



## **Statement of Response to An Bord Pleanála's Notice of Pre-Application Consultation Opinion Ref. ABP- 307087-20.**

In respect of:

**Strategic Housing Development  
at the grounds of the former De La Salle National School  
Ballyfermot Road, Ballyfermot, Dublin 10.**



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## Table of Contents

1.0.	Introduction.....	4
2.0.	Response to An Bord Pleanála's Opinion.....	5
3.0	Prescribed Bodies .....	41



## Applicant's Response to An Bord Pleanála Notice of Pre-Application Consultation Opinion

Ref.: ABP-307087-20

### 1.0. Introduction

- 1.1.1. Pre-application consultation with An Bord Pleanála in relation to the proposed strategic housing development (SHD) planning application submitted to An Bord Pleanála at the grounds of the former De La Salle National School, on Ballyfermot Road, Ballyfermot, Dublin 10, under Section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016, took place on 5<sup>th</sup> October 2020. The meeting was held online via Microsoft Teams due to the Covid-19 pandemic.
- 1.1.2. An Bord Pleanála's Notice of Pre-Application Consultation Opinion, hereafter "the Opinion", under Ref. ABP-307087-20, was received on 1<sup>st</sup> December 2020 and is enclosed within Appendix C of the Planning Statement prepared by Delphi Design which accompanies the application as a separate document.
- 1.1.3. The Opinion states that An Bord Pleanála: *"is of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development."*

In relation to same, the Opinion identifies 3 no. issues which need to be addressed in the documents submitted with the SHD application that could result in them constituting a reasonable basis for an application for SHD.

These issues are as follows:

1. Development Strategy
2. Scale and Massing
3. Residential Amenity

- 1.1.4. The Opinion also identifies 13 no. items of additional specific information that are to be submitted with any application for permission.
- 1.1.5. Documentation has been prepared and/or updated in response to the above requests to ensure that the An Bord Pleanála have all the information it requires to come to a reasoned decision on the proposed SHD application. Section 2 of this Statement provides for a response to the issues raised in the Opinion and a summary of the additional items requested in the Opinion, with reference to accompanying application documentation where applicable.
- 1.1.6. The final proposals and application documentation, now put forward for permission, have had regard to the points of discussion and issues raised during the course of the tripartite pre-application consultation meeting held on the 5<sup>th</sup> October 2020, and the 3 no. Section 247 meetings undertaken with the Planning Authority prior to the tripartite meeting with both An Bord Pleanála and the Planning Authority.
- 1.1.7. This Statement refers to other documentation which forms part of the final SHD application pack and will direct the reader to the relevant information within the application documentation, which demonstrates that the issues raised during the course of pre-application consultation have been fully and satisfactorily dealt with prior to the submission of this final SHD application.



## 2.0. Response to An Bord Pleanála's Opinion

### 2.1. Issues to be Addressed

2.1.1. The Opinion following the pre-application stage for the proposed development sets out 3 no. issues which need to be addressed in the documents submitted with the SHD application. An Bord Pleanála (hereafter "the Board") consider that these issues need to be addressed in the final documentation submitted to the Board in order to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development. These issues are as follows:

1. Development Strategy
2. Scale and Massing
3. Residential Amenity

2.1.2 Each of the 3 no. issues raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

#### 1. Development Strategy

*"The documentation at application stage requires further justification with regards to how the proposal is in accordance with and assists in securing the aims of the Z15 zoning objective; how it secures the retention of the main institutional and community uses on the lands / whether there is no longer a need for the existing institutional use, incl. space for necessary expansion of such use; how it secures the retention of existing functional open space and the manner in which the nature and scale of the proposal integrates with surrounding lands."*

#### Response:

- A detailed justification of how the proposed development is in accordance with and assists in securing the aims of the Z15 zoning objective, including the 4 no. criteria detailed in the above request, is addressed in both the submitted Planning Statement and Statement of Consistency prepared by Delphi Design which are included with the application as separate standalone documents. For convenience this Statement also has reference to same as detailed below:
- Lands zoned Z15 within the existing Dublin City Development Plan 2016-2022 (hereafter "CDP"), have an objective to: *"protect and provide for institutional and community uses"*. The CDP notes that Z15 lands play an important role in the achievement of a more compact city and, as such, the CDP recognises the importance of these lands in the contributing to both the delivery of the housing requirements of the city and the strategic green network of the city.
- The CDP asserts that: *"With any development proposal on these lands, consideration should be given to their potential to contribute to the development of a strategic green network (see also Chapter 10 - Green Infrastructure, Open Space and Recreation), and to the delivery of housing in the city. In addition, development at the perimeter of the site adjacent to existing residential development shall have regard to the prevailing height of existing residential development and to standards in section 16.10 (standards for residential accommodation) in relation to aspect, natural lighting, sunlight, layout and private open space, and in section 14.7 in relation to the avoidance of abrupt transitions of scale between zonings"*.

In this regard, it is considered that the proposed development will greatly contribute to both the strategic green network of the city and the delivery of housing in the city. The proposed development caters for 927 no. dwellings which significantly adds to the existing housing stock of Dublin. The proposed development also caters for an



appropriate provision of open space and green infrastructure links which have been strategically designed to integrate with the existing Markievicz Park to the south / south-east of the site. The design and setting of individual blocks within the proposed layout have regard to the prevailing heights in the area, with proposed building heights stepping up and down where appropriate to avoid abrupt transitions of scale between zonings, while also ensuring that the subject site is developed at an efficient / appropriate density. All the proposed dwellings are designed to the most up to date building standards, which in this case is the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020), ensuring that appropriate dual aspect ratios, natural lighting, sunlight, and private open space standards are achieved, and that existing amenity of adjoining residential dwellings is maintained.

- The CDP details the requirements for the development of Z15 lands in two scenarios: (a) where there is an existing institutional and/or community use; and (b) where there is no longer a need for the existing institutional use.

Regarding (a) above, it must be noted that the site was formerly under the ownership of the De La Salle Order; however, the De La Salle Brothers signalled their intention to close the De La Salle National School several years ago, and in 2018 the site was sold to the Applicant. In the time since, the De La Salle Brothers have vacated the Mount La Salle “Monastery” building, which was their residence, and the former school closed in June 2019. The site, now in private ownership and under the control of the Applicant, has been fenced off since the school closed and is currently vacant, whilst being under continuous private security.

As the use of the subject site by the De La Salle Order has ceased, with the De La Salle Brothers no longer holding any association with the lands, and the lands not being required for the future expansion of their activities, it may be considered that there is no longer a need for the institutional use on the site. Notwithstanding same, the applicant has reserved an area within the application site for future use as a school site until such time as the Department of Education & Skills confirms their need for same. Furthermore, Section 7.6 of the submitted Planning Statement sets out a detailed analysis regarding the above-mentioned item (b) i.e. “where there is no longer a need for the existing institutional use”, and Section 7.7 of the submitted Planning Statement refers to item (a) i.e. “where there is an existing institutional and/or community use” and we refer An Bord Pleanála to same in order to assist them in their assessment of the subject application.

With regard to (a) above, the CDP states the following:

*“Where there is an existing institutional and/or community use, any proposed development for ‘open for consideration’ uses on part of the landholding, shall be required to demonstrate to the planning authority how the proposal is in accordance with and assists in securing the aims of the zoning objective; how it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses; how it secures the retention of existing functional open space e.g. school playing fields; and the manner in which the nature and scale of the proposal integrates with the surrounding lands. A masterplan may assist in demonstrating how the requirements of this paragraph may be satisfied.”*

The proposed development’s compliance with 4 no. criteria detailed above is demonstrated as follows

**“How the proposal is in accordance with and assists in securing the aims of the zoning objective”**

The Z15 zoning objective seeks to: “protect and provide for institutional and community uses.” In compliance with this objective the proposed development puts forward the following:



- (1) The proposed development caters for an area of 0.5 hectares reserved for a school site in the south-west of the development, located at the junction of Lynch's Lane and Ballyfermot Road. The reserved school site is put forward as part of the development proposal following detailed discussions between the Applicant and the Department of Education & Skills. The area reserved for a school site can be developed in the future as, and when, required by the Department of Education & Skills, to accommodate a 16-32 classroom school, thus ensuring that the proposed development is protecting, and providing for, continued institutional use on the site. A letter confirming that the Department of Education & Skills is satisfied in principle with the area reserved for a school site is enclosed with this application – please refer to same for details (i.e. Appendix D of the submitted Planning Statement). We also note that the Department of Education & Skills intend to submit an independent observation on the application to this affect.

The reserved school site is of a size capable of accommodating a 16-32 classroom school and associated requirements. While the subject application does not seek permission for the construction of a new school, the proposed layout has been designed to ensure that development of a future school has been appropriately considered, with future access and transport arrangements included for as part of the Traffic & Transportation Assessment prepared by DBFL Consulting Engineers which are enclosed with the application.

It should also be noted that a Childcare and School Demand Assessment has been prepared by Delphi Design and is submitted as separate document as part of this application that confirms there are sufficient school places available in the area to cater for the school going needs that may be generated by the proposed development – please refer to same.

- (2) The proposed development also caters for multi-use playing pitches (1.16 hectares) in the north-west of the development, with access provided from Lynch's Lane. The playing pitch area is capable of supporting a full sized GAA pitch and can also accommodate sports with a smaller field requirement e.g. soccer. The playing pitch area will be taken in charge by Dublin City Council, as agreed in principle with the Local Authority, will not be for the sole use of any one club or sporting organisation, and will be available for use by the wider community. The provision of the playing pitches ensures that the proposed development protects, and provides for, community uses on the site.
- (3) In addition to 1 & 2 above, careful consideration has been paid to the Protected Structure on the site to ensure that it is available for use and enjoyment by the wider community in the years to come. As such, a new community use area, open to all, is proposed on the ground floor of the Protected Structure. This community use area is comprised of a community use room (c.61m<sup>2</sup>) and ancillary reception/kitchen/bathroom area (c.31m<sup>2</sup>). The community use area has its own separate access door on the eastern side of the Protected Structure. It is considered that this community facility again ensures that the proposed development protects, and provides for, community uses on the site.

It is also noted that the Z15 zoning objective requires: *"the identification of 25% of the lands for open space and/or community facilities"*. The subject site has a gross area of c. 8.3 hectares. The proposed development includes for multi-use playing pitches (1.16 hectares) and public open space ( 0.91 hectares) which equates to 2.07 hectares of open space and/or community facilities representing 25% of the gross site area.

Given all the above, it is considered that the proposed development appropriately provides for continued institutional and community uses on the site and therefore is in accordance with, and assists in securing the aims of, the Z15 zoning objective attached to the application site.



**“How [the proposal] secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses”**

Prior to its acquisition by the Applicant, the last use associated with the subject site was that of a school, with associated playing pitches. The subject application secures the retention of these institutional and community uses on the site by virtue of the following:

- (1) The proposed development caters for an area of 0.5 hectares reserved for a school site in the south-west of the development, located at the junction of Lynch’s Lane and Ballyfermot Road. The reserved school site is put forward as part of the development proposal following detailed discussions between the Applicant and the Department of Education & Skills. The area reserved for a school site can be developed in the future as, and when, required by the Department of Education & Skills, thus ensuring that the proposed development is protecting, and providing for, continued institutional use on the site. The site shall remain reserved for use as a school site until confirmation is received from Department of Education & Skills otherwise. A letter confirming that the Department of Education & Skills is satisfied in principle with the area reserved for a school site is enclosed with this application – please refer to same for details.

The reserved school site is of a size capable of accommodating a 16-32 classroom school and associated requirements. While the subject application does not seek permission for the construction of a new school, the proposed layout has been designed to ensure that development of a future school has been appropriately considered, with future access and transport arrangements included for as part of the Traffic & Transportation Assessment prepared by DBFL Consulting Engineers which are enclosed with the application.

- (2) The proposed development also caters for multi-use playing pitches (1.16 hectares) in the north-west of the development, with access provided from Lynch’s Lane. The playing pitch area is capable of supporting a full sized GAA pitch and can also accommodate sports with a smaller field requirement e.g., soccer. The playing pitch area will be taken in charge by Dublin City Council, as agreed in principle with the Dublin City Council, will not be for the sole use of any one club or sporting organisation, and will be available for use by the wider community. The provision of the playing pitches ensures that the proposed development protects, and provides for, community uses on the site.
- (3) In addition to 1 & 2 above, careful consideration has been paid to the Protected Structure on the site to ensure that it is available for use and enjoyment by the wider community in the years to come. As such, a new community use area, open to all, is proposed on the ground floor of the Protected Structure. This community use area is comprised of a community use room (c.61m<sup>2</sup>) and ancillary reception/kitchen/bathroom area (c.31m<sup>2</sup>). The community use area has its own separate access door on the eastern side of the Protected Structure. It is considered that this community facility again ensures that the proposed development protects, and provides for, community uses on the site.

Given all the above, it is considered that the proposed development appropriately caters for the retention of the main institutional and community uses formerly located on the site, including space for any necessary expansion of such uses.



**“How [the proposal] secures the retention of existing functional open space e.g. school playing fields”**

The site is currently secured, closed off from public access and vacant, offering no amenity or recreational value to the wider community. However, the proposed development, in accordance with its Z15 land use zoning objective, provides for 25% of the total site area to be given over to open spaces, which are provided as follows:

- (1) 1.16 hectares (11,600 sq.m) of multi-use playing pitches located in the north-west of the development (equating to 14% of the total site area). The location of the playing pitches has been carefully considered to ensure ease of access from the existing Lynch’s Lane / existing educational facilities to the west of the site, as well as the area of land within the development which is reserved for a school site in the south-west of the scheme. It has been agreed in principle with Dublin City Council that these playing pitches will be taken in charge by the Dublin City Council. It is intended that the pitches will not be for the sole use of any one club or sporting organisation and will be available for use by both future residents of the development and the wider community in Ballyfermot. This ensures that the playing pitches will be an important community facility for the wider area. In addition, their location proximate to the area being reserved for a school site allows for possible shared use of the pitches by a future school).
- (2) 0.91 hectares (9,100 sq.m) of public open space (equating to 11% of the total site area) which is centrally located within the proposed development between Block B, C, D, G & H, and strategically designed to provide for visual and direct connectivity to Markievicz Park to the south / south-east of the site. Given the scale of the overall development, the proposed public open space has been designed to cater for variety and visual interest. Central to the scheme is a large multipurpose lawn area, including for seating and play areas for both younger and older children, and catering for both passive and active recreation. This central area is linked to the urban streetscape at Ballyfermot Road and Markievicz Park to the south / south-east via a more natural, biodiversity friendly microforest, with several paths running through this area, forming part of circular walk and the running and fitness route around the development, which provides continuity with the existing form of Ballyfermot Road and Markievicz Park. The central public open space is a usable, functional space, which provides for a variety of activity choices across age groups as the flexible lawn spaces can be utilised for a variety of play opportunities. This central area of open space moves southwards where a dense whip and feathered microforest planting is proposed along the biodiversity axis that visually and directly connects to Markievicz Park to the south / south-east of the site thus contributing the wider green infrastructure network.

To summarise, the gross site area is 8.3 hectares with the proposed development catering for 2.07 hectares of open spaces, representing 25% of the total site area, in compliance with the requirements of the Z15 land-use zoning objective attached to the site.

As outlined above, the site is currently secured, closed off from public access, vacant, and offers no amenity or recreational value to the wider community. The public have never enjoyed any right of access to these privately owned lands. The grounds to the rear of the former school buildings were used in association with the school, with the De La Salle Order allowing the local GAA club to use same in the past, but the Ballyfermot De La Salle GAA club have access to other grounds in the locality. In the event that the permission being sought is granted, access will be opened up to the public to the 2.07 hectares of public open space to be provided as part of the development. The proposed development will involve construction of buildings, including hard and soft landscaping works, to open up the entire site from its current closed condition, thus making it useable for the wider public and residents.

It is put forward that the proposed development will not ‘remove’ existing functional open space from Z15 Institutional lands as none of the lands within the Z15 zoning have ever been publicly accessible as they have



all been privately owned heretofore. On the contrary, the proposed development will provide significant new public open spaces on the subject site for the first time, which can be utilised and enjoyed by the wider community. The opening up of the site to the public will provide significant additional open spaces, including multi-use playing pitches, for the surrounding neighbourhood to utilise, which is a significant planning gain given that the lands have been closed up since 2019. This will improve the public open space provision at the subject Z15 lands rather than simply securing the retention of existing functional open space (which is not the case given the current secure nature of the site).

In addition, we note that there are multiple pedestrian points provided to access the public open space from outside the site. The public open spaces incorporated into the scheme will provide a wide variety of activities such as publicly accessible walkways, grassland, benches, jogging route, fitness areas and play, which may be enjoyed by residents and wider members of the public.

It is considered that the proposed development retains open space on the site but also significantly improves the former situation. As the site was formerly in use as a school, it is considered that the proposed development adds to existing public open space available for the wider community. The proposed development retains playing pitches on the site but makes them available for use by the wider community through opening up the lands and providing for new public open spaces that will be open for use / enjoyment by both future residents of the development and the wider community. The design / layout of the proposed public open space caters for a green link to Markievicz Park, to the south / south-east, thus creating the sense of an extended public open space on both sides of Ballyfermot Road.

The proposed central open space will contain both hard and soft landscaping and a variety of features which will aid the variety and enjoyment of public open space in the area – for full details please refer to landscape documents / drawings prepared by Mitchell + Associates which are enclosed with the application.

Taking into account all the above, it is considered that the proposed development both secures the retention of, and adds to, existing functional open space on the site.

**“The manner in which the nature and scale of the proposal integrates with the surrounding lands”**

Careful consideration has been given in the proposed design / layout to ensure that an integrated approach is taken to the surrounding land uses, with the height, scale, and massing, of the proposed development being informed by the strategic location of the site, adjacent to an existing public transport corridor, while also taking cognisance of surrounding development.

In the south-west of the proposed development, an area of 0.5 hectares is reserved for a school site. In the north-west of the proposed development, multi-use playing pitches are catered for (1.16 hectares), which are intended to be taken in charge by Dublin City Council. The strategic location of the reserved school site and the multi-use playing pitches allows for integration between these elements of the proposed development and the adjoining/existing institutional and educational uses to the west (remaining on Z15 zoned lands under third party ownership) to the immediate west of the site. The location of the proposed playing pitches / reserved school site also allows for safe access and movement to same via Lynch’s Lane, along the western boundary of the site, and in some respects will act as a buffer / transition zone between proposed residential elements of the development and existing Z15 lands / institutional & community uses.

To the south / south-east of the site, Markievicz Park represents a notable landmark and key feature of the existing green network of the city (being c. 5.25 hectares in area). The proposed layout has been designed to ensure that connectivity and permeability is provided between Markievicz Park and the proposed development.



The central area of public open space within the scheme is integrated to Markievicz Park via an extension of this space between Blocks B & C, which caters for a pedestrian desire line between the development and Markievicz Park. The design of Block B, and the layout of public open space as it meets Ballyfermot Road, has been strategically considered to align with the north-west corner of Markievicz Park so as to create the feeling of an extended public open space on both sides of Ballyfermot Road. This is further aided by the siting of Block C within the scheme caters for a desire line between existing central gate of Markievicz Park and the development. An area of hard landscaped, more urban, open space, in the form of a plaza area, is catered for between Blocks A & H to allow for pedestrian permeability to the playing pitches in the north-west of the development. As such, the proposed layout is considered to cater for a pedestrian priority route from the north-west of the development moving south-eastwards to Markievicz Park on the opposite side of Ballyfermot Road. A proposed new pedestrian crossing on Ballyfermot Road further enables the physical connection of the proposed open space to Markievicz Park and is strategically located adjacent to the proposed open space between Blocks B & C. (**Note:** the proposed pedestrian crossing has been discussed with both the National Transport Authority and Dublin City Council in terms of future BusConnects along Ballyfermot Road).

The presence of the Protected Structure on the site has also been a key consideration in the design process. The Protected Structure is to be retained, with modifications, and incorporated into the development. It is proposed to cater for a 2 storey childcare facility within the Protected Structure, which is an appropriate use that acts as a link to the former educational use of the building. To ensure that the Protected Structure forms a part of life for the wider community in the years to come, a community use facility is also proposed on the ground floor of the Protected Structure at the eastern side of the building. A new urban plaza is proposed to the front (south) of the Protected Structure to cater for an enjoyable, usable, space in front of the building which will allow the Protected Structure to be fully appreciated by passers-by. This new plaza opens up the site from its current and traditional gated condition and creates a pedestrian friendly environment to the front of the scheme, as it addresses Ballyfermot Road, allowing those coming from Ballyfermot District Centre to safely make their way towards Markievicz Park and Dublin City centre. (It should also be noted that the design of proposed layout also takes into account the area required to accommodate the future BusConnects Corridor on Ballyfermot Road and the proposed development will not be impacting on same). To the rear of the Protected Structure a new building is proposed, the design of which steps from 2 storeys at its southern elevation to 5 storeys at its northern elevation to ensure that this new building does not dominate, and indeed frames, the Protected Structure.

The siting of Block B within the scheme, which includes for a commercial unit on the ground floor at the south-west corner of the building, sits slightly forward of the neighbouring Protected Structure aiding the creation of a sense of place / activity around the Protected Structure / the urban plaza to the front of the scheme, bringing new life and vibrancy to both the Protected Structure and the Ballyfermot Road streetscape. As it addresses Ballyfermot Road, Block B is 5 storeys stepping up to 6 storeys as the curvature of Ballyfermot Road changes, allowing the block to appropriately address both the north-west corner of Markievicz Park and the north-east corner of Garryowen Road. Along its western elevation, Block B briefly steps down from 5 storeys to 2 storeys as looks onto the north-east corner of the Protected Structure, with terraces provided for 2 no. second floor apartments allowing residents of these apartments to gain a pleasant view of the Protected Structure. The building then steps back up to 3, 4, and ultimately, 8 storeys at its northern elevation corresponding with the stepped design of Block A and creating a strong edge to the central public open space within the development.

The design and siting of Block C takes into account the curvature of Ballyfermot Road, catering for a pedestrian desire line from the existing central gate at Markievicz Park to the proposed public open space between Blocks B & C. The design of Block C also considers the levels and falls in the site as it slopes from west to east. Block C steps from 7 storeys to 2 storeys to 6 storeys as one moves from west to east along Ballyfermot Road, allowing the building to appropriately address the south-east corner of the site and the proposed new vehicular access at Ballyfermot Road. The largely 2 storey element of Block C, as it fronts onto Ballyfermot Road, ensures that existing visual amenity and enjoyment of Markievicz Park is maintained and enhanced.



At the eastern boundary of the site, Block E caters for 2-3 storey duplex / triplex units, with rear gardens, ensuring that the existing amenity of The Steeples residential estate to the immediate east is appropriately protected. To the west of Block E, Block D steps from 4 storeys to 7 storeys along its eastern elevation. From this perspective, the design of Block D allows the 4 storey element to integrate with the 2-3 storey heights of Block E as well as the existing 2-3 storey buildings at The Steeples, before rising to 7 storeys as the site opens up to address the north-east corner of the site / the Chapelizod bypass.

The tallest elements of the proposed development are located around the proposed central public open space, creating a sense of urbanity with an appropriate scale and definition. As they address the central public open space, the proposed blocks cater for buildings with maximum heights of: 13 storeys (Block H); 10 storeys (south-west corner of Block F & south-east corner of Block G); 8 storeys (Block B); and 7 storeys (Block D). These stated building heights are a maximum, with individual blocks appropriately stepped in height where necessary – for full details on the rationale behind the design of each individual block please refer to the submitted “Masterplan” and the submitted “Architectural Design Statement” prepared by Delphi Design which accompany the application as a separate, standalone, documents.

When viewed from the west, along the area reserved for a school site / the multi-use playing pitches, Blocks A, H & G, step up from 2 storeys to 5 storeys (Block A), 10 storeys (Block H) and back down to 9, 7 & 5 storeys (Block G) creating an appropriate sense of scale along these open spaces, while also integrating with the surrounding development to the south (existing 2 storey housing) and north (the Chapelizod Bypass).

It is considered that the proposed development, through its layout and design, caters for a sense of place which will make a positive contribution to the existing urban neighbourhood and streetscape and appropriately responds to its surroundings.

The scheme layout will improve legibility in the area and the proposed development will integrate into the surrounding context having regard to the large open spaces, the permeable links, the height transitions, the setbacks provided from boundaries and the breakdown in massing proposed. The scheme is in accordance with Section 14.7 of the existing Dublin City Development Plan 2016-2022 which notes that abrupt transitions in scale and use should be avoided in areas proximate to other zoning objectives. The proposed layout has sets back much of the development from the surrounding areas having regard to public open space and roads and, in addition, the eastern boundary is made up of modest 2-3 storey buildings for example, which highlights that the proposed development has appropriately considered the transition between the development and its nearest neighbours to the east (i.e., at The Steeples). Section 16.10 of the existing Dublin City Development Plan 2016-2022 has also been duly considered during the preparation of the subject application to ensure the proposal will integrate with surrounding lands i.e., such as in relation to aspect, natural lighting, sunlight, layout and private open space.

The rejuvenation and integration of the Protected Structure within the development will also contribute towards the assimilation of the scheme into the surrounding environment and the improved character of these structures will benefit from enhanced views and integration through the removal of the existing front boundary arrangement and the creation of a new urban plaza to the front along Ballyfermot Road, increasing animation and usability here. A significant effort has been made by the design team to provide well considered and interesting building forms which enhances legibility, wayfinding, and connectivity within the site for future residents and the existing wider area, thus appropriately integrating with the surrounding area.

Taking into account all the above, it is put forward that the nature and scale of the proposed development appropriately integrates with the surrounding lands while also providing for much needed housing on a prominent, underutilised, and currently vacant site. For further details on the design rationale behind the design of each



individual block please refer to the submitted “Masterplan” and the submitted “Architectural Design Statement” prepared by Delphi Design which accompany the application as a separate, standalone, documents.

- Given all the foregoing, it is fully considered that the proposed development is in accordance with and assists in securing the aims of the Z15 zoning objective. The proposed development secures the retention of the main institutional and community uses on the subject site through the provision of an area reserved for a future school site and the provision of multi-use playing pitches which will be available for use by the wider community. The proposed development secures the retention of existing functional open space on the site through the provision of new public open space and multi-use playing pitches. Careful consideration has been given to the design of the proposed development to ensure that the nature and scale of the development integrates with surrounding lands while also providing for an efficient use of the site.
- It is noted that the Board’s Opinion seeks clarification as to whether there is no longer a need for the existing institutional use on the site. In response to same, it should be noted that given the history of the subject site, it may be considered that there is no longer the need for a need for the existing institutional use on the site. The subject site was formerly under the ownership of the De La Salle Brothers; however, the Brothers signalled their intention to close the De La Salle National School several years ago, and in 2018 the site was sold to the applicant. In the time since, the De La Salle Brothers have vacated the Mount La Salle “Monastery” building, which was their residence, and the former school closed in June 2019. The subject site, now in private ownership and under the control of the applicant, has been fenced off and secured since the school closed and is currently vacant. As the use of the subject site by the De La Salle Brothers has ceased, with the Brothers no longer holding any association with the lands, and the lands not being required for future expansion of their activities, it may be considered that there is there is no longer a need for the institutional use on the site.
- In circumstances where there is no longer a need for the existing institutional use on Z15 lands, the CDP states that: *“the planning authority shall consult with the owner/ operator of the existing institutional and community uses and the relevant statutory provider (e.g. the Department of Education and Skills in the case of schools, and the Department of Health and the HSE in the case of hospitals). A masterplan is required in these circumstances.”*

Accordingly, the Applicant has liaised with the Department of Education & Skills (‘DES’), throughout the pre-application consultation stage, as required by the Z15 zoning objective, to establish if a new school would be required as part of a proposed development on the subject site. The outcome of these discussions resulted in the DES indicating that they require a reservation for a school on the site to cater for their future needs, as per their letter dated 11<sup>th</sup> August 2020 – a copy of which is enclosed in Appendix D of the submitted Planning Statement prepared by Delphi Design.

As such, the proposed development caters for an area of 0.5 hectares reserved for a school site, in the south-west corner of the scheme, at the junction of Lynch’s Lane and Ballyfermot Road, which can be developed at a future date as, and when, required by the DES. While the subject application does not seek permission for the construction of a new school, the proposed layout has been carefully designed to ensure that a school of an appropriate size can be accommodated on the reserved school site, which is catered for at an appropriate location allowing for a prominent location and ease of future access. A feasibility was undertaken by the project architects to demonstrate that the reserved site can accommodate either a 16 classroom school or a 32 classroom school to satisfactory standards of the DES and this information was shared with the DES during the course of discussions. We understand that the DES are generally satisfied that the reserved school site can accommodate their needs subject to appropriate conditions being attached to any forthcoming grant of permission, as per their letter dated 2<sup>nd</sup> September 2021 which is also enclosed within Appendix D of the submitted Planning Statement prepared by Delphi Design – for further details please refer to same.



In addition to the reserved school site, the proposed development includes for 16 no. car parking spaces located in the basement of Block H which are reserved for the sole use of the future school, as agreed between the Applicant and the DES and as indicated on the relevant drawings for Block H submitted with the application.

To summarise, as the De La Salle Brothers informed the DES in 2018 of their intention to close the De La Salle National School on the subject site. They then sold the site to the Applicant and fully vacated the site in 2019. Therefore, it may be considered that there is no longer a need for the institutional use formerly associated with the site. Nevertheless, the Applicant has consulted the relevant statutory provider (i.e. the Department of Education & Skills) and has accommodated their requirements within the proposed scheme and, as such, it considered that the proposed development fully complies with the Z15 zoning objective attached to the site and that the site is being developed in a sustainable manner which supports the objectives of both the CDP and the future requirements of the DES. This assertion is also supported by the submitted Childcare & School Needs Assessment enclosed with the application for permission which finds that there is sufficient capacity within the receiving area to accommodate the educational needs of the future residents of the proposed development.

- In circumstances of there no longer being a need for existing institutional use on Z15 lands, the CDP states that a masterplan must be submitted with the application. A Masterplan, prepared by Delphi Design, is also enclosed with the application – please refer to same for full details. With regard to the masterplan the CDP states the following:

*“The masterplan, which may necessitate a variation, shall set out a clear vision for the lands zoned Z15, to provide for the identification of 25% of the lands for open space and/or community facilities instead of the 10-20% public open space provided for in earlier in this chapter. This requirement need not apply if the footprint of the existing buildings exceeds 50% of the total site area of the institutional lands.”*

As required by the Z15 zoning objective, the proposed development caters for the provision of a minimum of 25% of the gross site area as open space and/or community facilities. This provision is catered for as follows:

- (i) 1.16 hectares of multi-use playing pitches located in the north-west of the proposed development (equating to 14% of the gross site area). It has been agreed in principle with Dublin City Council that these playing pitches will be taken in charge by the Local Authority, will not be for the sole use of any one club or sporting organisation, and will be available for use by both future residents of the proposed development and the wider community in Ballyfermot. This ensures that the playing pitches will be an important community facility for the wider area.
- (ii) 0.91 hectares of public open space (equating to 11% of the gross site area) which is centrally located within the proposed development between Block B, C, D, G & H, and strategically designed to provide connectivity to Markievicz Park to the south-east of the application site.

To summarise, the gross site area is 8.3 hectares with the proposed development catering for 2.07 hectares of open spaces / community facilities, representing 25% of the lands available, which is in compliance with the requirements of the Z15 zoning objective attached to the site.

It is also considered notable that, **in addition to** the above proposed 25% open space provision, the proposed development also caters for:

- A new multi-functional community use facility (c. 92 sq.m) located on the ground floor of the Protected Structure (at the eastern side of the building);
- A public plaza area (c. 621 sq.m) located to the south of Block H / north of Block A;
- A public plaza area (c. 1,456 sq.m) located to the south of Block A / the Protected Structure which fronts onto Ballyfermot Road;



- An area of c. 1,445 sq.m along the northern boundary of the scheme which has been designed to be a usable recreation space for fitness and running.

The plaza area to the south of Block A, fronting onto Ballyfermot Road, will activate the main street by widening the pedestrian area, creating a plaza with amenity and seating opportunities which will invite people into the development. A new pedestrianised street (between Blocks A & B) will connect this entrance plaza with the smaller plaza to the south of Block H / north Block A which has potential for small local events, such as markets, adjacent to both the proposed retail / café unit in Block H and the central public open space lawn. Central to the scheme and along the northern and western boundary is a running and fitness trail, with fitness equipment proposed to promote activity throughout the development.

While not open space, the proposed community use facility within the Protected Structure also complies with the Z15 zoning objective to provide for “community uses”. It is considered that this flexible community space, dependant on the tenant, will provide the opportunity to implement a range of programmes and services to benefit the community, such as community drop ins, community breakfast clubs, and other supportive groups. The location of the proposed community space fronting onto the new urban plaza at the front of the scheme, addressing Ballyfermot Road, and adjacent to the proposed commercial unit in Block B, to its east, will ensure that there will be a consistent level of activity to the front of the scheme thus catering for an enhanced sense of place and vibrancy at Ballyfermot Road.

Furthermore, the development includes for an area of 0.5 hectares reserved for future use as a school, as agreed in principle with the Department of Education & Skills. Whilst this application does not seek permission for a school, the school site shall remain reserved to accommodate a future school, until such time as the DES confirms their intentions for same.

Taking all of the above into consideration, it is put forward that the proposed development fully complies with the 25% open space and/or community facilities requirement of the Z15 zoning objective.

- With further regard to open space provision on Z15 lands, the CDP states that: *“The masterplan must incorporate landscape features which retain the essential open character of the lands zoned Z15. It must also ensure that the space will be provided in a manner designed to facilitate potential for future public use and protect existing sporting and recreational facilities which are available predominantly for community use. The 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network.”*

The proposed development will have a significant positive impact on the surrounding area due to the sustainable utilisation of these lands that are currently completely closed off from the public, which are proximate to public transport infrastructure, employment locations, services and facilities. For approximately 67 years the site was occupied and operated by the De La Salle Order as their place of residence and as a primary school. It has been fully closed since 2019 and will now be replaced by a high-quality, aesthetically pleasing development providing 927 no. residential units, with ancillary uses, a large quantum of public open space and permeable links through the site, which will be a significant planning gain for the area and thus is consistent with the proper planning and sustainable development of the area.

As set out previously, given the private sale of the lands and departure of the De La Salle Order from the site, it must be accepted that this site is surplus to their requirements for the purposes of its function. The adjoining Z15 lands are in separate ownership and occupation and remain available for Institutional and Community uses, while the proposed development can facilitate connections to the remaining institutional lands via the site layout plan and Lynch’s Lane to the west.



As is clearly demonstrated in the submitted drawings and reports that form part of this application, the Protected Structure is being retained and renovated to accommodate childcare and community uses while an area of 0.5 hectares is being reserved to accommodate a future school as and when required by the DES, as agreed in principle with the DES.

It is again noted that the proposed development requires 25% of the site area to be designated as public open space in accordance with the Z15 zoning objective. It is clearly demonstrated throughout Section 7 of the submitted Planning Statement prepared by Delphi Design that the proposed development provides for 25% of the total site area (i.e., 8.3 hectares) as open space. It is also considered relevant to note that the total site area / application site boundary / red line boundary on the submitted application drawings (8.3 hectares) includes for works to the existing Ballyfermot Road and Lynch's Lane. These works have been discussed with Dublin City Council and a letter of consent from Dublin City Council for these works, dated 8<sup>th</sup> December 2021, is submitted with the application (a copy of which is enclosed in Appendix E of the submitted Planning Statement). As detailed on the enclosed letter of consent from Dublin City Council, the lands in their control included for within the total site area equate to 4,092 sq.m (c. 0.4 hectares). As such, it is considered that the developable site area (i.e. discounting lands in Dublin City Council's control) is 7.9 hectares (79,000 sq.m) and, therefore, it is considered that the proposed development requires 1.98 hectares (19,800 sq.m) of public open space (i.e. 25% of 7.9 hectares). The proposed development puts forward 2.07 hectares of public open space, provided for in the form of:

- a) 1.16 hectares (11,600 sq.m) of multi-use playing pitches located in the north-west of the development (equating to 14.7% of the developable site area)
- b) 0.91 hectares (9,100 sq.m) of public open space (equating to 11.5% of the developable site area) which is centrally located within the proposed development between Block B, C, D, G & H, and strategically designed to provide for visual and direct connectivity to Markievicz Park to the south / south-east of the site

To summarise, the total site area is c. 8.3 hectares with the proposed development catering for 2.07 hectares of open spaces, representing 25% of the total site area, which is in compliance with the requirements of the Z15 zoning objective attached to the site.

It is also considered that the developable site area (i.e., discounting proposed road works on lands under the control of Dublin City Council) is c. 7.9 hectares with the proposed development catering for 2.07 hectares of open spaces, representing 26% of the developable site area, which is again in compliance with the requirements of the Z15 zoning objective attached to the site.

We note that the CDP states that: *"the 25% public open space shall not be split up, unless site characteristics dictate otherwise, and shall comprise mainly of soft landscaping suitable for recreational and amenity purposes and should contribute to, and create linkages with, the strategic green network."*

It should be noted that under the contract of sale of the subject lands to our client, the Applicant, that our client is required to provide recreational open space that can accommodate a GAA size pitch which shall be made available to local schools and sporting teams. The proposed development caters for 1.16 hectares (11,600 sq.m) that can be used as an appropriately sized GAA playing pitch or subdivided into a number of smaller pitches for various uses / teams etc.

Given the contractual obligation to provide the proposed playing pitch(es), and the locational context of the site, it is considered that the optimum location for the proposed pitches is to locate them in the north-west corner of the site which allows for them to: (i) be easily accessed via Lynch's Lane for both the wider community and future residents of the development, (ii) enjoy proximate location to existing and future school uses and (iii) to create an



appropriate buffer between existing Z15 uses to the west and the proposed residential buildings within the development.

Furthermore, given the need to reserve a site for a future school as part of the overall development as agreed with the DES, which is proposed in the south-west corner, adjacent to the proposed pitches and adjoining existing educational uses to the west, a conscious decision was made to provide the remainder of the required 25% public open space provision in the centre on the site. Considering the configuration and size of the site, as well as its locational context whereby the Chapelizod Bypass lies to the north and Markievicz Park lies to the south / south-east, the proposed development provides for 0.91 hectares (9,100 sq.m) east of the proposed pitches thus creating a central open space that caters for various forms of recreation, and adjoins the main pedestrian entrance into the scheme from Ballyfermot Road, as well the proposed public plaza adjacent to Blocks A and H. This central open space then moves southwards between Blocks B and C and creates a north-south green axis that connects the central green space to the urban streetscape and Markievicz Park to the south / south-east thus creating and enhancing the wider local green infrastructure network. The central open space will incorporate a proposed microforest, and as one moves further south, existing planting is to be retained as part of this open space.

The overall design rationale for the open space provision on the site is to provide useable playing pitches for both future residents and the wider community and this is achieved with over 11,000 sq.m of playing pitches provided in an accessible location that has maximum advantage for usability by the wider community. It is intended that these pitches will be taken in charge by Dublin City Council who will manage same thus ensuring use by the wider community.

Cognisance has also been paid to improving green infrastructure links by creating an open space that is both visually and directly connected to Markievicz Park to the south / south-east. The proposed development includes a pedestrian crossing on Ballyfermot Road that will connect the proposed open space to Markievicz Park which will not only improve the green infrastructure network of the environs but also invite people into the scheme thus opening up these heretofore relatively private lands for use and enjoyment for the wider community, which is a much improved scenario from the current gated and unused situation on the site.

Overall, it is considered that the layout of the public open space will become a significant public amenity for the area. Natural play facilities for the scheme have been provided at various locations throughout the public open space, specifically aimed at children to reconnect with nature and there will also be seating provided throughout. The design and location of the central open space compliments the proposal to have a public plaza to its west (Between Blocks A & H) that may cater for events such as small markets. This space then connects to the main pedestrian street into the development off the Ballyfermot Road (between Blocks A and B). This pedestrian street has public plazas at either end with non-residential uses at ground floors (retail / café use in Block H, commercial use in Block B as well as the community & childcare uses in the Protected Structure). We consider that the provision of a high-quality useable public park at the site with a connection to the public plaza area will be a significant planning gain for the area, allowing access to inaccessible private lands. The adjoining plaza area will provide a meeting point for the public to sit and talk and to hold local events.

It is also important to note that while the primary 25% public open space provision is proposed in two components i.e. (i) the proposed pitches and (ii) the central open space that weaves its way southwards to the edge of the site but is visually connected and physically accessible to Markievicz Park, both of the proposed spaces are also connected. There is limited separation between the two spaces as the proposed public plaza at the south-west corner of the central space extends westwards to meet the primary access route through the site, with the proposed pitches on the opposite side of same. The landscape rationale and proposals submitted with the application detail that a running / fitness trail is proposed around and through the site which again connects both spaces.



- To conclude our response to the Board's request for further justification on the 'Development Strategy' it is put forward that the proposed development fully complies with and supports the Z15 zoning objective attached to the subject site in both of the scenarios detailed in the CDP i.e. (a) where there is an existing institutional and/or community use; and (b) where there is no longer a need for the existing institutional use.

## 2. **Scale and Massing**

*"Further consideration/justification of the documents as they relate to the scale, form, visual impact, materials and finishes to the proposed buildings, in particular, given 5 of the 7 Blocks / zones are 9 storeys or higher. The further consideration / justification should address the proposed scale and massing given, inter alia, the receiving modest scale and character of the existing environment, including two storey development in proximity of the site to the south by dwellings on Ballyfermot Road and to the east by the Steeples Housing Development comprising of modern two and three storey houses and apartments and to the west by further low rise institutional buildings. The further consideration of these issues may require an amendment to the documents and/or design proposals submitted."*

### **Response:**

In response to the request above, Delphi Design have prepared the enclosed Residential Amenity Report which details how the scale and massing of the proposed development has been carefully designed to integrate with the existing environment.

In relation to the eastern boundary treatment adjacent to the Steeples Housing Development, the design has been carefully considered so as to increase the amenity quality of the existing rear gardens of Nos 1-11, while not compromising their privacy. The existing rear gardens of Nos 1-11 have a median ground level that sits below the applicant site which varies by approximately 1.5 to 3 metres.

The 2 no. linear Block E apartments, containing part 2/3 storey duplexes and first floor apartments, mediates the scale transition from Block D, the 4-7 storey apartments to the west. Block E sits 8.4m back from the development boundary and 18.5m from the rear elevation of Nos 1-11 The Steeples.

Block E is designed with two storeys to the new proposed street, with a storey lower ground floor/ basement storey providing access to a small rear garden. The removal of the existing trees, combined with the feathering of building height from 2/3 storeys to four storeys, allows significantly improved southern and western sunlight to penetrate the adjoining properties' rear gardens. All windows at first floor level [from the first floor apartment] are permanent frosted glazed, with the bedroom and living spaces orientated to face the street. Ground floor living spaces and lower ground floor bedrooms face the street and rear gardens.

No's 1-14 Phoenix View are existing duplex apartments which gable on to Block E boundary, with no gable windows to living or bedroom areas facing the development boundary. The north facing open space to the rear is accessible to all and part of the overall open space quantum. The design proposal has been BRE tested for daylight and sunlight, with the impact on the existing rear gardens and existing rear windows of the house as being imperceptible.

With regards to the southern boundary design treatment facing onto Ballyfermot Road, the proposed development creates two boundary conditions, at section 1 with the proposed development facing towards Markievicz Park and at section 2 with the proposed development facing onto the existing two storey houses that bound Ballyfermot Road.

For section 1, the development proposes:



- Block A re-houses part of the former De Le Salle school structure into community uses,
- A public urban plaza is created in front of the protected structure, enhancing its presence as a significant community building,
- Active street frontage is promoted by the use of the school building as creche and community hub, provision of a ground floor shop unit in Block B and a proposed Bus Stop on Ballyfermot Road.

For section 2, the development proposes:

- Main entrance to the development retains its open and arboreal connection to Markievicz Park with the protection of existing tree specimen and the introduction of additional new trees and landscaping,
- Retention of trees to Markievicz Park boundary with the location of the Bus- Connects corridor

Additionally, the implementation of significant hard and soft landscaping along the Ballyfermot Road interface provides a buffer between the edge of the road and the new street frontage, facilitating the introduction of a strong urban edge while reflecting the original open quality of the school grounds.

For full details on how the Applicant has considered the scale, form, visual impact, materials and finishes to the proposed buildings please refer to the enclosed Residential Amenity Report, Architectural Design Statement, Masterplan and Planning Report prepared by Delphi Design Architects + Planners.

### 3. Residential Amenity

*“Further consideration and / or justification of the documents as they relate to the proportion of single aspect and north facing units and daylight and sunlight access.”*

#### **Response:**

In the time since pre-application consultation was held with An Bord Pleanála, the proposed layout has been revised to address issues raised at the meeting. The development now put forward for permission caters for 927 no. dwellings in 8 no. blocks (Blocks A-H). With regard to single and dual aspect units, SPPR 4 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020), hereafter “Apartment Guidelines”, states as follows:

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

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

The proposed development is considered to be a more central and accessible urban location by virtue of its location adjacent to the Ballyfermot Road Quality Bus Corridor and the proposed BusConnects route on same, with the Apartment Guidelines defining ‘central and accessible urban locations’ as locations including for:

*“Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services.”*

The proposed development caters for a dual / single aspect ratio as follows:

Block	Total No. of Dwellings	No. of Single Aspect	% Single Aspect	No. of Dual Aspect	% Dual Aspect
Block A	69	24	35%	45	65%
Block B	128	48	37%	80	63%
Block C	101	33	33%	68	67%
Block D	189	65	34%	124	66%
Block E	22	0	0%	22	100%
Block F	121	54	45%	67	55%
Block G	154	76	49%	78	51%
Block H	143	44	31%	99	69%
<b>Totals</b>	<b>927</b>	<b>344</b>	<b>37%</b>	<b>583</b>	<b>63%</b>

**Table 1** - Proposed residential aspect.

As demonstrated in Table 1, above, approximately 63% of the proposed dwellings are dual aspect units which is in accordance with the requirements of the Apartment Guidelines.

With regard to north facing units, the Apartment Guidelines state that:

*“North facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature.”*

The proposed development does not include any single aspect north-facing units.

A Daylight and Sunlight Assessment for the proposed development has been carried out by 3D Design Bureau and is enclosed with the documents submitted as part of the application – for full details of the findings of the assessment, please refer to same. However, the following should also be noted:

For the study of Average Daylight Factor (ADF) the submitted Daylight and Sunlight Assessment assessed the lowest habitable floors (ground and first) of all proposed blocks. 3D Design Bureau have been involved in the design process since the beginning of the project and have worked closely with Delphi Design Architecture + Planning particularly with regard to the ADF of the apartment blocks. Compensatory measures and important design interventions were introduced in order to ensure a favourable outcome in terms of internal daylight values. These design changes included amendments to external massing, internal walls, room configuration, window sizes and additional window where necessary, whilst maintaining the design integrity of the proposed development.

The submitted assessment considers that the proposed development as a whole can be considered to have access to good levels of daylight with an approximate compliance rate of 98%, when a target value of 2% is applied to living / kitchen / dining areas, and an approximate compliance rate of 99% when a target value of 1.5% has been applied to living / kitchen / dining areas.



Given size of the proposed scheme, 3D Design Bureau consider that the results of the ADF study should be considered to be favourable. No existing properties will experience an unacceptable drop in levels of daylight or sunlight and future occupants will enjoy good levels of daylight within the vast majority of the proposed units and will have access to amenity areas that are capable of receiving excellent levels of sunlight.

Please refer to the submitted 'Daylight and Sunlight Assessment Results' document prepared by 3D Design Bureau for further /full information on the results of the assessment.

## 2.2. Additional Specific Information

- 2.2.1 The Opinion sets out 13 no. specific items of information that are to be submitted with the SHD planning application. The Board consider that these items / information need to be addressed / included in the final documentation submitted to the Board in order to ensure that the proposed development and supporting documentation would constitute a reasonable basis for an application for strategic housing development.
- 2.2.2 Each of the 13 no. items raised within the Opinion are set out below, and a response is provided thereto, referring to other documentation or sections within documents which provide a more detailed or technical response where relevant.

### Item 1

*"A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, Z15 institutional and Community and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion."*

### Response:

This application for permission is accompanied by a Planning Statement and a Statement of Consistency which are separate, standalone documents, however, both documents clearly detail the proposed development's compliance with the requirements of the Z15 land use zoning objective attached to same, under Sections 7 and 5.4.1 respectively – please refer to same. In addition, under Section 2.1.2 (1. Development Strategy) above in this report, a detailed analysis is set out demonstrating how the proposed development assists with and secures the aims of the Z15 zoning objective, and to avoid repetition here, we refer the reader to all of the aforementioned sections of the submitted reports.

We note that the Planning Authority, in their opinion on the details submitted to An Bord Pleanála for pre-application consultation, referred to a lack of a school needs assessment and confirmation as to whether the site is needed for the existing institutional use i.e., education. In response to same, a school needs assessment has been prepared by Delphi Design and is submitted as part of this application documentation as a separate document titled "Childcare and School Demand Assessment" – please refer to same. This assessment states that in relation to primary school facilities, 14 no. existing primary schools were found to be located within walking distance of the development. The development proposal is projected to generate a maximum of 199 no. additional children of primary school age. Based on the information discussed in this report circa 535 no. students are expected to graduate from the existing 14 no. primary schools every year. Together with existing vacancy rates, it is considered that there is an adequate capacity in existing primary schools to cater for the development proposal. Regarding post-primary school facilities, 10 no. existing primary schools were found to be located within walking distance of the development. The development proposal is projected to generate a maximum of 199 no.



additional children of post-primary school age. Based on the information discussed in this report circa 679 no. students are expected to graduate from the existing 10 no. post-primary schools every year. Together with existing vacancy rates, it is considered that there is an adequate capacity in existing post-primary schools to cater for the development proposal. The assessment concludes that it is considered the existing childcare and school facilities in the vicinity of the development proposal have adequate capacity to support the development.

Since the issuing of the Planning Authority's opinion in May 2020, the Department of Education and Skills ("DES") confirmed that they require a reservation for a school on the site to cater for their future needs, as per their letter dated 11<sup>th</sup> August 2020 – a copy of which is enclosed in Appendix D of the submitted Planning Statement.

Subsequent to the tri-partite pre-application consultation meeting in December 2020, Delphi Design Architecture + Planning, on behalf of the applicant, liaised considerably with the DES with regard to the proposed reserved school site in the south-west corner of the application site. As a result of this consultation with the DES, the proposed development caters for an area of 0.5 hectares reserved for a school site in the south-west of the development, located at the junction of Lynch's Lane and Ballyfermot Road. While the subject application does not seek permission for the construction of a new school, the proposed layout has been carefully considered to ensure that a school of an appropriate size (16/32 classrooms) can be accommodated in future on the reserved school site, which is catered for at an appropriate location allowing for ease of future access. As agreed between the Applicant (applicant's agents) and the Department of Education & Skills during consultations, 16 no. car parking spaces, located in the basement of Block H, are reserved within the development for use of the future school should be required. These car parking spaces are clearly marked on the relevant drawings for Block H prepared by Delphi Design and enclosed with the application.

Enclosed with the application is a letter from the DES, dated 2<sup>nd</sup> September 2021, (enclosed in Appendix D of the submitted Planning Statement) which confirms they are satisfied with the area reserved for a future school site included as part of the proposed development, subject to appropriate conditions. We note that the Department of Education & Skills intends to submit an independent observation to this effect on the subject application.

The proposed development provides for 25% open space provision in accordance with the Z15 land use zoning objective attached to the site, comprised of:

- i. 1.16 hectares (11,600 sq.m) of multi-use playing pitches located in the north-west of the development (equating to 14% of the total site area). The location of the playing pitches has been carefully considered to ensure ease of access from the existing Lynch's Lane / existing educational facilities to the west of the site, as well as the area of land within the development which is reserved for a school site in the south-west of the scheme. It has been agreed in principle with Dublin City Council Parks Department that these playing pitches will be taken in charge by the Local Authority. It is the intention that the pitches will not be for the sole use of any one club or sporting organisation and will be available for use by both future residents of the development and the wider community in Ballyfermot. This ensures that the playing pitches will be an important community facility for the wider area. In addition, their location proximate to the area being reserved for a school site allows for possible shared use of the pitches by a future school. (We note that DES may require that up to 50% of the proposed pitches be required for school use in the future).
- ii. 0.91 hectares (9,100 sq.m) of public open space (equating to 11% of the total site area) which is centrally located within the proposed development between Block B, C, D, G & H, and strategically designed to provide for visual and direct connectivity to Markievicz Park to the south / south-east of the site. Given the scale of the overall development, the proposed public open space has been designed to cater for variety and visual interest. Central to the scheme is a large multipurpose lawn area, including for seating and play areas for both younger and older children, and catering for both passive and active recreation. This central area is linked to the urban streetscape at Ballyfermot Road and Markievicz Park to the south / south-east via a more natural, biodiversity friendly microforest, with several paths running through this area, forming part of circular



walk and the running and fitness trail route around the development, which provides continuity with the existing form of Ballyfermot Road and Markievicz Park. The central public open space is a usable, functional space, which provides for a variety of activity choices across age groups as the flexible lawn spaces can be utilised for a variety of play opportunities. This central area of open space moves southwards where a dense whip and feathered microforest planting is proposed along the biodiversity axis that visually and directly connects to Markievicz Park to the south / south-east of the site thus contributing the wider green infrastructure network. In pre-planning discussions with the Parks Department of Dublin City Council, it was accepted that this central area of public open space constitutes public open space but that it shall be managed and not taken in charge.

To summarise, the gross site area is 8.3 hectares with the proposed development catering for 2.07 hectares of open spaces, representing 25% of the total site area, in compliance with the requirements of the Z15 land-use zoning objective attached to the site.

A Masterplan has been prepared as required by the Z15 land-use zoning objective attached to the site, which sets out how the development proposal integrates with the surrounding land, and provides details regarding the distribution of massing and layout of the blocks to integrate with the scale and layout of the existing area. Please refer to the submitted Masterplan prepared by Delphi Design for further details.

The DES have confirmed that a site shall be reserved for future school use and, as such, an area of 0.5 hectares is to be reserved. The reserved school site is currently occupied by the west wing of the former De La Salle primary school. Upon a grant of permission, it is intended that this part of the building will be demolished but during construction stage, it will form part of the site compound. Upon completion of the development, the west wing will be demolished, and the site seeded and grassed and left available for development of a future school. As outlined in the submitted planning application documentation, it is intended that the reserved school site may accommodate either a 16 or 32 classroom school as agreed with the DES. In the interim, the reserved site will be grassed and open (not enclosed) and will be managed by the management company. Given the confirmation from the DES that the site is to be reserved for a school, no alternative use has been considered as part of the Masterplan.

Dublin City Council noted that the proposed retail/commercial and café uses are not in line with the Z15 zoning, however, they considered that these would be acceptable ancillary uses in the context of a residential led scheme of the scale proposed. In light of same, as well as the scale of the proposed development, 1 no. retail/café unit and 1 no. commercial unit are proposed, with this matter also addressed in the submitted Material Contravention Statement prepared by Delphi Design.

## **Item 2**

*“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.”*

## **Response:**

A Material Contravention Statement has been prepared Delphi Design and is submitted as a separate document – please refer to same. The submitted Material Contravention Statement sets out how the proposed development may be deemed by the Board to represent a material contravention of the 2016-2022 Dublin City Development Plan in relation to:

- Building Height;



- Unit / Dwelling Mix,
- Number of units provided per core;
- Minimum internal apartment space standards, in terms of aggregate areas;
- The configuration of the 25% public open space provision; and
- Retail / café and commercial uses

The submitted Material Contravention Statement states that the proposed development can be granted permission, notwithstanding that An Bord Pleanála may consider the proposed development to be a material contravention of the Dublin City Development Plan 2016-2022, and its objectives / standards in relation to building height, unit mix, block configuration, minimum internal apartment space standards, 25% open space provision on Z15 zoned lands and the proposed retail/café and commercial uses.

It is considered that under Section 37(2)(b)(i) of the Planning & Development Act 2000 (as amended) that the Board can grant permission for the proposed development having regard to the strategic national importance of delivering new housing on sites in appropriate locations.

It is also considered that under Section 37(2)(b)(iii) of the Planning & Development Act 2000 (as amended) that the Board can grant permission for the proposed development having regard to the proposed development's compliance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and its companion document Best Practice Urban Design Manual (2009), the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020), and by reference to the policies of the government stated at Objectives 3a, 11, 13 and 35 of the National Planning Framework. It is considered that the proposed building height, unit mix, block configuration, minimum internal apartment space standards, the provision of 25% open space in separate parcels on this Z15 zoned site and the proposed retail/café and commercial uses are in keeping with the proper planning and sustainable development of the area and can therefore be granted permission.

Please refer to the submitted Material Contravention Statement for further details.

### **Item 3**

*“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 the separation distance between proposed blocks, 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, in particular with Ballyfermot Road and to the east with the Steeples Housing development. The statement should be supported by contextual plans and contiguous elevations and sections.”*

### **Response:**

Delphi Design have prepared the submitted Architectural Design Statement which details justifications for the proposed development with particular regard to the 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 submitted Architectural Design Statement which can be read in conjunction with the submitted Masterplan document, Residential Amenity Report, architectural drawings and Planning Statement, all of which prepared by Delphi Design, with these submitted document / drawings addressing the separation distance between proposed



blocks, 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, in particular with Ballyfermot Road and to the east with the Steeples Housing development

Please refer to the submitted Architectural Design Statement and accompanying listed documentation for further details.

#### **Item 4**

*“A report addressing the details of Heritage and Conservation Impact raised by the planning authority, at pre application meeting stage (SHD s.247 meeting, Monday the 5th of October 2020), in the CEO Report dated 26.05.2020 and the report of the Conservation Officer dated the 26.05.2020.”*

#### **Response:**

The subject application is accompanied by a Heritage Impact Assessment (HIA) prepared by Dermot Nolan, Conservation Architect (Grade 2), and Section 6 of same sets out a detailed response to the comments of the DCC Conservation Officer – please refer to same.

#### **Item 5**

*“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%.”*

#### **Response:**

A Housing Quality Assessment (HQA) has been prepared as a separate document (i.e., A3 booklet) by Delphi Design and is submitted – please refer to same. This assessment demonstrates that the proposed apartments either meet or exceed the standards for accommodation as required by the Guidelines on Design Standards for New Apartments (2020). The submitted HQA also identifies the aspect of the individual units, with 63% of the proposed units being dual aspect. In addition, the submitted HQA identifies the units that exceed the minimum floor area by 10% (refer to the last column) with a summary table for each block also provided for detailing the number and percentage of units in each block that exceed the minimum standards by 10%. The submitted plans clearly identify the unit type and aspect.

#### **Item 6**

*“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.”*



**Response:**

This application for permission is accompanied by the following reports/documents that collectively demonstrate that issues of residential amenity have been addressed:

- Daylight and Sunlight Assessment Results prepared by 3D Design Bureau (3DDB) and
- Residential Amenity Report by Delphi Design Architecture and Planning

The submitted impact assessment by 3DDB studied the potential levels of effect the surrounding existing environment and/or properties would sustain should the proposed development be built as proposed. It covered the following categories:

1) Effect on daylight (VSC) to surrounding properties. The effect to the VSC of the windows of the following neighbouring properties was assessed:

- 73-139 Ballyfermot Road
- Block A, The Steeples, Saint Laurence Road
- 1-11 The Steeples, Saint Laurence Road
- Block F, The Steeples, Saint Laurence Road

2) Effect on sunlight (APSH) to surrounding properties. The effect to the APSH (annual and winter) of the windows of the following neighbouring properties was assessed:

- Block A, The Steeples, Saint Laurence Road
- Block F, The Steeples, Saint Laurence Road

3) Effect on sunlight to surrounding external amenity spaces such as gardens and public parks.

- 1-6, 8-11 The Steeples, Saint Laurence Road

The submitted assessment has studied the effect the proposed development would have on the level of daylight and sunlight received by the neighbouring residential properties that are in close proximity to the proposed development.

153 No. windows of the neighbouring existing properties were assessed for the study of effect to VSC, 100% of assessed windows are meeting the BRE guidelines. No surrounding property will experience an unacceptable drop in the level of effect. Regarding to Annual and Winter APSH, all 20 No. assessed windows (100%) are meeting the BRE guidelines. The submitted assessment also demonstrates that 10 No. of existing gardens assessed will experience an imperceptible level of effect to their sunlighting, should the scheme be built as proposed. From the impact study carried out, the outcome can be considered favourable in terms of the level of effect the proposed development will have on the neighbouring properties. This shows that the layout of the scheme is sympathetic to these properties.

The surrounding context was carefully considered to ensure all properties and amenity spaces that may potentially experience a level of effect were included in the study. The submitted impact assessment states that the proposed scheme is performing well regarding impact to surrounding existing properties.



The submitted Residential Amenity Report prepared Delphi Design details how the scale and massing of the proposed development has been carefully designed to integrate with the existing environment.

In relation to the eastern boundary treatment adjacent to the Steeples Housing Development, the design has been carefully considered so as to increase the amenity quality of the existing rear gardens of Nos 1-11, while not compromising their privacy. The existing rear gardens of Nos 1-11 have a median ground level that sits below the applicant site which varies by approximately 1.5 to 3 metres.

The 2 no. linear Block E apartments, containing part 2/3 storey duplexes and first floor apartments, mediates the scale transition from Block D, the 4-7 storey apartments to the west. Block E sits 8.4m back from the development boundary and 18.5m from the rear elevation of Nos 1-11 The Steeples.

Block E is designed with two storeys to the new proposed street, with a storey lower ground floor/ basement storey providing access to a small rear garden. The removal of the existing trees, combined with the feathering of building height from 2/3 storeys to four storeys, allows significantly improved southern and western sunlight to penetrate the adjoining properties' rear gardens. All windows at first floor level [from the first floor apartment] are permanent frosted glazed, with the bedroom and living spaces orientated to face the street. Ground floor living spaces and lower ground floor bedrooms face the street and rear gardens.

No's 1-14 Phoenix View are existing duplex apartments which gable on to Block E boundary, with no gable windows to living or bedroom areas facing the development boundary. The north facing open space to the rear is accessible to all and part of the overall open space quantum. The design proposal has been BRE tested for daylight and sunlight, with the impact on the existing rear gardens and existing rear windows of the house as being imperceptible.

With regards to the southern boundary design treatment facing onto Ballyfermot Road, the proposed development creates two boundary conditions, at section 1 with the proposed development facing towards Markievicz Park and at section 2 with the proposed development facing onto the existing two storey houses that bound Ballyfermot Road.

For section 1, the development proposes:

- Block A re-houses part of the former De Le Salle school structure into community uses,
- A public urban plaza is created in front of the protected structure, enhancing its presence as a significant community building,
- Active street frontage is promoted by the use of the school building as creche and community hub, provision of a ground floor shop unit in Block B and a proposed Bus Stop on Ballyfermot Road.

For section 2, the development proposes:

- Main entrance to the development retains its open and arboreal connection to Markievicz Park with the protection of existing tree specimen and the introduction of additional new trees and landscaping,
- Retention of trees to Markievicz Park boundary with the location of the Bus- Connects corridor

Additionally, the implementation of significant hard and soft landscaping along the Ballyfermot Road interface provides a buffer between the edge of the road and the new street frontage, facilitating the introduction of a strong urban edge while reflecting the original open quality of the school grounds.

For full details on how the Applicant has considered the scale, form, visual impact, materials and finishes to the proposed buildings please refer to the enclosed Residential Amenity Report, Architectural Design Statement, Masterplan and Planning Report prepared by Delphi Design. Delphi Design A have also prepared a series of site



section drawings i.e. the submitted drawing no.s D1808-19 to D1808-26, as well as north, south, east and west elevation drawings of the proposed development, i.e. the submitted drawing no.s D1808-15 to D1808-18, please refer to same for details. The aforementioned drawings include the proposed levels and cross-sections which illustrate the relationship between the proposed development and adjacent residential development.

### **Item 7**

*“A Daylight and Shadow Impact Assessment of the proposed development, specifically with regard to impact upon adequate daylight and sunlight for individual units, public open space, courtyards, communal areas, private amenity spaces and balconies.”*

### **Response:**

3D Design Bureau (3DDB) has prepared the submitted Daylight and Sunlight Assessment which includes an analysis of the levels of sunlight to the proposed amenity spaces, as well as access to daylight (ADF) in the habitable rooms of the proposed units within the development. The lowest habitable floors (ground and first floor) of each block have been assessed for ADF. The submitted assessment states that *“in an instance where a room does not achieve the recommended level of ADF, and is repeated on subsequent floors, calculations will be run on the upper floors to determine at what level that room type meets the guidelines. Note: Typically, ADF values increase in rooms located on higher floor levels, due to a lesser obstruction from adjacent obstructions. Where a room meets the guidelines for ADF, it was assumed that similar rooms on subsequent floors will also meet the guidelines. All external amenity spaces as identified by the architect were assessed for sunlight.”*

A summary of the results of the submitted assessment, should the development be built as proposed, is as follows:

#### **Effect to Vertical Sky Component (VSC) on neighbouring properties:**

Windows Assessed: 153 No.  
Imperceptible: 153 No. (100%)

#### **Effect to Annual Probable Sunlight Hours (APSH) Annual Study:**

Windows Assessed: 20 No.  
Imperceptible: 20 No. (100%)

#### **Effect to Annual Probable Sunlight Hours (APSH) Winter Study:**

Windows Assessed: 20 No.  
Imperceptible: 20 No. (100%)

#### **Sunlighting to existing neighbouring gardens:**

Gardens Assessed: 10 No.  
Gardens meeting the guidelines: 10 No. (100%)

#### **Sunlighting to proposed amenity area:**

Areas Assessed: 18 No.  
Meeting the guidelines: 16 No.  
Not meeting the guidelines: 2 No.



### **Average Daylight Factor (ADF) of internal proposed development:**

Rooms assessed: 756 No. (Total No. of habitable rooms across the development is 2528 No.)  
With ADF target value of 2.0% applied to LKDs:

- Rooms meeting the guidelines: 718 No.
- Rooms not meeting the guidelines: 38 No.
- Rooms assumed to meet the guidelines: 1,772 No.
- Overall circa compliance rate for entire scheme: ~98%

With ADF target value of 1.5% applied to LKDs:

- Rooms meeting the guidelines: 732 No.
- Rooms not meeting the guidelines: 24 No.
- Rooms assumed to meet the guidelines: 1,772 No.
- Overall circa compliance rate for entire scheme: ~99%

The submitted assessment assessed a total of 18 No. proposed amenity areas for the study of sun lighting within the scheme. 16 no. of these areas will be meeting the guidelines, receiving great levels of sunlight for March 21st. The proposed amenity areas not meeting the guidelines are the courtyard located in Block F and second floor terrace (northern) of Block H. Block F's courtyard is receiving low levels of sunlight on March 21st due to its north facing location as well as the Block F's structural massing itself is blocking light into the space. It is important to note all residents will still have access to 2 No. well lit outdoor amenity areas in Block F. Additionally, they will have access to a well sunlit public central open space within the scheme. 3D Design Bureau state that the architects have carefully considered this particular design with the concept of giving occupants open views of the northern sites beyond the scheme, namely the River Liffey. The northern, second floor terrace of Block H is receiving a 97.2% level of compliance with the BRE guidelines. Occupants of Block H will have access to an additional 2 No. well sunlit amenity areas (southern, second floor terrace/courtyard area). It is 3D design Bureau's opinion that the results for sun lighting within the scheme itself are very favourable, with 16 No. out of 18 No. of the assessed amenity areas meeting the guidelines comfortably.

For the study of ADF 3D Design Bureau assessed the lowest habitable floors (ground and first) of Block A | Block B | Block C | Block D | Block E (Duplexes) | Block F | Block G and Block H. Throughout this project, 3DDB worked closely with Delphi Design Architecture + Planning particularly with regard to the ADF of the apartment blocks. Compensatory measures and important design interventions were introduced in order to ensure a favourable outcome in terms of internal daylight values. These design changes included amendments to external massing, internal walls, room configuration, window sizes and additional window where necessary, whilst maintaining the design integrity of the scheme. The proposed development as a whole can be considered to have access to good levels of daylight with a circa compliance rate of 98%, when a target value of 2% is applied to LKD's, and a circa compliance rate of 99% when a target value of 1.5% has been applied to LKD's. Given size of the proposed scheme the results of the ADF study could be considered to be favourable.

Given the large scale of the scheme and its density, the results of the ADF study should be considered favourable. No existing properties will experience an unacceptable drop in levels of daylight or sunlight and future occupants will enjoy good levels of daylight within the vast majority of the proposed units and will have access to amenity areas that are capable of receiving excellent levels of sunlight.

In their final conclusion, it is the opinion of 3D Design Bureau that future occupants will enjoy good levels of daylight within the vast majority of the proposed units and will have access to amenity areas that are capable of receiving excellent levels of sunlight. Both the impact and scheme performance should be considered favourable. This has been achieved through careful design by the design team and design interventions that have been



implemented throughout the course of the project by working closely with 3DDB. Please refer to the submitted assessment for full details.

### **Item 8**

*“A visual impact assessment to address the details of visual impact raised by the Conservation Officer, in her report dated 26.05.2020. Long range views / photomontages of the proposed development from the surrounding area with views taken from key locations within Chapelizod ACA, the Phoenix Park (Wellington Monument, Magazine Fort, Chesterfield Avenue (in front of Aras an Uachtarain) and The Royal Hospital Kilmainham.”*

### **Response:**

Chapter 14 “The Landscape” of the submitted Environmental Impact Assessment Report (EIAR) was prepared by Mitchell + Associates, Landscape Architects, and is the Landscape and Visual Impact Assessment (hereafter LVIA) of the proposed development, which describes the existing receiving environment, contiguous landscape and the methodology utilised to assess the impacts. It assesses the visual extent of the proposed development and its visual effects on key views throughout the study area. It describes the landscape character of the application site and hinterland, together with the visibility of the site from significant viewpoints in the locality. The report summarises the impact of the proposed development on the visual and landscape amenity of the application site and contiguous area.

In order to provide a full and detailed assessment of the proposal, a total of 21 photomontages prepared by 3D Design Bureau are included with this application (i.e. A3 booklet of CGIs and Photomontages). The views were chosen to accurately represent the likely visual impact from a variety of viewpoints and directions around the subject site. Two further views were assessed as verified views in order to clarify the potential effects from Islandbridge and the Irish National War Memorial Gardens.



**Figure 1 - Extract from Chapter 14 EIAR i.e. Fig. 14.6a - Map of local or short range views 1-10.**



Fig. 2 - Extract from Chapter 14 EIAR i.e. Fig. 14.6b - Map of medium range views 11-17

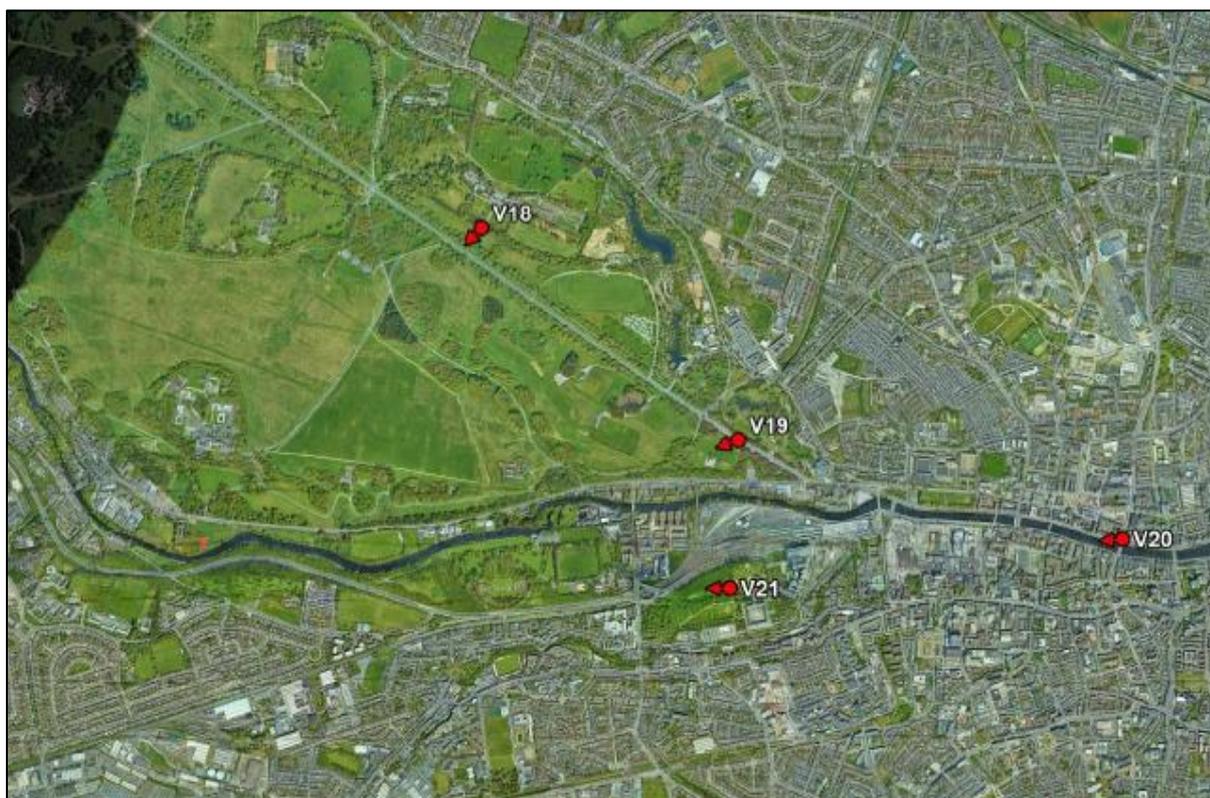


Fig. 3 - Extract from Chapter 14 EIAR i.e. Fig. 14.6c - Map of longer range views 18-21

Note: Figure 14.6 a, b, c – Maps of Selected Views at short, medium and long distance (courtesy 3D Design Bureau)



Photomontages were prepared for 21 locations from a range of viewpoints. A further two verified views from Islandbridge were included bringing the total to 23. For each view, the significance/magnitude and quality/sensitivity of the impact are assessed – refer to Section 14.10.2.3 of the EIAR. Details of the 23 views are as follows and include views as requested by the DCC Conservation Officer i.e. Chapelizod ACA, the Phoenix Park (Wellington Monument, Magazine Fort, Chesterfield Avenue (in front of Aras an Uachtarain) and The Royal Hospital Kilmainham.

- **View 1** – The view is taken to the north east of the site from St Laurence’s Rd looking toward the existing housing development of The Steeples.
- **View 2** – The view is from the Ballyfermot Road, looking westwards towards the site.
- **View 3** – The view is from Markievicz Park looking northwards across the open grass space towards the proposed site.
- **View 4** – This view is from Garryowen Rd close to the entrance with Markievicz Park.
- **View 5** – The view is from the open space at Muskerry Road looking north eastwards towards the site.
- **View 6** – This view is looking eastwards along the Ballyfermot Road towards the site.
- **View 7** – The view is another from a series testing the views along the Ballyfermot Road;
- **View 8** – This view is looking westwards towards the subject site from The Steeples residential area.
- **View 9** – This view is from Convent Lawns looking eastwards towards the site.
- **View 10** – This view is from Chapelizod Hill Road looking eastwards towards the site.
- **View 11** – This view is the first of a series for the Phoenix Park. Taken from the earthworks of Magazine Fort, the view looks out across the verdant periphery of the park and westwards along the Liffey Valley towards Ballyfermot.
- **View 12** – This view is taken on the Acres Road in the Phoenix Park looking southwards towards the site.
- **View 13** – This view is from Phoenix Park, testing the visibility closer to the edge of Fifteen Acres, looking southwards towards Ballyfermot.
- **View 14** – This view is taken at a gap in the peripheral vegetation of the Phoenix Park. The view is across the sloping grass meadows and between mature trees looking out across the Liffey Valley towards Ballyfermot.
- **View 15** – This view is from the Chapelizod Road looking southwards across the Liffey Valley Park towards the site.
- **View 16** - This view is from the Chapelizod Road looking directly across the road towards the Church of the Nativity of the Blessed Virgin, and a terrace of single storey houses over basement, from the new 5 storey Sisk Living development.



- **View 17** – This view is from the Anna Livia Bridge in Chapelizod.
- **View 18** – This view is taken from close to Áras an Uachtaráin along Chesterfield Avenue.
- **View 19** – The view is taken at the Wellington Monument in the Phoenix Park.
- **View 20** – The view is taken from the Watling Street bridge in Dublin city centre.
- **View 21** – The view is taken from the meadow at the Royal Kilmainham Hospital.
- **View 22** – The view is looking westwards from the southern bank of the Liffey at Islandbridge, in the grounds of the Irish National War Memorial Park.
- **View 23** – The view is looking westwards across the Irish National War Memorial Gardens.

**Table 14.5 of the EIAR provides a summary of views as follows:**

<b>View</b>	<b>Location</b>	<b>Effects</b>	
1	St Laurence's Rd	Moderate	Neutral
2	Ballyfermot Rd	Moderate	Neutral
3	Markievicz Park	Moderate	Neutral
4	Garryowen Rd	Moderate	Neutral
5	Muskerry Rd	Slight	Neutral
6	Ballyfermot Rd	Moderate	Neutral
7	Ballyfermot Rd	Slight	Neutral
8	The Steeples	Moderate	Neutral
9	Convent Lawns	Slight	Neutral
10	Chapelizod Hill Rd	Imperceptible	
11	Phoenix Park	Moderate	Neutral
12	Phoenix Park	Moderate	Neutral
13	Phoenix Park	Imperceptible	
14	Phoenix Park	Moderate	Neutral
15	Chapelizod Rd	Moderate	Neutral
16	Chapelizod Rd	Moderate	Neutral
17	Anna Livia Bridge Chapelizod	Moderate	Neutral
18	Phoenix Park	Imperceptible	
19	Phoenix Park	Imperceptible	
20	Watling St bridge	Imperceptible	
21	Royal Hospital Kilmainham	Imperceptible	
22	Irish National War Memorial Park	Moderate	Neutral
23	Irish National War Memorial Park	Imperceptible	



### **Item 9**

*“Clarification at application stage regarding connection to water and drainage infrastructure having regard to the Irish Water submission dated 08.06.2020.”*

#### **Response:**

Please refer to the submitted Engineering Services Report prepared by DBFL Consulting Engineers and specifically Appendix A of same which contains the Confirmation of Feasibility and Design Statement of Acceptance from Irish Water for the proposed development, under Ref. 180189. The pre-connection enquiry from Irish Water, dated 11<sup>th</sup> August 2020, states that a water connection and wastewater connection are feasible without infrastructure upgrade by Irish Water.

### **Item 10**

*“Response to issues raised in transportation department report dated 20.05.20, accompanying the PA Opinion dated 26.05.20.”*

#### **Response:**

In relation to BusConnects, the Applicant’s agents, Delphi Design, and their engineering consultants, DBFL, held consultations with both the National Transport Authority (“NTA”) & the Transportation Section of Dublin City Council with regard to the future BusConnects Corridor which is proposed to directly pass the subject site along Ballyfermot Road. Following on from these consultations, it has been agreed in principle that the NTA can encroach into, and utilise, lands located within the subject application site. The Applicant has agreed to fully accommodate the NTA’s proposals and proposed site layout caters for an appropriate set back to accommodate the future BusConnects Corridor on Ballyfermot Road so that existing open space (Markievicz Park) and associated significant trees located on the opposite side of Ballyfermot Road can be protected and maintained.

Proposed works on Ballyfermot Road also include for a new pedestrian crossing between Markievicz Park and the proposed development to cater for connectivity and enhance safety of movement for pedestrians to and from the site. Please refer to submitted Drawing No. 180189-DBFL-RD-SP-DR-C-1000 ‘Road Layout Plan’ as well as the submitted Traffic and Transport Assessment prepared by DBFL Consulting Engineers for further details.

The proposed development includes for works to the existing Ballyfermot Road and Lynch’s Lane. These works have been discussed with Dublin City Council and a letter of consent from Dublin City Council for these works, dated 8<sup>th</sup> December 2021, is submitted with the application – a copy of which is enclosed in Appendix E of the submitted Planning Statement.

Please refer to the submitted Traffic and Transport Assessment (TTA) prepared by DBFL Consulting Engineers and section 9 of same which provides a full response to the the items raised by Dublin City Council and the requests made in the Transportation Planning Division Report (dated 20<sup>th</sup> May 2020).



## **Item 11**

*“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.”*

### **Response:**

Mitchell + Associates Landscape Architects have prepared the submitted landscaping proposals including a landscape report and plans which detail the provision of public and communal open spaces, amenity and wayfinding strategies, planting plans and schedules. All of the open spaces, public and communal are directly overlooked by the proposed buildings offering passive / natural supervision. Details of the hard and soft landscaping for the public spaces / plazas are submitted as are details of the proposed play features / equipment. The submitted landscape report provides details on green roofs, boundary treatments, play equipment, fitness equipment, seating and other equipment including bat and bird boxes and insect hotels, and materials – please refer to same.

## **Item 12**

*“A full response to matters raised within the PA Opinion and Appended City Council Department comments submitted to ABP on the 26.05.2020.”*

### **Response:**

The following sets out how the Applicant has responded to the comments contained in the PA Opinion dated 25<sup>th</sup> May 2020, as submitted to An Bord Pleanála:

### **Zoning**

This application for permission is accompanied by a Planning Statement and a Statement of Consistency which are separate, standalone documents, however, both documents clearly detail the proposed development's compliance with the requirements of the Z15 land use zoning objective attached to same, under sections 7 and 5.4.1 respectively – please refer to same. In addition, under section 2.1 (1. Development Strategy) above in this report, a detailed analysis is set out demonstrating how the proposed development assists with and secures the aims of the Z15 zoning objective, and to avoid repetition here, we refer the reader to all of the aforementioned sections of the submitted reports. Furthermore, the Applicant has liaised with the Department of Education & Skills and as agreed, is reserving an area of the subject site to accommodate a future 16-32 classroom school. A Childcare and School Demand Assessment has also been undertaken which confirms that there is sufficient existing capacity in the area to serve the school going needs of the proposed development.

### **Density & Landscape and Visual Impact Assessment**

The PA Opinion states that “overall, while high density development is generally supported, Section 16 – Development Standards of the City Development Plan requires that the density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. In this regard, concerns are raised in relation to the visual impact of the development proposed due to its scale and with the quality of residential accommodation proposed, which may indicate that the proposed scheme is of excessive density for the site”. In response to same, the proposed development caters for 927 no. dwellings on



a gross site area of c. 8.3 hectares and, therefore, puts forward a proposed gross density of c. 112 dwellings per hectare. Based upon the guidance of Appendix A of the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), it is considered that the proposed development puts forward a net density of c. 149 dwellings per hectare – for further details on the calculation of net density please refer to section 10.2 “Residential Density” in the submitted Planning Statement prepared by Delphi Design which is enclosed with the application as a separate document. Furthermore, a Landscape and Visual Impact Assessment (LVIA) of the proposed development has been carried out (contained in Chapter 14 “The Landscape” of the submitted Environmental Impact Assessment Report (EIAR)) which states that *“in demonstrating the trend for increased density for housing as a national policy the scheme is demonstrating an intensification of the current suburban landscape at this interface of the Liffey Valley and low density housing. The effect is described as **moderate** in that it follows the principles and trends currently extant in the neighbourhood, and **neutral** in that it asserts these new spatial definitions in a considered way and brings with it the vibrancy of increased footfall and uses of the local amenities”*. It also states that *“the assessment of visual effects concludes for the most part that the established residential areas will be largely unaffected by the imperceptible views. Moderate effects occur closer to the subject site, and the massing and treatment of the facades tends to lead towards a neutral effect”*.

### Masterplan

DES has confirmed that a site shall be reserved for future school use and as such an area of 0.5ha is to be reserved. The reserved school site is currently occupied by the west wing of the former De La Salle primary school. Upon a grant of permission, it is intended that this part of the building will be demolished but during construction stage, it will form part of the site compound. Upon completion of the development, the west wing will be demolished, and the site seeded and grassed and left available for development of a future school. As outlined in the submitted planning application documentation, it is intended that the reserved school site may accommodate either a 16 or 32 classroom school as agreed with DES. In the interim, the reserved site will be grassed and open (not enclosed) and will be managed by the management company. Given the confirmation from DES that the site is to be reserved for a school, no alternative use has been considered as part of the Masterplan.

### Layout

The proposed development provides for a pedestrian crossing across the Ballyfermot Road providing access from the development to Markiewicz Park. The pedestrian crossing is positioned adjacent to the public open space between Blocks B and C thus contributing the green infrastructure strategy of the environs. These works have been discussed with Dublin City Council and a letter of consent from Dublin City Council for these works, dated 8<sup>th</sup> December 2021, is submitted with the application (a copy of which is enclosed in Appendix E of the submitted Planning Statement).

### Height

The submitted LVIA confirms that *“for the most part that the established residential areas will be largely unaffected by the imperceptible views. Moderate effects occur closer to the subject site, and the massing and treatment of the facades tends to lead towards a neutral effect”*. A series of CGIs and photomontages of the proposed development have also been prepared and are submitted with the application. These, in conjunction with the submitted Architectural Design Statement, which provides details of the scale and massing of the proposed buildings demonstrates that there will be no overbearing impacts as a result of the proposed building heights.

### Conservation

The proposed development will retain the existing principal paired entrance gate piers of the Protected Structure; however, permission is sought to relocate the piers inwards (northwards) to the site. The relocation of the piers is

put forward in acknowledgement of the proposed BusConnects Corridor on Ballyfermot Road which will ultimately widen the existing road. The piers will be relocated to form part of the public plaza area to the south of the Protected Structure, fronting onto Ballyfermot Road, and be realigned to be centred with the main door of the Protected Structure. It is considered that the proposed relocation of the piers ensures that they are a central feature of the new plaza area to the south of the Protected Structure, enhancing their value.

Please refer to section 8 of the submitted Planning Statement which provides details of the proposals to the Protected Structure, as well as the submitted Heritage Impact Assessment (HIA) prepared by Dermot Nolan, Conservation Architect (Grade 2) and section 6 of same sets out a detailed response to the comments of the DCC Conservation Officer – please refer to same.

The play area associated with the proposed creche within the Protected Structure has been placed to the rear of same.

The Protected Structure is to be retained and altered to accommodate a childcare facility and community uses. It is considered that this community hub, dependant on the tenant, will provide the opportunity to implement a range of programmes and services to benefit the community, such as e.g. community drop ins, community breakfast clubs, meeting room, and other supportive groups. It is envisaged that this community use will enable new and established communities in Ballyfermot to engage with each other, fostering a sense of community and increasing the social interaction. It is considered that the community use unit will aid in the creation of a sense of community with the overall scheme, tying individual neighbours together and forming an important meeting point within the scheme. It is envisaged that the management of this facility will be operated by a specified management company, who may liaise with Dublin City Council and / or the Dublin City Local Community Development Committee in terms of what services the unit caters for.

At pre-application consultation stage, the proposed building to the rear of the Protected Structure was labelled Block G – this has now been renamed Block A. It can be seen from the image below that it is proposed to step the new building to the rear of the Protected Structure such that it will frame it appropriately.



**Fig. 4 – Extract from submitted CGI 1** (Extract from submitted 3D Design Bureau document).

The design intention within Block A is to ensure that the prestige of the Protected Structure is to the forefront of the scheme. It is considered that the proposed works to the Protected Structure ensure that the building maintains its heritage while also providing for modern uses, allowing the Protected Structure to form a notable part of community life in Ballyfermot in the years to come.

A new public plaza area to the front of the Protected Structure is also proposed, which will further enhance the setting of the Protected Structure within the overall scheme, with a pedestrian only route into the centre of the development provided to the east of the Protected Structure. In combination with the proposed commercial unit at the south-west corner of Block B, it is considered that this new plaza area will cater for a sense of place and vibrancy at the front the development, along Ballyfermot Road, creating a welcoming environment for both future

residents and visitors, opening up the site to use and animation whilst also greatly improving the existing streetscape. The prominent location of the plaza will invite people further into the scheme with the pedestrian routes carefully laid out to ensure that one is invited into the development to utilise the open spaces, retail/ café etc. in the centre / rear of the development.

To the rear of the Protected Structure, the proposed new building which forms part of Block A is aligned with the corners of the Protected Structure and steps up from 2 storeys at its southern elevation to 5 storeys at its northern elevation. The stepped design of the new building to the rear of the Protected Structure caters for integration between the 2 storey Protected Structure and the taller elements of the development in the centre of the scheme (which can be seen in the background of Fig. 5 below), while also ensuring that the Protected Structure is not unduly overshadowed or dominated by the new building to its rear. Indeed, it is considered that the design of this new building allows for the Protected Structure to be appropriately frame when viewed from the south.

The external material finishes to the new building are put forward to provide for a sufficient contrast with the existing appearance of the Protected Structure, further allowing the Protected Structure to stand out appropriately from its new neighbours.



**Fig. 5 - CGI view of the Protected Structure from Ballyfermot Road, with Block B to the right.**

(Extract from submitted 3D Design Bureau document).

The proposed design of surrounding buildings ensures that the Protected Structure is not unduly dominated / overshadowed and is given appropriate space to be appreciated and enjoyed.

### Residential Quality Standards

This application for permission is accompanied by a Housing Quality Assessment (HQA) has been prepared as a separate document (i.e. A3 booklet) by Delphi Design and is submitted – please refer to same. This assessment demonstrates that the proposed apartments either meet or exceed the standards for accommodation as required by the 2020 Guidelines on Design Standards for New Apartments. The submitted HQA also identifies the aspect of the individual units, with 63% of the proposed units being dual aspect. In addition, the submitted HQA identifies the units that exceed the minimum floor area by 10% (refer to the last column) with a summary table for each block also provided for detailing the number and percentage of units in each block that exceed the minimum standards by 10%. The submitted plans clearly identify the unit type and aspect. There are no north facing single aspect units within the proposed development.



Adequate separation distances have been incorporated into the design of Block D with single aspect units have a direct view of the communal courtyard space and not only towards a flank wall.

Floor to ceiling heights of 2.7m are provided for in the proposed apartments.

The submitted HQA and plans demonstrate that each individual unit is provided with sufficient private open space. In addition, the ground floor units of all of the buildings have a defensible space between the units and public paths outside of their private terraces and this is illustrated on the ground floor plans for each of the blocks.

The minimum separation distances between facing windows in the internal courtyards is 22metres.

In relation to lift and stair cores, we note that SPPR 6 of the Apartment Guidelines (2020), states: *“A maximum of 12 apartments per floor per core may be provided in apartment schemes. This maximum provision may be increased for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, subject to overall design quality and compliance with building regulations”*.

The maximum no. of apartments per core, per block, in the proposed development is as follows:

- **Block A:** 10 no. units per floor per core
- **Block B:** 9 no. units per floor per core
- **Block C:** 7 no. units per floor per core
- **Block D:** 8 no. units per floor per core
- **Block E:** 2 no. units per floor per core
- **Block F:** 8 no. units per floor per core
- **Block G:** 6 no. units per floor per core
- **Block H:** 6 no. units per floor per core

The proposed development has a maximum of 10 no. apartments per floor per core, in Block A, with Block B having 9 units per core, both of which are in compliance with SPPR 6 of the Apartment Guidelines, however, Blocks A and B, exceed the permissible maximum number of units per core as set out in the CDP, and as the CDP predated the introduction of Specific Planning Policy Requirements (SPPRs) in the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ (2020), the number of units accessing the cores in Blocks A and B may be considered a Material Contravention of the CDP. This matter is addressed in the submitted Material Contravention Statement.

Adequate storage is provided for all of the proposed apartments in accordance with the standards for same as per the Apartment Guidelines and this is demonstrated in the submitted HQA.

All of the proposed apartments have been provided with dedicated private open space in accordance with the standards for same as per the Apartment Guidelines and this is demonstrated in the submitted HQA. The private open spaces are separate to communal open space and this is identified on the submitted plans. The submitted plans identify the areas of private open space and communal open spaces.

3DDB has prepared the submitted Daylight and Sunlight Assessment for the proposed development which has individually assessed all of the proposed units – this is submitted as a separate document.

The submitted EIAR includes Chapter 9 “Noise”, prepared by AWN Consulting, which assesses the noise and vibration impact of the proposed development in the context of current relevant standards and guidance. Chapter 8 of the EIAR, “Air Quality & Climate” was also prepared by AWN Consulting and assesses the likely air quality



and climate impacts associated with the proposed development. Please refer to the submitted EIAR for further details.

The proposed playing pitches can cater for a GAA size pitch or multiple smaller pitches. No flood lighting to same is proposed. It is intended that the pitches will be taken in charge by Dublin City Council to ensure that they will not be for the sole use of any one club or sporting organisation and will be available for use by both future residents of the proposed development and the wider community in Ballyfermot. This ensures that the playing pitches will be an important community facility for the wider area.

An Operational Waste Management Strategy, prepared by AWN Consulting, is included in Appendix 12.2 of the submitted EIAR.

Energy Experts Ireland have prepared the submitted Development Sustainability Statement and Ventilation Strategy – please refer to both.

As outlined under Item 6 above, 3DDB has prepared the submitted Daylight and Sunlight Assessment which studied the effect the proposed development would have on the level of daylight and sunlight received by the neighbouring residential properties that are in close proximity to the proposed development. The surrounding context was carefully considered to ensure all properties and amenity spaces that may potentially experience a level of effect were included in the study. The submitted impact assessment states that the proposed scheme is performing well regarding impact to surrounding existing properties.

This planning application is accompanied by a Social Infrastructure Assessment and a Childcare and School Demand Assessment – please refer to both submitted documents.

The submitted Planning Statement and Statement of Consistency provide full details of the proposed development and how it complies with the relevant planning policies, objectives and standards at a national and local level – please refer to these documents for full details.

### **Item 13**

*“An Environmental Impact Assessment Report (EIAR).”*

#### **Response:**

An Environmental Impact Assessment Report (EIAR) has been prepared for the proposed development and is submitted as part of the application documentation – please refer to same.



### **3.0 Prescribed Bodies**

**3.1** Finally, the Board's Opinion set out the statutory bodies to be notified of the making an application. A copy of the current application will be sent to the prescribed bodies identified by the Board as follows:

1. Irish Water;
2. The Department of Culture, Heritage, and the Gaeltacht (now under remit of the Department of Housing, Local Government, and Heritage);
3. An Taisce;
4. The Heritage Council;
5. Fáilte Ireland;
6. An Chomhairle Ealaíonn;
7. The Irish Aviation Authority;
8. The Dublin City Childcare Committee.

**3.2** Prior to the submission of the application, each of the above named prescribed bodies were contacted directly and asked if, given the Covid-19 pandemic and associated working restrictions related to same, 1 no. digital copy only of the application would be sufficient for their assessment of the application. It should be noted that each of the 8 no. prescribed bodies requested to receive a soft copy of the application only. As such, the above named prescribed bodies have been sent a softcopy of the application only. In the interest of transparency, a copy of correspondence with each of the prescribed bodies confirming the aforementioned is enclosed with the application – for full details please refer to same.



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