

**Statement of Response to ABP's Opinion
in relation to Reg. Ref.: ABP-303962-19**

In respect of

Proposed Apartment Development

at

**Churchview Road and Church Road,
Killiney, Co Dublin**

Prepared by

John Spain Associates

On behalf of

Strand Court Limited

1st July 2019

 **John Spain Associates**
Planning & Development Consultants
Chartered Town Planners & Chartered Surveyors

39 Fitzwilliam Place, Dublin 2
Telephone: (01) 662 5803
E-mail info@johnspainassociates

1.0 INTRODUCTION

- 1.1 The pre-application consultation opinion from An Bord Pleanála (ABP) in relation to a proposed strategic housing development at Churchview Road and Church Road, Killiney, Co. Dublin, was received on the 16th of May 2019, under case reference: ABP-303962-19.
- 1.2 The Opinion states that An Bord Pleanála '*has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the planning authority, is of the opinion that the documents submitted with the request to enter into consultations **constitute a reasonable basis for an application for strategic housing development***' (Emphasis added).
- 1.3 The Opinion further states that, pursuant to Article 285(5)(b) of the Planning & Development (Strategic Housing Development) Regulation 2017, the prospective applicant is notified that 15 no. items of specific information should be submitted with any application for permission. Section 2 below sets out each of these items and summarises how they have been addressed in the final application submitted for approval, with reference to the relevant accompanying documents submitted with the application.

2.0 STATEMENT OF RESPONSE TO SPECIFIC INFORMATION REQUIRED

- 2.1 The following sets out how the applicant has addressed the Board's request for additional specific information in respect of the proposed development.

Item No.1 – Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, a rationale for proposed building height with regard to the Building Height Strategy set out as Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Developments and Building Height Guidelines for Planning Authorities 2018.

Response

- 2.2 The following provides a summary response of the rationale for the proposed building heights, which is addressed in greater detail in Section 7 of the Planning Report and Statement of Consistency and in the Architect's Statement of Response brochure.
- 2.3 As set out in Section 7 of the Planning Report and Statement of Consistency, the Building Height Strategy, included as Appendix 9 of the County Development Plan, provides for increased heights at suitable locations based on the context and size of the site and the need to have regard to the character of the surrounding area and the living condition of residents.
- 2.4 The Planning Authority acknowledged in the context of the above, the suitability of the site to cater for a part 3-4 storey and part 6-7 storey building with the taller elements located centrally within the site, i.e. away from low-rise neighbouring properties, and providing the opportunity for a landmark / gateway element onto Church Road and the Graduate Roundabout.
- 2.5 Section 4.8.1 of DLRCC's adopted Building Height Strategy (Appendix 9 of the County Development Plan) sets out the Upward Modifiers that could be applied to justify greater height in particular locations. These largely relate to good urban design, proximity to public transport nodes and specific site characteristics.

- 2.6 The Building Height Strategy states that *'the presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be one floor or possibly two'*. The Building Height Strategy also advises that building heights may be increased at suitable locations depending on the context of the site and the need to have regard to the character of the surrounding area and the living condition of residents and specifically states that *'the size of a site, e.g. 0.5ha or more, could set its own context for development and may have potential for greater building height away from boundaries with existing residential development.'*
- 2.7 Having regard to the location of the subject site adjacent to high frequency public transport and Proposed Quality Bus / Bus Priority Routes on both Church Road and Churchview Road, its location adjacent to a Neighbourhood Centre and the size of the site at c. 1.5 ha, it is submitted that the proposals for 3 to 4 storeys along the site boundaries, extending to 6 to 7 storeys centrally within the site is an appropriate building height solution for this location.
- 2.8 As illustrated in the application documentation, the proposed development is substantially 3 to 6 storeys, however, due to the existing site levels the height of the development extends to 7 storeys on the western boundary. The building heights are considered appropriate having regard to the context criteria allowed for under the Building Height Strategy document.
- 2.9 We also note that building height guidance set out in the Development Plan is now superseded by the Urban Development and Building Height Guidelines 2018 discussed below. In addition, to the proposed heights being consistent with Appendix 9 of the CDP, it is also demonstrated how the proposed 3 – 4 and 6 – 7 storey development on the subject site is consistent with the recommendations of the Building Height Guidelines.
- 2.10 The Urban Development and Building Height Guidelines 2018 are intended to set out national planning policy guidelines on building heights in urban areas in response to specific policy objectives set out in the National Planning Framework and Project Ireland 2040. Under Section 28 (1C) of the Planning and Development Act 2000 (as amended), Planning Authorities and An Bord Pleanála will be required to have regard to the guidelines and apply any specific planning policy requirements (SPPR's) of the guidelines in carrying out their function.
- 2.11 The Guidelines place significant emphasis on promoting development within the existing urban footprint utilising the existing sustainable mobility corridors and networks:
- 'In order to optimise the effectiveness of this investment in terms of improved and more sustainable mobility choices and enhanced opportunities and choices in access to housing, jobs, community and social infrastructure, development plans **must actively plan for and bring about increased density and height of development within the footprint of our developing sustainable mobility corridors and networks'** (emphasis added).*
- 2.12 The Guidelines also state that *'the preparation of development plans, local areas plans, and Strategic Development Zone Planning Schemes and their implementation in the city, metropolitan and wider urban areas must therefore become more proactive and **more flexible in securing compact urban growth through a combination of both facilitating increased densities and building heights'** (emphasis added).*

2.13 SPPR 1 states the following:

'In accordance with Government policy to support increased building height in location with good public transport accessibility, particularly town / city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height'.

2.14 The proposed development is located at a strategic location on zoned residential lands adjacent to high frequency public transport and a Neighbourhood Centre and Proposed Quality Bus / Bus Priority Routes. The proposed development therefore represents an opportunity to provide for increased building heights and densities.

2.15 The Guidelines set out a number of criteria for the assessment of increased building heights, at the scale of the relevant city / town, at the scale of district / neighbourhood / street and at the scale of site/ building. Subject to meeting with the relevant criteria the guidelines state that the planning authority shall apply SPPR3 under Section 28 of the Planning and Development Act.

2.16 SPPR3 states the following:

'It is a specific planning policy requirement that where:

(A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and

2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise'.

2.17 We have set out above, and demonstrated in accompanying reports, how the proposal is considered to be consistent with Appendix 9 – Building Height Strategy of the CDP. This position was accepted by the Planning Authority at SHD pre-application stage. However, in light of the Board's request above and in accordance with Part (A) of SPPR3, we also seek to demonstrate to the Board that the proposal complies with the relevant criteria set out below, should the Board consider the proposal to be conflicting with development plan policies on building height.

Assessment under SPPR3

2.18 Section 3.2 of the guideline states that in the event of making a planning application, the applicant shall demonstrate to the satisfaction of the Planning Authority/ An Bord Pleanála, that the proposed development satisfies the development management criteria, as required under SPPR3. Compliance with the relevant criteria is discussed below under the relevant headings provided in the Urban Development and Building Height Guidelines 2018.

At the scale of the relevant city/town:

- *“The site is well served by public transport with high capacity, frequent service and good links to other modes of public transport.*
- *Development proposals incorporating increased building height, including proposals within architecturally sensitive areas, should successfully integrate into/enhance the character and public realm of the area, having regard to topography, its cultural context, setting of key landmarks, protection of key views. Such development proposals shall undertake a landscape and visual assessment, by a suitably qualified practitioner such as a chartered landscape architect.*
- *On larger urban redevelopment sites, proposed developments should make a positive contribution to place-making, incorporating new streets and public spaces, using massing and height to achieve the required densities but with sufficient variety in scale and form to respond to the scale of adjoining developments and create visual interest in the streetscape”.*

- 2.19 The proposed site is located in an urban area which is located on a high frequency public transport corridor, which is well served by several bus routes (7, 7a, 7b, 45a and 111) operating at frequencies of between 7 and 10 minutes during peak hour and 15 to 20 minutes thereafter, which provides connections to the DART and Luas, to the city centre and to Bride’s Glen to the south.
- 2.20 The taller gateway elements are located to respond to key vistas along Church Road and Thomastown Link Road and are located adjacent to the central open space. The apartment blocks step down to 3/4 storeys to respond to the residential properties to the north and south of the site and integrate sensitively into the existing neighbourhood and surrounding context, as illustrated in the accompanying sections and photomontages.
- 2.21 The application is accompanied by an Architect’s Design Statement, a Visual Impact Report and Photomontages which demonstrate the how the proposed development will successfully integrate into and enhance the character of the area.

At the scale of district/ neighbourhood / street

- *“The proposal responds to its overall natural and built environment and makes a positive contribution to the urban neighbourhood and streetscape*
 - *The proposal avoids long, uninterrupted walls of building in the form of perimeter blocks or slab blocks with materials / building fabric well considered.*
 - *The proposal enhances the urban design context for public spaces and key thoroughfares and inland waterway/ marine frontage, thereby enabling additional height in development form to be favourably considered in terms of enhancing a sense of scale and enclosure while being in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009).*
 - *The proposal makes a positive contribution to the improvement of legibility through the site or wider urban area within which the development is situated and integrates in a cohesive manner”.*
- 2.22 The proposed development ranges in height from 3 no. storeys to 7 no. storeys. The range in building heights takes account of the surrounding context of development. The proposal provides 3-4 storey blocks at podium level which step down towards the neighbouring residences. 6-7 storey blocks including lower ground/undercroft basement run along the central spine of the site, making use of the mature stands of trees as a backdrop.

- 2.23 The articulation of the tiered blocks creates a solid base of brick and is punctuated with recessed balconies and brick piers, bringing depth and variation to the facade and breaking up the overall massing of the blocks. In order to reduce the mass at the upper levels, the fourth and fifth floors pull back from both the northern and southern facades, and partially from the east and west, giving relief to the primary elevations and bringing additional depth by maintaining the framed structure to the terraces.
- 2.24 The elevation strategy as outlined in the accompanying Architectural Design Statement aims to negotiate the topography, allowing the apartment blocks to present a lower, active edge to Church Road while maximising the potential for height and density centrally within the site.
- 2.25 The materials of brick, stone, and glazing bring texture with elements of framing and recessing bringing character and form to the scheme

At the scale of the site/building

- *“The form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views and minimise overshadowing and loss of light.*
 - *Appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the Building Research Establishment’s ‘Site Layout Planning for Daylight and Sunlight’ (2nd edition) or BS 8206-2: 2008 – ‘Lighting for Buildings – Part 2: Code of Practice for Daylighting’.*
 - *Where a proposal may not be able to fully meet all the requirements of the daylight provisions above, this must be clearly identified and a rationale for any alternative, compensatory design solutions must be set out, in respect of which the planning authority or An Bord Pleanála should apply their discretion, having regard to local factors including specific site constraints and the balancing of that assessment against the desirability of achieving wider planning objectives. Such objectives might include securing comprehensive urban regeneration and or an effective urban design and streetscape solution”.*
- 2.26 A Daylight and Sunlight Assessment prepared by Digital Dimensions has been included in the planning application. The report assesses the daylight levels within the proposed residential units, private and shared open space, and in public areas within the development, and also considers the potential overshadowing impacts on adjoining residential areas.
- 2.27 In relation to potential daylight and sunlight impact from the proposed development on the surrounding properties, the assessment finds that the proposed development meets the recommendations of the BRE guidelines and *‘that there will be no impact as a result of the proposed development to either sunlight or daylight availability to the surrounding properties’.*
- 2.28 The relevant conclusions in the report state in respect to the proposed residential units within the development that *‘all the rooms tested exceed the Minimum Daylight Factor for that use and indicate the rooms will receive ample daylight. While the VSC to some bedrooms are low they still meet the recommendations of the guidelines with the design measures taken. All the living spaces and bedrooms exceed the recommendations of the BRE Guidelines and BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting’.*

2.29 The report includes an assessment of the private amenity space which consists of three separate spaces. The report concludes that the proposed amenity areas meet the recommendations of the BRE Guidelines.

2.30 Thus, it is respectfully submitted that the scheme satisfied the requirement of the 2018 Apartment Guidelines in respect to daylight and sunlight provision which reads as follows:

'The provision of reasonable levels of natural light in new apartment developments is an important planning consideration as it contributes to the liveability and amenity enjoyed by residents. In assessing development proposals, planning authorities must however weigh up the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development'.

2.31 It is considered having regard to the above that the proposal is able to fully meet all the requirements of the daylight provisions set out under the 'Development Management Criteria' associated with SPPR3, and no alternative, compensatory design solutions are required.

Conclusion

2.32 The proposed apartment blocks range in height from 3 to 7 storeys, including lower ground floor / basement level, on a site area of c. 1.5 hectare and the taller elements of the scheme are located centrally within the site. The proposals are therefore considered to accord with the Building Height Strategy of the CDP.

2.33 The site is located adjacent to high quality public transport. From the above analysis, it is submitted that the proposal meets the criteria for higher buildings as set out within the Building Height Guidelines. The site is well suited to absorb a high-density development which is appropriately scaled and designed in the context of its urban surroundings, whilst introducing an element of increased building height through taller gateway elements which are located to respond to key vistas along Church Road and Thomastown Link Road.

2.34 It is respectfully submitted therefore, that this planning application, particularly through the Design Statement, Visual Impact Assessment, Photomontages, Daylight and Sunlight Assessment and Wind Study, demonstrates that the proposed development is appropriate for the subject site in the context of building heights and satisfies the relevant criteria in the Guidelines as required by SPPR3.

Item No.2 – Photomontages, contextual elevations, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area and adjacent residential properties.

2.35 Please refer to the accompanying photomontages, contextual elevations, cross sections, visual impact assessment, daylight and shadow analysis and landscaping details which demonstrate the potential impacts on visual and residential amenities.

2.36 Please refer in particular to views 9, 11, 12 and 13 and corresponding photomontages from the Visual Impact Assessment for potential impacts on visual and residential amenities of the adjacent residential properties. Please also refer to the following OMP drawings for illustration of the appropriateness of the proposed scheme in the context of neighbouring properties:

- Drawing No. 1825-OMP-00-XX-DR-A-2100 - Site Context Sections 01;
 - Drawing No. 1825-OMP-00-XX-DR-A-2101 - Site Context Sections 02;
 - Drawing No. 1825-OMP-XX-XX-DR-A-2110 - Boundary Sections 01; and
 - Drawing No. 1825-OMP-XX-XX-DR-A-2111 - Boundary Sections 02.
- 2.37 In relation to visual amenity, DLRCC confirmed in subsequent email correspondence that the revised proposals for the upper levels incorporating modifications to the overall finish and look of the building addressed their concerns regarding the 'commercial' appearance of the upper levels. DLRCC also noted that the modification helped to create a balance of materials between the lower and penthouse levels, which was considered acceptable in principle and in accordance with the applicant's overall concept and vision for the proposed development at this prominent location.
- 2.38 A Daylight and Sunlight Impact Assessment of the proposed development has been undertaken by Digital Dimensions and accompanies this planning application. In relation to overshadowing the report concludes that there will be no additional shading on the ground at the adjoining residential areas.
- 2.39 In relation to residential amenity ARUP were engaged by the applicant to advise the design team on the site layout and building design to avoid adverse wind impacts. This planning application is accompanied by a Wind Microclimate Study report which outlines the studies undertaken, the mitigation measures incorporated by OMP and BSM into the scheme design to address potential wind impacts and provides an assessment of the final proposals. The Wind Microclimate Study report concludes that major adverse wind effects are not expected for the following reasons, as set out in the conclusions section of the Report:
- *'The proposed provision of landscaping along its boundaries will be beneficial in disrupting the oncoming wind and providing areas of localised shelter.*
 - *The proposed main entrances situated towards the centre of the blocks is beneficial. Their position ensures that pedestrians can safely enter and exit the offices without encountering high speed winds.*
 - *In general, the proposed walkways and thoroughfares are aligned between the blocks, which is helpful in guiding pedestrians away from the higher speed winds at corners.*
 - *The proposed provision of soft landscaping at corners is beneficial as it can shelter pedestrians from the higher speed winds at corners.*
 - *The retention of 15m tall mature trees in between the two blocks is beneficial as they are similar in size and scale to the taller elements (i.e. 6 / 7 storey blocks) and will help obstruct and dissipate the winds passing between the blocks.'*
- Item No.3 - Cross sections to indicate levels of adjacent public roads and residential properties, access roads and open spaces within the proposed development and the basement / undercroft car park.**
- 2.40 Please refer to the accompanying Site Layout Plan, Sections and Context Sections and Statement of Response Brochure prepared by OMP which illustrate the proposed levels and relationship of the development site relative to adjoining lands, residential properties and public roads. Please also refer to the accompanying OMP Drawing No.1825-OMP-00-ST-DR-A-1001 (Site Survey Plan) for details of the existing site levels.
- 2.41 The drawings referenced in the preceding section above provide details of the relationship between and levels of the proposed development and all adjacent residential properties.

- 2.42 Please also refer to BSM Drawing No. 304 - Boundary Sections & Details for cross sections detailing the levels of adjacent residential properties at Fairhaven, Borrmount and Beechfield.

Item No.4 – Contour / site level map accurately and legibly showing levels across the site.

- 2.43 Please refer to the accompanying DBFL Existing Site Survey drawing, OMP Drawing No.1825-OMP-00-ST-DR-A-1001 (Site Survey Plan), Sections and Context Sections and Statement of Response Brochure prepared by OMP which illustrate the proposed levels of the site and relationship of the development site relative to adjoining lands.

Item No.5 - A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed, to include consideration of the frontages of the scheme to Church Road, also the partial retention of the townland boundary at the site. Additional cross sections, CGI's and visualisations should be included in this regard.

- 2.44 Please refer to the accompanying detailed landscaping plan prepared by BSM Landscape Architects (Drawing No. 302 - Overall Landscape Plan), and associated drawings, which sets out the landscaping proposals including the provision of a wide variety of new tree, shrub and herbaceous planting throughout, and the retention of the existing off-site mature beech hedgerow on the northern and north-western boundaries of the site and a Monterey Pine Tree.
- 2.45 BSM Drawing No. 303 External Boundary Treatment Plan and BSM Drawing No. 307 Landscape Details - Existing Wall and Existing Entrances provide further detail in relation to the treatments to Church Road. This includes 4 no. designed pedestrian entrances (including 1 for the proposed creche) from Church Road to the site providing ample pedestrian permeability and includes detailed information regarding the selected removal of existing trees to facilitate the development and to avoid tree impact on the structural integrity of the wall. Finally the drawings also include information on the new tree planting and management measures to be implemented to maintain the character of tree belt.
- 2.46 The landscape plan also details the retention of the existing granite wall boundary along Church Road and the partial retention of the townland boundary wall located centrally within the site with pedestrian access points provided through the wall. Please refer to BSM Drawing No. 307 - Landscape Details - Existing Wall and Existing Entrances which sets out the proposals for the partial retention of the townland boundary at the site.
- 2.47 The landscape plan also illustrates the landscaped courtyards to be incorporated at podium level within each block will include play facilities including play for small children and natural play area.
- 2.48 In relation to the drawing requirements indicated, please refer to BSM Drawing No. 304 - Boundary Sections & Details, BSM Drawing No. 306 - Landscape Podium Sections and BSM Drawing No. 307 Landscape Details - Existing Wall and Existing Entrances.
- 2.49 The photomontage brochure and Architect's Design Statement provide further visualisations of the scheme to demonstrate the quality of the proposed architecture and landscaping proposals.

Item No.6 - Rationale for proposed play area provision with regard to relevant development plan policy.

- 2.50 Please refer to BSM Drawing No. 308 Play Details and the accompanying Landscape Design Rationale Report for details of and rationale for the proposed play area provision.
- 2.51 The Landscape Design Rationale Report states that *'the design of play facilities has had regard to Sections 8.2.8.3 & 8.2.8.5 of Dun Laoghaire Rathdown Development Plan. Play facilities will be supplied and installed to BS EN 1176 & and EN 1177 and will be subject to RoSPA certification.'*
- 2.52 The proposals include provision of a range of formal and natural play opportunities within the sylvan setting of the central open space, communal amenity space in the form of 2 accessible central courtyards which provide a range of play opportunities for younger children and an area of external space for the proposed crèche.
- 2.53 The play area within the central open space includes the following proposed play opportunities/installations:
- 'Tiboo' Climbing Frame;
 - Springers;
 - Climbing and Balancing trails;
 - Timber Logs;
 - Play Mounding with Sensory Ornamental Planting; and,
 - Wicker Play Tunnel
- 2.54 The natural play areas in the courtyards of Block A and Block B include the following as set out in BSM Drawing No. 308 Play Details:
- Grass Amenity/Kickabout Space;
 - Springers;
 - Climbing and Balancing trails;
 - Timber Logs; and
 - Play Mounding with Sensory Ornamental Planting.

Item No.7 - Tree Survey, Arboricultural Impact Assessment and details of measures to protect trees and hedgerows to be retained at the site.

- 2.55 Please refer to the accompanying Tree Survey drawing, the Tree Survey, Arboricultural Impact Assessment and Arboricultural Method Statement Report prepared by Arborist Associates, and the Tree Retention, Removal and Protection Plan prepared by BSM which include details of measures to protect trees and hedgerows to be retained at the site.
- 2.56 There is one Category A tree, a mature Monterey Pine, which will be retained as a feature specimen tree. It is also proposed to retain a significant number of the trees within the central tree belt along the townland boundary wall. This includes the majority of Category B trees in this area. The proposed retention of trees helps to maintain the existing character of the site and residential amenity in the wider area.
- 2.57 A tree protection fence shall be erected along trees to be retained works prior to commencement of works other than tree removal/surgery. The fence shall be erected and maintained in accordance with BS 5839:2012, generally as proposed on the Tree

Retention, Protection and Removal Plan (BSM Drawing No. 6657-301) or as otherwise agreed on site with the Project Arborist.

Item No.8 - A site plan allowing for connectivity with adjoining lands, which includes for footpaths continuing up to the relevant boundaries.

- 2.58 Please refer to OMP Drawing No. 1825-OMP-GF-ST-DR-A-1010 (Site Layout Plan Ground Floor) and BSM Drawing No. 302 - Overall Landscape Plan for details of connectivity with adjoining lands include the Church / Parish lands to the west, Churchview Road and Church Road. The proposals include for footpaths/ connections continuing up to the site boundary, ensuring there will be no ransom strips created. A taking in charge drawing prepared by OMP is also included, indicating that the Planning Authority can take in charge the access road up to the point where access to the Church / Parish lands to the west is proposed. This provides certainty in respect to future access to these adjoining lands.
- 2.59 Please refer also to DBFL Drawing No.180153-1010 (Site Accessibility & Circulation) and DBFL Drawing No.180153-1000 which illustrate the site accessibility and pedestrian connectivity internally and in the immediate site context and accessibility and connectivity in the wider site context in relation to public amenities and transport.

Item No.9 - Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development. The analysis should also consider potential overshadowing impacts on adjoining residential areas.

- 2.60 A Daylight and Sunlight Impact Assessment of the proposed development has been undertaken by Digital Dimensions and accompanies this planning application.
- 2.61 In relation to overshadowing the report concludes that there will be no additional shading on the ground at the adjoining residential areas.
- 2.62 In relation to sunlight to neighbouring gardens and open spaces the analysis indicates there will be no reduction in the available sunlight to the neighbouring gardens to the north. The assessment also notes that the analysis is carried out without any trees or vegetation and if the vegetation were to be considered any possible reduction would be less
- 2.63 In relation to the proposed residential units the report concludes that all of the rooms tested exceed the Minimum Daylight Factor for that use and indicate the rooms will receive ample daylight. All the living spaces and bedrooms exceed the recommendations of the BRE Guidelines and BS8208 Part 2:2008 Lighting for Buildings, Code of Practice for Daylighting.
- 2.64 In relation to the proposed amenity areas/public areas the report concludes that the average hourly sunlight levels exceed the recommendations of the BRE Guidelines with all amenity areas receiving in excess of 2 hours sunlight over 50% of the amenity. The proposed amenity areas therefore meet the recommendations of the BRE Guidelines.

- 2.65 The assessment concludes that there will be no impact as a result of the proposed development to either sunlight or daylight availability to the surrounding properties. The proposed development meets the recommendations of the BRE guidelines.

Item No.10 - A site layout plan showing which, if any, areas are to be taken in charge by the planning authority

- 2.66 A Taken in Charge Plan has been prepared by OMP and included in this planning application. The Taken in Charge Plan (OMP Drawing No.1825-OMP-00-ST-DR-A-1003) illustrates the section of the internal access road to be taken in charge by the planning authority to allow for the future access to the parish lands to the west for future development. Otherwise this will be a privately managed apartment development. The design of the proposed access road has had regard to the council's taken in charge standards.

Item No.11 - Details of proposed works to the public realm at the Churchview Road / Fairhaven access and at the pedestrian connections to Church Road, to include consent from relevant landowners where necessary.

- 2.67 Letters of consent have been included from Dun Laoghaire Rathdown County Council and from Mr. Thomas Day and the proposed works are illustrated on the accompanying Site Layout Plan prepared by OMP (Drawing No. OMP 825-OMP-GF-ST-DR-A-1010) and on DBFL Drawing No. 180153-9042 (Extent of Works Outside Proposed Site Boundary).
- 2.68 The inclusion of part of the public road on Churchview Road is required to deliver minor road improvements and service connections adjacent to the application site. The service connection works relate to connections to the foul sewer outfall and surface water sewer outfall from the proposed development on the application site. The road improvements relate to road markings and adjustments to kerbs and access area at the entrance to site. The Planning Authority have provided a letter of consent for the proposed works and have confirmed that the Council has the necessary powers to facilitate the proposed works subject to a road opening licence from Roads and Transportation Department once planning permission is granted.
- 2.69 The inclusion of lands owned by Mr. Thomas Day at Fairhaven are required to facilitate site access and the provision of suitable boundary treatments at the interface between the existing residential development at Fairhaven and the proposed SHD.
- 2.70 Please refer to BSM Drawing No. 303A - Boundary Treatment Plan Fairhaven for details of the proposed works at the Churchview Road / Fairhaven access which include a proposed new granite stone wall and railing at the entrance to Fairhaven, the removal of an existing section of wall and the relocation of the existing piers.
- 2.71 No improvement works are required on Church Road to facilitate the proposed pedestrian connections, which utilise the existing entrances from the public footpath. Details of the proposed pedestrian connections to Church Road are illustrated on BSM Drawing No. 303 - External Boundary Treatment Plan and BSM Drawing No. 307 - Landscape Details Existing Wall and Existing Entrances, which demonstrate that no works are required on the public footpath.

Item No.12 - Car parking quantum, rationale and details of parking management. Details of cycle parking provision at basement/undercroft and surface levels. Details of cycle access to basement/undercroft car park.

- 2.72 The scheme proposals incorporate a total of 41 no. surface level car parking spaces plus 186 no. undercroft basement level car parking spaces resulting in an overall car parking provision of 227 no. spaces. Please refer to OMP Drawing No. 1825-OMP-00-ST-DR-A-1010 (Site Car Parking Plan) for details of cycle parking provision and allocation at basement/undercroft and surface levels.
- 2.73 The assignment of spaces results in 221 bays being allocated to the residential element of the proposals and the remaining 6 spaces to the creche. This equates to 1.05 spaces per dwelling unit, however, on weekday evenings / nights and over the weekends, the spaces allocated to the childcare facility can also function as additional visitor parking.
- 2.74 All of the proposed developments on-site car parking facilities whilst accessible via public roads will not be located within public areas (e.g. areas adopted by the local roads authority). Accordingly, the proposed developments on-site car parking spaces, including the undercroft basement and surface car parking facilities, will remain within the control of the appointed management company. A management regime will be implemented by the development's management company to control access to these on-site apartment car parking bays thereby actively managing the availability of on-site car parking for residents and visitors.
- 2.75 The accompanying Traffic and Transport Assessment prepared by DBFL Consulting Engineers provides a thorough justification for the car parking quantum and details of the car parking management regime proposed.
- 2.76 The proposed development includes the provision of 348 no. cycle parking spaces comprising 280 'long term' spaces at undercroft basement level and 68 spaces at surface level as set out in Table 4.3 of the accompanying Traffic and Transport Assessment.
- 2.77 The undercroft basement level cycle parking spaces are accessible via the proposed vehicular access to the undercroft basement. The location and breakdown of the proposed bicycle parking is illustrated in DBFL Drawing No. 180153-2030 - Cycle Parking Layout Plan, OMP Drawing 1825-OMP-B1-LG-DR-A-1099 & 1825-OMP-B2-LG-DR-A-1099, and in BSM Drawing 6657_302_Landscape Plan.
- 2.78 The quantum of cycle parking proposed as part of the subject scheme complies fully with the minimum DLRCC Development Plan requirements (260 no. spaces), however, we note the Apartment Guidelines 2018 recommend a more onerous standard for cycle parking of 1 cycle storage space per bedroom and 1 space per 2 residential units for visitor parking. This would equate to 529 no. cycle parking spaces for the proposed development, however these recommendations in the Apartment Guidelines are not included as a SPPR.
- 2.79 Thus, as the cycle standards in the Guidelines are not a Specific Planning Policy Requirement they do not supersede the Planning Authority's Development Plan standards. We note that the Apartment Guidelines 2018 state *"any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement"*.

- 2.80 The proposed provision of 348 no cycle parking spaces (approximately 34% above the DLRCC development plan requirements of 260 no. spaces) is considered to be acceptable given the location of the subject site and quality of the facilities proposed and is considered an appropriate compromise between the very generous cycle parking requirements outlined in the Apartment Guidelines 2018 and the corresponding development plan requirements.

Item No.13 - Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in Appendix B of the Chief Executive Report dated 9th April 2019.

- 2.81 DBFL Consulting Engineers have engaged in further consultation with the Drainage Planning Division of DLRCC, including a meeting with Mr. Bernard Egan on the 13th of June 2019 to discuss the items raised in the report
- 2.82 The Engineering Services Report and accompanying drawings provide detailed information in respect to the drainage proposals for the site. For further specific information please refer to Appendix O of the Engineering Services Report - Response to Drainage Related Items of DLRCC Report to An Bord Pleanála, prepared by DBFL Consulting Engineers for a detailed response to the items raised by DLRCC Drainage Planning in their report.

Item No.14 - An Archaeological Impact Assessment which responds to the comments outlined in the report received by the Board from the National Monuments Service which is attached.

- 2.83 An Archaeological Impact Assessment prepared by Courtney Deery Heritage Consultants accompanies this planning application. The assessment responds to the comments outlined in the report by the National Monuments Service. Test excavation has been undertaken on site and no findings of significance have been uncovered. The Archaeology, Cultural Heritage and Architectural Impact Assessment report states the following:

'Testing has revealed that there is potential, albeit low to reveal further isolated below ground archaeological features, however given the size of the site, it is recommended that archaeological monitoring of earth moving works across the site be undertaken under the direction of a suitably qualified archaeologist. All recommendations are subject to the approval of the National Monuments Service of the Department Culture, Heritage and the Gaeltacht.

The proposed development will retain the Rochestown / Kilbogget townland boundary and the mature trees aligning it as a landscape feature within the grounds. Two short sections of the boundary, both measuring 2.8m, will be removed to provide pedestrian access and connectivity within the development Testing at an existing breach in the wall revealed no evidence of a ditch or fosse along the historic townland boundary. It is recommended that the sections of the townland boundary that will be breached for pedestrian access is recorded by photographic survey and written description. The retention of this boundary enhances the development by providing an attractive landscaping design element and item of cultural heritage interest.'

Item No.15 - Childcare demand analysis and likely demand for childcare places resulting from the proposed development.

- 2.84 The Planning Report and Statement of Consistency, in particular Section 5, provides details on how the size of the proposed 203 sq.m childcare facility with associated outdoor play area was decided upon as part of this application. The following provides a summary response to this item for ease of reference.
- 2.85 Based on the requirements of the Childcare Guidelines 2001 which recommend the provision of 20 no. childcare spaces for every 75 no. units, the applicant proposes to provide a childcare facility of c. 203 sq.m in Block C, with frontage onto and pedestrian access from Church Road. This facility will provide approximately 40 no. childcare spaces based on an accepted industry average of 5 sq.m GFA per child, but this depends also on the end-user.
- 2.86 The proposed development would generate a requirement for c. 56 childcare spaces based on the Childcare Guidelines 2001 recommendation of the provision of one childcare facility (equivalent to a minimum of 20 child places) for every 75 dwelling units. However, the Apartment Guidelines 2018 state that 1 bed units can be discounted from this calculation, thereby reducing the childcare provision requirement to 49 no. spaces (183 no. residential units of 2 or more beds / 75 x 20).
- 2.87 If the 160 no. 2 bed units were not considered, as suggested may be applicable in the Apartment Guidelines, which could be considered applicable in the context of the geographical distribution of childcare facilities in the area, the childcare space requirement would reduce to 6 no. spaces (23 no. units with 3 or more beds) for this development.
- 2.88 However, it was considered appropriate in this instance to provide a childcare facility which will cater for c. 40 no. children based on the demand analysis undertaken as outlined below.

Demand for Childcare Places likely to be Generated by Proposed Scheme

- 2.89 The proposed development at Churchview Road provides 210 no. apartments consisting of 27 no. 1-bed units, 160 no. 2-bed units and 23 no. 3 bed units.
- 2.90 The proposed scheme would have a projected population of 567 no. persons based on an average occupancy rate of 2.7 persons per household, which has regard to census 2016 figures.
- 2.91 In 2016, approximately 7% of the population was of pre-school age (0 – 4). The application of this rate to the projected population of 567 no. persons gives a likely demand of c. 40 no. places.
- 2.92 It is important to note that Census 2016 demonstrates that there has been a fall of 24,814 persons in the 0-4 age group primarily due to a fall in births since 2009 and as such, it is submitted that the demand for 40 no. spaces is likely to be an overestimate.
- 2.93 Notwithstanding the above, in the interests of bringing forward a comprehensive scheme which meets current requirements set out in planning guidelines, a childcare facility of c. 203 sq.m will be provided within the proposed development.

- 2.94 In considering the viability of the proposed childcare facility, an examination of existing childcare services available in the local area was undertaken. There are 13 no. existing childcare providers within c. 1km of the proposed site as illustrated in the Planning Report and Statement of Consistency, which provides further details on existing facilities and available capacity within the area.

3.0 OTHER RELEVANT ITEMS

Elevation Treatment

- 3.1 DLRCC expressed some concern about the elevation treatment of the upper floor levels noting at the pre-planning meeting that the proposed penthouse levels resembled a commercial rather than residential design approach.
- 3.2 Revised elevation treatments were prepared for the proposed residential development at Churchview Road following the receipt of the Board's Opinion and these revised proposals were reviewed by DLRCC Planners in advance of lodgement. The revised proposals incorporated brick at the upper two penthouse levels to address the comments raised in respect to the 'commercial' nature of the predominantly glazed upper 2 storey pavilion levels. This alteration intended to provide continuity from the brick base through to the rooftop pavilions above, maintaining the domestic scale of the brick façade at the upper levels.
- 3.3 In an email response, DLRCC Planners confirmed that the revised proposals for the upper levels incorporating modifications to the overall finish and look of the building addressed their concerns regarding the 'commercial' appearance of the upper levels. DLRCC also noted that the modification helped to create a balance of materials between the lower and penthouse levels, which was considered acceptable in principle and in accordance with the applicants overall concept and vision for the proposed development at this prominent location.

Archaeology and Test Trenching

- 3.4 An Archaeological Impact Assessment, Cultural Heritage and Architectural Heritage Report has been prepared by Courtney Deery Heritage Consultancy and summarises the testing carried out and provides an assessment on the general archaeological, cultural heritage and architectural potential of the site. Archaeological testing was carried out over three days from the 10th - 12th of June 2019.
- 3.5 The assessment concludes that there are no known or recorded archaeological and architectural heritage features within the proposed development area. Further, a cartographic analysis has not revealed any historic structures, and it appears to have functioned as open fields at least as early as the 18th century, possibly with woodland on the Rochestown side.
- 3.6 The assessment notes that *'the only upstanding feature of a cultural heritage interest within the site is the Rochestown / Kilbogget townland boundary, which comprises of a roughly coursed granite stone wall which runs along an area of mature trees between the Culgrenagh property and the Briarhill site. The proposed development comprises of two buildings either side of this division and will maintain a number of the mature trees as a landscape feature within the grounds. The proposal of footpaths and pedestrian links providing connectivity between the residential units and floral arrangements, however, will necessitate the removal of two short sections of this wall'*.

- 3.7 Recommended mitigation measures are set out in the assessment including a survey and recording of the existing wall prior to its incorporation as a landscaping design element and item of cultural heritage interest within the proposed development. It is also recommended that after the demolition of the existing houses, archaeological monitoring of earthmoving works is carried out under the direction of a suitably qualified archaeologist.

Drainage

- 3.8 We note the report of the Dun Laoghaire-Rathdown Drainage Planning Section (dated 9th of April 2019) which states;

“As the SHD process does not provide for Further Information, the applicant should be advised to consult with and reach agreement with the Drainage Planning Section of Municipal Services on surface water drainage proposals for this site in advance of the lodgement (subject to the consent of An Bord Pleanála following this stage of the process) of a planning application”.

- 3.9 In response, DBFL Consulting Engineers attended a meeting with Mr Bernard Egan of DLRCC Municipal Services Department – Drainage Planning on the 13th of June 2019 to discuss the items raised in the report. Please refer to Appendix O of the Engineering Services Report - Response to Drainage Related Items of DLRCC Report to An Bord Pleanála, prepared by DBFL Consulting Engineers for a detailed response to the items raised by DLRCC Drainage Planning.

Irish Water

- 3.10 A pre-application enquiry was made to Irish Water regarding the proposed development and the Irish Water responses are attached to the application form. The proposed watermain layouts have also been submitted to Irish Water in order to obtain a Certificate of Design Acceptance, which has been received and is attached to the application form. Please also refer to Engineering Services Report for further details.

- 3.11 In addition, Irish Water’s dedicated diversion section were contacted to co-ordinate the diversion of the existing 12 inch watermain traversing the site as it is proposed to divert this main within the site and replace the diverted section with a 300 mm diameter pipe. The diversion will be carried out between existing joints of the 12 inch main as shown on DBFL drawing no. 180153-3002. A 10 m wide wayleave, as illustrated on application drawings, will be placed over the diverted public watermain in accordance with Irish Water requirements. Irish Water have confirmed that a Permanent Works Services Agreement is not required for the watermain.

4.0 CONCLUSION

- 4.1. This document addresses the specific information requested by An Bord Pleanála in the pre-application consultation opinion and identifies the source or location of the response within the planning submission documentation.
- 4.2. The relevant prescribed authorities identified in the pre-application consultation opinion from An Bord Pleanála have also been notified of the submission of the planning application in accordance with Section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended).

- 4.3. The proposed development results in a residential density of c. 141 units per hectare, based on a site area of 1.49 ha (i.e. excluding the c. 0.1 ha of land within the red line boundary on the public road (Churchview Road), which provides an efficient and sustainable use of zoned lands at a strategic location with high frequency public transport and adjacent to a neighbourhood centre. The site is also located on a Proposed Quality Bus / Bus Priority Route. The proposed development therefore represents an opportunity to provide for increased building heights and densities, reflecting national planning policy guidance which promotes greater efficiency in the use of zoned lands and higher densities proximate to high frequency public transport.
- 4.4. It is respectfully submitted that the proposed development is consistent with the proper planning and sustainable development of the area, and is consistent with all relevant national, regional and local planning policies and guidelines.