to communal amenity space, the standards for the unit types proposed are the same in both the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* and the *Dún Laoghaire-Rathdown County Development Plan 2022–2028*. These standards and the communal amenity space requirements that they generate for the proposed development are detailed in Table 2.1 below. Both the Guidelines and the Development Plan indicate that communal amenity space should be provided as ground/street level gardens or rooftop gardens and terraces (or a combination of these). The spaces should be semi-private in nature, such that they are principally accessible to, and used by, the residents of the proposed development.

Unit Types	No. Units	Standard	Requirement
1-bed	32	5 sq m	160 sq m
2-bed (3-person)	10	6 sq m	60 sq m
2-bed (4-person)	68	7 sq m	476 sq m
3-bed	27	9 sq m	243 sq m
Total	137		939 sq m

Table 2.1: Communal amenity space standard and requirements based on the unit mix of the proposed development

Source: *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*, and Thornton O'Connor Town Planning, 2022

A total of 1,299 sq m of communal amenity space has been defined as part of the landscaping proposition for the development, exceeding the minimum requirements by 360 sq m or 38%. As shown in Murphy + Sheanon's *Community Amenity Space Plan* Drawing, this is comprised of:

- Toddler's play area (112 sq m),
- Children's play area (250 sq m),
- Kick-about area (3 No. totalling 650 sq m) and
- Breakaway seating area (287 sq m).

Areas of the site that were, albethey landscaped, not considered as being appropriate for communal amenity space included those that were: tight or enclosed; overshadowed; principally for pedestrian, cycle or vehicular circulation; and over the proposed surface water attenuation.

Toddler's Play Area

The toddler's play area comprises 112 sq m of play space for young children up to the age of 6 years and exceeds the area standard of 85–100 sq m set by *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* required in developments of 25 No. or more 2-bed and larger units.

The play area will be a 'soft' surface, with 3 No. play features included by Murphy + Sheanon in this area. Seating has been provided so that parents can watch and supervise their children. This will also prove to be a beneficial place for residents to socialise and interact, not just children, but parents and carers also.

Children's Play Area

The children's play area comprises 250 sq m of play space for older children and exceeds the minimum area standard of 200–400 sq m set by *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* required in developments of 100 No. or more 2-bed and larger units.

This play area will also be a 'soft' surface, with 3 No. play features and clever landscape berms included by Murphy + Sheanon. As older children may use this space unsupervised, it was ensured that it benefits from passive surveillance, although seating is also provided for parents.

Kick-about Area

The kick-about spaces (totalling 650 sq m) are a series of 3 No. lawned areas between Blocks B and C, between Blocks C and D and south of Block D. Contrary to their naming, these areas will not just be for casual active uses such as ball play, but also for sitting, picnics, etc. In addition, they will also play an aesthetic role (by adding colour, texture and nature to the spaces between the Blocks), a SuDS role (by supporting infiltration of surface water) and an ecological/environmental role (as a natural alternative to hard surface such as paving).

Breakaway Seating Area

The breakaway seating area (287 sq m) has a variety of different seating types in different contexts, including simple benches and outdoor work-from-home seats and desks.

Sunlight Assessment of the Communal Amenity Space

As detailed in Table 2.2, each of the proposed communal amenity space areas significantly exceeds the recommended minimum of 50% securing at least 2 hours of sunlight on March 21st in a given year (per the BRE Guidelines). Therefore, these spaces will be well lit and attractive places to use for residents.

Assessed Area	Area Capable of Receiving 2 Hours of Sunlight on March 21 st	Recommended minimum	Level of Compliance with BRE Guidelines
Kick-About Area B	82.9%	50.0%	BRE Compliant
Children's Play Area	98.2%	50.0%	BRE Compliant
Kick-About Area C	85.3%	50.0%	BRE Compliant
Kick-About Area D	97.5%	50.0%	BRE Compliant
Toddler's Play Area	78.5%	50.0%	BRE Compliant
Breakaway Seating Area	95.9%	50.0%	BRE Compliant

Table 2.2: Sun on ground results of the proposed communal amenity spaces areas
Note: *The BRE Guidelines recommend that for a garden or amenity to appear adequately sunlit throughout the year, at least half of a garden or amenity area should receive at least two hours of sunlight on March 21st.*

Source: *Daylight and Sunlight Assessment Report, 3D Design Bureau, 2022*

Change in Levels

With respect to the change in levels referenced in Item No. 9, the Board is directed to the Landscape Architecture Drawings and *Landscape Design Report* prepared by Murphy + Sheanon due to its technical nature. Specifically, the Board is directed to the *Landscape Layout Plan*, which includes the overall design and layout of the landscape proposition, including in relation to levels. As the site's existing topography descends from south to north, the Design Team has been cognisant that the proposed development responds appropriately to this.

Along the front (west of the site) the levels rise from south to north, with the footpath and cycle path tying in with the development's pedestrian and cycle entrances and landscaping. To the rear of the development as part of the landscaping behind Block B, C and D, the levels change gradually from approximately 116.986 mAOD up to approximately 117.736 mAOD. This is facilitated by gently sloping ramps to ensure that the spaces are accessible to mobility impaired persons.

The increase from 113.236 mAOD level at the lower ground level between Blocks A and B up to above mentioned 116.586 mAOD is facilitated by a series of attractive steps and intermediate landings in the north-east corner of the site. This is demonstrated on Murphy + Sheanon's Landscape Architecture Drawings and is detailed in Section 4.3 of their *Landscape Design Report*. For mobility impaired persons, an external lift has been proposed. Figures 2.1 and 2.2 below are from the *Landscape Design Report* and illustrate how the proposed change in levels in this part of the site will be successfully achieved.



Figure 2.1: View A in the north-east corner of the site showing the proposed means to navigate the changes in site levels

Source: Murphy + Sheanon’s *Landscape Design Report, 2022*



Figure 2.2: View B in the north-east corner of the site showing the landscape detail in relation to the changes in site levels

Source: Murphy + Sheanon’s *Landscape Design Report, 2022*

2.10 Item No. 10 – Landscape Drawings

An Bord Pleanála stated the following:

"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.”

2.10.1 Applicant’s Response

The requested landscape drawings and specifications have been prepared by Murphy + Sheanon and are included as part of this planning application pack. The public lighting layout and specifications have been prepared by Renaissance Engineering and are also enclosed as part of the pack.

2.11 Item No. 11 – Daylight and Sunlight Assessment

An Bord Pleanála stated the following:

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

- (i) Impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.*
- (ii) Impact to any neighbouring properties.”*

2.11.1 Applicant’s Response

With respect to daylight and sunlight impacts, the Board is directed to the *Daylight and Sunlight Assessment* prepared by 3D Design Bureau in the first instance due to the technical nature of the topic. However, summary details (as featured in the *Planning Report*) are provided below for both the proposed development and impacts on neighbouring properties.

Proposed Development

The proposed apartment units perform well in terms of Average Daylight Factor; 96% of rooms are compliant, although this increases to 99% compliance if the reduced target value of 1.5% is used for Living/Kitchen/Dining areas). Where rooms in units have not meet the target value for Living/Kitchen/Dining, a series of compensatory measures have been detailed. These are summarised in 3D Design Bureau *Daylight and Sunlight Assessment*, and include: south-facing units, units facing into open space areas, sufficient levels of light as indicated by Annual Probable Sunlight Hours (APSH) and Winter Probable Sunlight Hours (WPSH) values, larger unit sizes and dual aspect orientations.

Although the compliance rates for APSH and WPSH for living rooms and Sun on Ground (SOG) for balconies are lower by comparison, the results are considered reasonable and acceptable as 100% compliance is difficult to achieve in urban and suburban environments and on sites with existing constraints (shape, size, adjacent uses/development, etc.).

Importantly for the quality of the communal amenity spaces, all area assessed significantly exceeded the recommended guideline of 50% Sun on Ground for 2 hours on March 21st.

Overall, it is considered that the proposed development will result in a series of high-quality and attractive living spaces for future residents. Summary results of 3D Design Bureau’s analyses are included below.

Daylight and Sunlight Scheme Performance

Sun On Ground (SOG) in Proposed Amenity Areas:

- Areas Assessed: 6
- Meeting the guidelines: 6
- Compliance rate: 100%

Sun On Ground (SOG) in Proposed Balconies:

- Balconies Assessed: 137
- Meeting the guidelines: 87
- Not meeting the guidelines: 50
- Compliance rate: ~64%

Proposed Living Room Windows (APSH):

- Rooms Assessed: 137
- Above recommended minimum: 75
- Below recommended minimum: 62
- Compliance rate: ~55%

Proposed Living Room Windows (WPSH):

- Rooms Assessed: 137
- Above recommended minimum: 81
- Below recommended minimum: 56
- Compliance rate: ~59%

Average Daylight Factor (ADF) of internal proposed development:

- Rooms assessed: 406

ADF circa compliance rate for the proposed scheme:

- Rooms meeting the guidelines: 394
- Rooms not meeting the guidelines: 12
- Compliance rate: ~97%

ADF circa compliance rate for the proposed scheme with a reduced target value of 1.5% considered for LKDs:

- Rooms meeting the guidelines: 403
- Rooms not meeting the guidelines: 3
- Compliance rate: ~99%

Neighbouring Properties

The detailed *Daylight and Sunlight Assessment* prepared by 3D Design Bureau assessed existing neighbouring properties and granted neighbouring properties in terms of a series of possible impacts, relating to Effect to Vertical Sky Component (VSC), Effect to APSH, Effect to WPSH and Effect to SOG. The Board is respectfully directed to this Report for the full assessment, the results of which are summarised below.

Effect on Existing Neighbouring Properties

Effect to Vertical Sky Component (VSC) :

- Windows Assessed: 111
- Positive Effect: 16

- Imperceptible: 95

Effect to Annual Probable Sunlight Hours (APSH):

- Windows Assessed: 58
- Positive Effect: 21
- Imperceptible: 37

Effect to Winter Probable Sunlight Hours (WPSH):

- Windows Assessed: 58
- Positive Effect: 26
- Imperceptible: 31
- Not applicable: 1

Effect to Sun On Ground (SOG) in existing neighbouring gardens / amenity areas:

- Areas Assessed: 16
- Positive Effect: 5
- Imperceptible: 11

Effect on Granted Neighbouring Properties

Effect to Vertical Sky Component (VSC) :

- Windows Assessed: 58
- Positive Effect: 16
- Imperceptible: 34
- Not significant: 3
- Slight: 3
- Moderate: 2

Effect to Annual Probable Sunlight Hours (APSH):

- Windows Assessed: 18
- Positive Effect: 6
- Imperceptible: 12

Effect to Winter Probable Sunlight Hours (WPSH):

- Windows Assessed: 18
- Imperceptible: 13
- Not applicable: 5

The results of the *Daylight and Sunlight Assessment* indicate that the proposed development will have negligible impacts on the existing and granted residences adjacent to the subject site. In many instances, the Assessment showed "*positive effects*" in terms of Effect to VSC, Effect to APSH, Effect to WPSH and Effect to SOG, although this is noted as partly being as a result of the removal of existing leylandii trees at the subject site.

However, the key observation is that the vast majority of the assessments indicated "*imperceptible*" results. And even when the "*slight*" and "*moderate*" effects are considered, they are rationalised when balanced against the "*positive effects*" and the fact that this is a necessary development to achieve sustainable residential delivery in accordance with national, regional and local policy driving densification and compact growth.

Therefore, it is asserted that the proposed development will not degrade the overall daylight and sunlight amenity enjoyed by the existing and potential future neighbouring residents.

2.12 Item No. 12 – Life Cycle Report

An Bord Pleanála stated the following:

"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."

2.12.1 Applicant's Response

A *Building Lifecycle Report* has been prepared by Aramark and is included in this planning application pack.

2.13 Item No. 13 – Build-to-Rent Residential Typology

An Bord Pleanála stated the following:

"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."

2.13.1 Applicant's Response

As permission is no longer being sought for a build-to-rent residential typology, it is not necessary or correct to comply with Specific Planning Policy Requirement 7 of *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*.

2.14 Item No. 14 – Childcare Demand Analysis

An Bord Pleanála stated the following:

"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."

2.14.1 Applicant's Response

As requested by An Bord Pleanála a detailed *Childcare Demand Assessment* has been prepared by KPMG Future Analytics and is included as part of this planning application. This includes the demographic profile of the environs of the subject site (also detailed and expanded upon in the submitted *Social Infrastructure Audit*, also prepared by KPMG Future Analytics).

Whilst the Board is directed to this Report for the complete analysis, principal observations and conclusions have been summarised by Thornton O'Connor Town Planning as follows:

- The 2016 census data confirms that 9.6% of the population of the Study Area was aged 0–6 years old.
- CSO Quarterly National Household Survey findings from Q3 2016 (most recent data) indicate that 25% of young children in the Dublin regional attend a childcare facility.
- KPMG Future Analytics used both the figure of 25% and a more conservative 40% figure to convert the 'resident' 0–6 year old population into a form of childcare 'demand' estimate.
- Based on the development's composition of 105 No. 2-bed and 3-bed units (1-bed units are omitted, per Section 28 Guidelines), some 25 No. 0–6 year old children may reside in the development.
- Applying the 25% and 40% figures, a demand for some 6–10 No. childcare places may be generated by the development.
- A survey of existing childcare facilities within 2–2.5 km of the subject site identified 37 No. such premises, with an available capacity for 46 No. children. However, responses from just 21 No. facilities were secured; therefore, additional capacity is likely to exist.
- A review of planning applications for childcare facilities within 2–2.5 km of the subject site identified that additional capacity for approximately 343–430 No. childcare places is under construction, has been granted planning permission (but has not commenced construction) or pending a planning decision.
- Informed by the analysis, there is considered to be ample existing and forthcoming capacity to cater for the small demand for childcare places that may be generated by the proposed development.

2.15 Item No. 15 – Resident Amenities Rationale

An Bord Pleanála stated the following:

"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."

2.15.1 Applicant's Response

The development is no longer proposed as a build-to-rent residential property. Therefore, the provision of Specific Planning Policy Requirement 7(b) of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities* does not apply.

However, the Applicant has chosen to include residential amenity and support facilities (referred to herein and in the Planning Report as internal communal amenity space) as part of the development. These are comprised of the following:

- In Block A – a concierge room is proposed at the lower ground floor level (approximately 35 sq m) and will be present to serve the needs of all residents of the development.
- In Block B – hot desk / work from home spaces (2 No.) totalling approximately 93 sq m, both facing south and fronting the external communal amenity space between Blocks B and C.

- In Block C – resident gym spaces (2 No.) totalling approximately 140 sq m
- In Block D – hot desk / work from home spaces (2 No.) totalling approximately 137 sq m, facing the external communal amenity spaces to the south of Block D and between Blocks C and D.

The internal communal amenity spaces will significantly enhance the residential amenity for future residents and the quality of life in the proposed development. Their inclusion by the Applicant is considered to be a proactive and progressive action to enhance the living environment for those who decide to reside at the development.

2.16 Item No. 16 – Visual Impact Assessment

An Bord Pleanála stated the following:

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

2.16.1 Applicant's Response

As requested by An Bord Pleanála, a *Landscape and Visual Impact Assessment (LVIA)* has been prepared by Mitchell + Associates and is included in this planning application pack.

The LVIA assessed the possible landscape and visual impacts that may arise as a consequence of the realisation of the proposed development based on 10 No. views, with Verified View Photomontages prepared by 3D Design Bureau based on the views in Figure 2.3.



Figure 2.3: Points from which the verified view photomontage images were prepared

Source: 3D Design Bureau's *Verified Views and CGI* booklet, 2022

A summary of the LVIA’s conclusion of the development’s impact is provided in Table 2.3 below, with the Assessment noting:

"The main issues regarding potential landscape and visual impacts of the proposed scheme will therefore include:

- *Scale, height, and massing of the proposed development, particularly in the existing context, which is predominantly 2-storey residential development;*
- *Impacts on the visual amenity of the existing neighbouring residential developments and of people travelling on Sandyford Road;*
- *Visual impacts along Sandyford Road;*
- *Appropriateness and quality of the design, detail and finishes."*

View Number	Impact Comment
View 1	Slight and neutral
View 2	Slight and neutral
View 3	Imperceptible
View 4	Moderate and neutral
View 5	Slight and neutral
View 6	Accurate (verifiable) CGI of the proposed development
View 7	Accurate (verifiable) CGI of the proposed development
View 8	Moderate and neutral
View 9	Slight and neutral
View 10	Slight and neutral

Table 2.3: Impact of development as noted in the LVIA based on an assessment of the 10 No. viewpoints

Source: Mitchell + Associates, 2022, as summarised by Thornton O’Connor Town Planning, 2022

Most importantly are the conclusions drawn by Mitchell + Associates:

*"The proposed development represents a relatively large insertion into the existing residential area. Whilst this will potentially impact the greatest number of people travelling along Sandyford Road, it will potentially have the most residual effect on existing occupiers of neighbouring residential properties. However, **the design incorporates many aspects of mitigation** of the potential for high levels of visual impact due to height or massing and **would appear to be successful in appropriately integrating the proposed buildings into their local landscape**. This is so for both users of Sandyford Road and for existing, neighbouring residential occupiers. For both sets of receptors, **the views of the proposed development also reveal a well-conceived and considerably designed scheme which successfully mitigates potential visual impacts.**" [emphasis added]*

2.17 Item No. 17 – Full Response to Comments

An Bord Pleanála stated the following:

"A full response to matters raised within the PA Opinion and Appended Dun Laoghaire Rathdown County Council Department comments submitted to ABP on the 04.11.21."

2.17.1 Applicant's Response

The response to the matters raised in the Council's Report is included in Section 3.0 of this Report.

2.18 Item No. 18 – EIAR and 299B Statement

An Bord Pleanála stated the following:

"Where an EIAR is not being submitted the applicant should submit all necessary information referred to in article 299B(1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018 for the purposes of EIAR screening."

2.18.1 Applicant's Response

A Statement in accordance with Article 299B(1)(b)(ii)(II)(C) of the Planning and Development Regulations 2001 (as amended) has been prepared by Enviroguide Consulting and is included in this planning application pack.

In addition, Enviroguide Consulting has also prepared an *Environmental Impact Assessment Screening Report*, which is included in this planning pack for review.

The Board is respectfully directed to review these documents independently due to their technical nature.

2.19 Item No. 19 – Ecological Impact Assessment

An Bord Pleanála stated the following:

"An up-to-date Ecological Impact Assessment, inclusive of a Bird and Bat Survey."

2.19.1 Applicant's Response

An updated *Ecological Impact Assessment* Report has been prepared by Enviroguide Consulting and is included in this planning application pack.

The Board is respectfully directed to review this document independently due to its technical nature.

2.20 Item No. 20 – Taking in Charge Areas

An Bord Pleanála stated the following:

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

2.20.1 Applicant's Response

It is not intended for Dún Laoghaire Rathdown County Council to take in charge any area of the proposed development. Any portions of the site in the ownership of the Council whereat

works are proposed to facilitate the proposed development will remain in their ownership and charge.

2.21 Item No. 21 – Construction and Demolition Waste Management Plan

An Bord Pleanála stated the following:

"Site Specific Construction and Demolition Waste Management Plan. "

2.21.1 Applicant's Response

Please find AWN Consulting's *Resource & Waste Management Plan* (RWMP) included as part of this planning application. Note that Construction and Demolition Waste Management Plans have been replaced by RWMPs, based on the Environmental Protection Agency's *Best Practice Guidelines for the Preparation of Resource & Waste Management Plans for Construction & Demolition Projects*, published in 2021.

The Council's own *Guidance Notes for Environmental Management of Construction Projects* (published in February 2022) adopts the use and preparation of RWMPs and informed the preparation of the Plan submitted as part of this planning application.

2.22 Item No. 22 – Public Lighting

An Bord Pleanála stated the following:

"Details of public lighting. "

2.22.1 Applicant's Response

Details in relation to public lighting at the proposed development have been prepared by Renaissance Engineering. The design and layout of the fittings has sought to ensure that they do not clash with the proposed landscape plan or water services. In addition, lighting levels have been carefully set to ensure that they are not detrimental to proposed planting or cause caused impacts on bats and other wildlife.

3.0 RESPONSE TO COMMENTS IN DÚN LAOGHAIRE-RATHDOWN COUNTY COUNCIL'S REPORT

As requested by Item No. 17 of the Board's Opinion (above), the following Section provides responses to the main comments of the Council made in their Report at PAC-stage.

3.1 Council Item No. 1 – Separation Distances

"There is a lack of separation distances between the blocks and the adjoining sites. This not only gives rise to overlooking issues but also contributes to the scheme appearing unduly dominant and overbearing in particular when viewed from the north and south of the site. Consequently, further separation distances are recommended."

3.1.1 Applicant's Response

This specific Item was directly responded to by Horan Rainsford Architects in Section 5.1 of their *Architectural Design Statement*, whilst also responding Board Opinion Item No. 6 (above).

The Board and Council are respectfully directed to the Report, as well as Sections 5.2.2 (Height), 5.4 (Residential Amenity and Privacy) and 5.8 (Dwelling Design and Amenity) of the *Planning Report* prepared by Thornton O'Connor Town Planning.

The various assessments and analyses contained therein clearly indicate that adequate separation distances are proposed as part of the development and that its realisation will not be injurious to the residential amenity and privacy of existing or future residents. Amongst other factors, this is reinforced by the absence of material impacts on daylight and sunlight, as detailed in 3D Design Bureau's *Daylight and Sunlight Assessment*.

3.2 Council Item No. 2 – Daylight and Sunlight Assessment

"It is unclear from the daylight, sunlight and shadow report if the existing trees have been included the baseline figures or not. It is also not clear if the proposed tree planting has been included. There appears to be a lack of analysis of the proposed development against the concurrent application for development to the south of the site ("The Pastures, Sandyford Road, Dublin 18' D21A/0595). In addition, the applicant is required to give details on the "Living room, Kitchen, Diner results which fall below 2%."

3.2.1 Applicant's Response

With respect to daylight and sunlight assessments, the Board and Council are directed to the response to Item No. 11 of the Board's Opinion (Section 2.11.1 above) and 3D Design Bureau's *Daylight and Sunlight Assessment*.

Specifically in relation to the items listed in this Council Item:

- The assessment includes the existing trees in the baseline, thereby creating a true and fair reflection of the current state.
- In undertaking the analysis, the proposed development's built-structures and planting were taken factored in.

- The development at The Pastures has been given full consideration – all windows were BRE compliant with respect to Vertical Sky Component, Annual Probable Sunlight Hours and Winter Probable Sunlight Hours.
- 394 No. of the 406 No. studied rooms meet or exceeded the target values for Average Daylight Factor, equivalent to 97%, although this increase to 99% if the lower target value of 1.5% is applied to Living/Kitchen/Dining areas. For the 12 No. rooms that did not meet the target values, the compensatory measures for the various units are listed below.

Compensatory Measures for Units with Rooms that do not Meet the ADF Target Values

Block B, Apartment B1-08, LKD:

This south facing room which overlooks a communal amenity space is capable of receiving sufficient levels of sunlight as indicated in the APSH/WPSH study.

Block B, Apartment B2-10, LKD:

This south facing room which overlooks a communal amenity space is capable of receiving sufficient levels of sunlight as indicated in the APSH/WPSH study.

Block C, Apartment Co-01, LKD:

This is a dual aspect unit that addresses a communal amenity space and is part of a unit that is at least 10% larger than the minimum area required.

Block C, Apartment Co-03, LKD:

This room is part of a dual aspect unit that exceeds the minimum floor space standards. The LKD is ~20% larger than the minimum area required (36.2sqm vs 30sqm).

Block C, Apartment Co-04, LKD:

This room overlooks a communal amenity space and is part of a dual aspect unit that exceeds the minimum floor space standards. The LKD is ~7% larger than the minimum area required (24.7sqm vs 23sqm).

Block C, Apartment Co-05, LKD:

This room addresses a communal amenity space and is part of a dual aspect unit.

Block C, Apartment Co-06, LKD:

This south facing room which overlooks a communal amenity space and is part of a dual aspect unit that exceeds the minimum floor space standards. The LKD is ~6% larger than the minimum area required (31.9sqm vs 30sqm).

Block C, Apartment Co-06, Bedroom 2:

This is south facing room as part of a dual aspect unit that exceeds the minimum floor space standards and faces a communal amenity space. The bedroom is ~15% larger than the minimum area required (13.1sqm vs 11.4sqm).

Block D, Apartment Do-03, LKD:

This room is ~20% larger than the minimum area required (36.1sqm vs 30sqm)

Block D, Apartment Do-04, LKD:

This room is part of a dual aspect unit that exceeds the minimum floor space standards. The LKD is ~20% larger than the minimum area required (36.1sqm vs 30sqm).

Block D, Apartment Do-05, LKD:

This room is ~8% larger than minimum area required (24.8sqm vs 23sqm).

Block D, Apartment Do-07, LKD:

This south facing room which overlooks a communal amenity space is capable of receiving sufficient levels of sunlight as indicated in the APSH/WPSH study. The unit is dual aspect and the LKD is ~18% larger than the minimum area required (35.1sqm vs 30sqm).

3.3 Council Item No. 3 – Height

"Given the lack of separation distances of the blocks from the boundaries the Planning Authority is not in favour of the proposed height of the scheme up 6 storeys. If the blocks were moved further away from the boundaries and or reduced in height, this would help address the concerns raised about the scheme appearing unduly dominant and overbearing."

3.3.1 Applicant's Response

A thorough response to this Item features in Section 5.3 of Horan Rainsford's *Architectural Design Statement* and a robust justification of the proposed is included in Sections 5.2.2 (Height), 5.3 (Density), 5.4 (Residential Amenity and Privacy) and 5.8 (Dwelling Design and Amenity) of the *Planning Report* prepared by Thornton O'Connor Town Planning.

The insights and analyses contained therein firmly assert that the proposed building heights are appropriate for the development. Their realisation by way of a stepped design, distributed block massing and ample separation distances, that increase further from neighbouring lower-rise developments, ensure that the Blocks will not be *"unduly dominant and overbearing"* and result in negative impact on residential amenity.

Given the importance of this Item and the detailed responses prepared, the Board and Council are respectfully directed to the referenced Reports and Sections therein.

3.4 Council Item No. 4 – Density

"The proposed density of 175 units per hectare is notably out of sync with the other existing and emerging densities in the area. This could be addressed by way of a reduction in height of the scheme as suggested above."

3.4.1 Applicant's Response

The proposed development's density, at 165 units per hectare (uph) is a reduction on 175 uph proposed at PAC-stage. This is considered to be an appropriate and sustainable development, that is delivered by way of a high-quality design that respect existing and emerging patterns of development in the area.

The responses below in relation to density are drawn from the Section 5.3 of the *Planning Report* prepared by Thornton O'Connor Town Planning.

The *Dún Laoghaire-Rathdown County Development Plan 2022–2028* recognises the need to increase residential densities as a means through which to secure sustainable development

that more appropriately and efficiently uses existing urban land resources. In this respect, the Development Plan states:

"Density plays an important role in ensuring that the best use is made of land intended for residential development. The Development Plan seeks to maximise the use of zoned and serviced residential land. Consolidation through sustainable higher densities allows for a more compact urban growth that, in turn, more readily supports an integrated public transport system. This together with the '10-minute' neighbourhood concept, has the potential to reduce the urban and carbon footprint of the County."

Specifically, the Council expresses this stance as Policy Objective PHP18 (Residential Density):

"It is a Policy Objective to:

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

However, the Development Plan does not prescribe specific densities (other than a general default minimum of 35 uph) and ultimately states that they will be considered in accordance with *Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities*. These Guidelines discuss densities in relation to development (1) in city and town centres, (2) on brownfield sites (within city or town centres), (3) along public transport corridors, (4) in inner suburban locations and on infill sites, (5) on institutional lands and (6) on outer suburban and greenfield sites. Ultimately, the Guidelines do not set maximum density standards, with minimum ranges (35–50 uph) provided only for development on institutional lands and outer suburban and greenfield sites.

Based on the definitions provided in the Guidelines, the subject site can be considered as being both 'brownfield' (having previously been development for residential uses) and within a public transport corridor (as it is within 500m of bus stop, and although farther than 1 km from a Luas stop, is just a 20-minute walk from same and within the Section 49 LUAS Development Contribution Scheme). Therefore, there is a strong policy base to support a notable residential density at this site.

This is augmented by the National Planning Framework, which recognises the benefit of securing greater densities in existing urban areas to achieve scale, critical mass, vibrancy and a positive shift in infrastructural use:

"Well designed and located higher density housing will assist:

- ***Fast-growing urban areas to achieve much needed scale;***
- *Medium-sized urban areas to find a route to quality in a new competitive framework;*
- ***All urban areas to increase vibrancy and vitality;***

- ***Increased efficiency and sustainability in the use of energy and public infrastructure.” [emphasis added]***

Asserting this as a policy stance, the National Planning Framework includes National Policy Objective 35, which is to:

“Increase residential density 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.” [emphasis added]

Evidently, there is a strong policy base to support the attainment of higher residential densities, even in areas where there may be prevailing low density patterns of development. **Such patterns of development are no longer deemed to be sustainable in many cases, and it is asserted that their presence must not be used as a means to preclude the realisation of taller and more dense developments.**

With 137 No. units proposed across the main residential development site area of 0.829 Ha, the proposal will yield a density of 165 uph. Whilst this is recognised as an increase on the prevailing density locally, it is considered to be a progressive and necessary uplift to ensure a sustainable use of the site. And in many respects, is higher than the surrounding area as a result of the inclusion of the notable quantum of 1-bed and 2-bed units, which a given floor area can accommodate more of by comparison with 3-bed units. These 1-bed and 2-bed units are an important addition to the housing stock available in the area given the historic prevalence of larger 3-bed and 4-bed houses. Furthermore, it supports the NPF’s National Policy Objectives and the ‘Compact Growth’ National Strategic Outcome by delivering housing within the existing built-envelope of the County and wider city region.

As there is proven to be adequate capacity in the local area’s hard infrastructure (roads, public transport and water services) and soft infrastructure (schools, childcare and community and social services), there are no impediments to the proposed residential yield and density.

Ultimately, density is just a ratio of the number of residential units relative to a site area. **Therefore, if the necessary infrastructure can accommodate a given residential yield and density, then the key consideration is how the development delivers the units in terms of the height, bulk, scale and massing of the built-form.** This is of paramount importance, as the physical expression of buildings can then have impacts on daylight and sunlight, overlooking, overbearance and obtusion; a point that the Development Plan makes by way Policy Objective PHP20 (Protection of Existing Residential Amenity):

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

In response to this, it is noted that the Development Plan requires that:

“On all developments with a units per hectare net density greater than 50, the applicant must provide an assessment of how the density, scale, size and proposed building form does not represent over development of the site. The assessment must address how the transition from low density to a higher density scheme is achieved without it being overbearing, intrusive and without negatively impacting on the amenity value of existing dwellings particularly with regard to the proximity of the structures proposed. The

assessment should demonstrate how the proposal respects the form of buildings and landscape around the site's edges and the amenity enjoyed by neighbouring uses."

The referenced 'assessment' is Section 5.0 of the *Planning Report* prepared by Thornton O'Connor Town Planning, and as is thoroughly detailed in Sections 5.2.2 (Height), 5.4 (Residential Amenity and Privacy) and 5.8 (Dwelling Design and Amenity) of that Report and in the Architecture materials prepared by HRA, **the proposed development has been carefully designed to ensure that these negative impacts will not occur.**

Consequently, the proposed density of 165 uph is deemed to be an acceptable and sustainable density at the subject site that will represent an appropriate and necessary uplift in this part of the Council area in accordance with planning policy at national, regional and local levels.

3.5 Council Item No. 5 – Minimum Standards and Communal Space

"In terms of standard of accommodation, the units largely comply with the Apartment Guidelines; however, it is noted that a significant [sic] number of the units are of a size equal to the minimum requirements, which is a concern for the planning authority. Furthermore, it is considered that there is a lack of communal support facilities which given the scheme is a build to rent scheme, the applicant is invited to increase. Clarification is also required on whether these spaces will be open to the public or not. Review of apartment aspects is also recommended."

3.5.1 Applicant's Response

As discussed in response to Board Opinion Item No. 5 (Housing Quality Assessment, Section 2.5.1), a total of 69 No. units (13 No. in Block A, 19 No. in Block B, 23 No. in Block C and 14 No. in Block D) exceed the minimum floor space standards by at least 10%. This exceeds 50% of total units. Please refer to Horan Rainsford Architects' HQA.

As the development is no longer proposed as a build-to-rent residential development it is not necessary to comply with Specific Planning Policy Requirement 7(b) of the *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*. Notwithstanding this observation, please refer to Section 2.15.1 of this Report for summary details of the Applicant's intention to still include communal amenity and support facilities for residents.

3.6 Council Item No. 6 – Childcare

"The proposed development does not include a creche. The applicant's childcare assessment predicts a low demand for creche spaces and envisages that any demand will be catered for locally. This outcome appears out of sync with other childcare assessments carried out nearby (as part of the SHD process) and the applicant is invited to review their assessment in light of this."

3.6.1 Applicant's Response

In response to this Item, An Bord Pleanála and Dún Laoghaire-Rathdown County Council are directed to the response given to Item 14 of the Board's Opinion (Section 2.14 above) in the first instance, although additional commentary is provided below also.

As the *Childcare Demand Assessment* illustrated, the expected demand for childcare places generated by the proposed development would be expected as approximately 6–10 No. This is considered to be significantly less of a demand than could be used to feasibly or viably deliver or operate a childcare facility as part of the proposed development. In fact, including a childcare facility and its associated requirements (outdoor play, additional car parking and set down) would likely reduce the scale of the residential component to such an extent that childcare facilities would not need to be considered (i.e. less than 75 No. 2-bed or larger units). Therefore, given the limited expected demand, it is firmly asserted that obligating the Applicant to include a childcare facility as part of the development would be onerous and stymie much needed housing delivery.

In addition, adequate existing and forthcoming childcare facilities were identified by KPMG Future Analytics. These will have adequate capacity to accommodate existing and future population growth that will arise as a result of the completion of the proposed development and others that are also proposed or under construction.

Finally, it should be noted that the location of the subject site is not considered to be an appropriate location for a childcare facility given its frontage along a regional road and its position outside an existing village/town centre or neighbourhood centre location where clustering of services and amenities is a more sustainable solution to reduce trip numbers and distances.

3.7 Council Item No. 7 – Schools

"The view that existing schools will cater for future pupils along with new schools located outside the sites/catchment area is not considered a satisfactory response and the applicant is recommended to consider this issue further. In particular noting other recent developments in the area."

3.7.1 Applicant's Response

In response to this Item, An Bord Pleanála and Dún Laoghaire-Rathdown County Council are directed to the response prepared by KPMG Future Analytics in their *Social Infrastructure Audit* (SIA). Several key observations are made in relation to this:

- The *Social Infrastructure Audit* includes a detailed Schools Demand Assessment that includes a demographic profile, takes into consideration the demand for school places that might be generated by the development, analyses population and enrolment projections, reviews existing enrolments and school capacity and accounts for new school development/expansions.
- Specific Local Objective (SLO) 112 (Map 6 – Sandymount Foxrock) of the *Dún Laoghaire-Rathdown County Development Plan 2016–2022* set out the objective to provide for primary and post primary education facilities at Legionaries of Christ lands and at Stillorgan Industrial Estate / Benildus Avenue. This objective was not completed under the old Development Plan and so has been included within the new *Dún Laoghaire-Rathdown County Development Plan 2022–2028* under SLO 51.
- Additional school upgrades are currently underway, including those at Ballinteer Educate Together National School and Stepside Educate Together National School.
- The SIA remarks that Section 4.2.1.6 of the *Dún Laoghaire-Rathdown County Development Plan 2022–2028* states that *"the provision of new schools should be driven from an integrated approach between the planning functions of the Planning*

Authority and the Department of Education. “KPMG Future Analytics firmly assert that *“the delivery of new schools lies with the Planning Authority and the Department of Education and it is not the place of a modest apartment development to dictate the delivery of new schools.”*

- Based on the survey of existing schools, the SIA concluded that there was already adequate capacity in the network to accommodate the demand that might be generated by the proposed development.
- In terms of primary school enrolments, the SIA drew from Department of Education and Skills projections that these peaked in 2020 and are expected to continue falling in the coming years. With respect to post-primary school enrolments, the SIA also drew from Department of Education and Skills projections, which indicate that enrolments will continue to rise in the short-term, but are expected to fall away from circa 2024/2025, within a short period after the development is first occupied. **Therefore, overall demand for school places will actually reduce by the time the development is occupied, resulting in increased capacity to accommodate new population.**

3.8 Council Item No. 8 – Open Space and Trees

“The issue of compliance [sic] with open space requirements [sic] requires further investigation and/or amendments. Also, the removal nearly all the trees on site is considered problematic. Furthermore, the replacements tree planting scheme does not address this loss in any meaningful way. The applicant is requested to submit a revised landscaping and tree planting plan. This may result in design changes to the blocks.”

3.8.1 Applicant’s Response

With respect to compliance with open space requirements, the Board and Council are directed to the response to Item No. 9 of the Board’s Opinion (Section 2.9.1 above).

In response to this Item, the Board and the Council are directed to the Arboriculture and Landscape Architecture materials prepared by The Tree File and Murphy + Sheanon respectively. Whilst almost all trees at the subject site are to be removed in a rationalisation of the area, they are considered to be of limited value and a substantial tree planting regimen is proposed that includes some 134 No. new trees. The Arboriculture materials indicate that the long-term sustainability of many of the existing trees and other vegetation is questionable, with no real features of note. It is asserted herein that simply because there are a series of existing trees and other plants on-site, their presence should not preclude its redevelopment.

3.9 Council Item No. 9 – Parking and Pedestrian Connectivity

“In addition to an increase in car parking and cycle parking spaces, the applicant is requested to give further details on the 2 no. pedestrian access points and the lack of pedestrian access into Coolkill to the north. Such access would greatly improve permeability.”

3.9.1 Applicant’s Response

With respect to car parking, the total provision has increased from 131 No. spaces for 147 No. units as proposed at PAC-stage, to 137 No. spaces for 137 No. units as part of this planning

application. This equates to a parking ratio of 1.0, or an 'effective' car parking ratio of approximately 1.6 when the 6 No. car share spaces are taken into consideration. Informed by the provisions of the *Dún Laoghaire-Rathdown County Development Plan 2022–2028* and *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*, this is considered to be both an appropriate and acceptable rate of car parking provision. A full assessment and justification of the car parking proposal is detailed in the *Planning Report* prepared by Thornton O'Connor Town Planning.

In terms of cycle parking, although the total provision has decreased between the PAC-stage and this planning application (356 No. to 340 No.), the total number of apartment units has also decreased. The ratio of 2.42 No. cycle spaces per apartment has increased to 2.48 No. cycle spaces per apartment. The provision of 340 No. spaces exceeds the minimum standards set by both the *Dún Laoghaire-Rathdown County Development Plan 2022–2028* and *Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*. Please refer for the detailed assessment in the *Planning Report* prepared by Thornton O'Connor Town Planning.

In response to this Item, the Board and Council are directed to the Landscape Architecture materials prepared by Murphy + Sheanon and enclosed as part of this planning application pack. The 4 No. 'minor' entrances to the development are intended for pedestrian and cycle access. The 2 No. wider of these entrances have been bollarded to prevent vehicles from accidentally entering the development via them.

A connection is proposed to the north-west of the development site to the existing cul-de-sac beside the Cul Cuille development.

3.10 Council Item No. 10 – Water Services

"Drainage issues are outlined in the Drainage Report."

3.10.1 Applicant's Response

The Board and Council are respectfully directed to the *Engineering Services Report* prepared by Torque Consulting Engineers for a response to this Item.

3.11 Council Item No. 11 – Part V

"Housing issues including part V matters are outlined in the Housing Report."

3.11.1 Applicant's Response

Following liaison with the Housing Department of Dún Laoghaire-Rathdown County Council, a provisional agreement in principle for the Council to acquire all 13 No. units in Block A (Table 2.4). As this equates to 9.5% of units, rather than the 10% minimum, it was noted that a "financial adjustment" may be required.

Full details of the proposed Part V units are included in the Architectural Drawings prepared by Horan Rainsford Architects and enclosed costings prepared by Mitchell McDermott.

Floor	1-bed	2-bed (3-person)	2-bed (4-person)	3-bed	Total
Third	1	0	1	0	2
Second	2	0	1	0	3
First	1	0	1	1	3
Upper Ground	1	0	1	1	3
Lower Ground	0	0	1	1	2
Total	5	0	5	3	13

Table 2.4: Proposed Part V units

Source: Thornton O'Connor Town Planning, 2022

3.12 Council Item No. 12 – Taking in Charge

"The Applicant is requested to confirm whether or not is it the intention that the proposed development, once constructed in accordance with the Council's Taking in Charge Policy, would be taken in charge by Dún Laoghaire Rathdown County Council."

3.12.1 Applicant's Response

Please refer to the response to the Board Opinion's Item No. 20, set out in Section 2.20.1 of this Report.

3.13 Council Item No. 13 – Lighting Plan

"The applicant is advised to submit a lighting plan with any application. The applicant should ensure that the location of proposed trees should be considered during the design process to ensure that they do not block light and cause excessive shadowing."

3.13.1 Applicant's Response

Please refer to the response to the Board Opinion's Item No. 22, set out in Section 2.22.1 of this Report.

3.14 Additional Departmental Comments

Comments provided by the **Drainage Planning Section** have been responded to by Torque Consulting Engineers in their *Engineering Services Report*.

Comments provided by the **Transportation Planning Section** have been responded to by NRB Consulting Engineers in their *Transportation Assessment Report*.

Comments with respect to **Waste Management Services** are responded to within AWN Consulting's *Construction and Environmental Management Plan, Resource Waste Management Plan* and *Operational Waste Management Plan*.

Comments in relation to **Housing Department** and Part V have been responded to in Section 3.11 of this Report and per the costings and Part V floor plans prepared by Horan Rainsford Architects.

Comments from Parks and Landscape Services in the **Environment Department** have been responded to in the Arboriculture materials prepared by The Tree File and the Landscape Architecture materials prepared by Murphy + Sheanon.

4.0 STATUTORY CONSULTEES

As requested, the Applicant has issued a copy of the application documentation to the following Statutory Consultees:

1. Irish Water
2. National Transport Authority (NTA)
3. Transport Infrastructure Ireland (TII)
4. Dun Laoghaire Rathdown County Childcare Committee

5.0 CONCLUSION

It is our professional planning opinion that the aforementioned responses with the supporting technical reports address the specific items raised in An Bord Pleanála's Opinion and the comment set out by Dún Laoghaire-Rathdown County Council.

We trust that this document fully responds to all of the points raised and submit that the proposed development represents the proper planning and sustainable development of this currently underutilised site.

Yours faithfully,

A handwritten signature in black ink that reads "Patricia Thornton".

Patricia Thornton
Director
Thornton O'Connor Town Planning

