



An
Bord
Pleanála

Inspector's Report

ABP-304981-19

Development	Construction of 27 residential units in two apartment blocks.
Location	Site of c.0.27ha known as Arva, 137 Glenageary Road Upper, Glenageary, Co. Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1009
Applicant(s)	Victoria Homes Ltd
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party x 3
Appellant(s)	1) Professor Colin O'Gara & Jennifer O'Gara 2) Robert Murphy & Joanne Archer 3) Mitchel & Barbara Simpson
Observer(s)	Sharon Plunkett
Date of Site Inspection	28 th November 2019
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal with a stated area of 0.27 ha comprises a rectangular plot of land at “Arva”, 137 Glenageary Road Upper. There are two access points off the Glenageary Road accessing the site. The site is surrounded by a number of different boundary treatments with part of the eastern side of the site defined by the flank wall of a dwelling house ‘Swans’ Hollow’, which appears to be a converted and extended stable or out-building. Adjoining this house to the east and north is a gated development of 4 no houses, which are accessed from a shared cul de sac off the main road. The three houses to the rear of this gated residential development are particularly low lying relative to the converted stable and the rear of the appeal site. To the west of the site is a pedestrian pathway which connects Silchester Park to Glenageary Road Upper.
- 1.2. The appeal site is the site of a former dwelling house ‘Arva’, which was demolished following a fire. There is no evidence of the former dwelling house on site. The site is largely open and without particular features save for the presence of mature trees at the northern (rear) boundary as well as some trees along the other site boundaries. There are relatively open views towards the residential development to the east, albeit views to the upper floor level of these houses.
- 1.3. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 27 residential units (2,129.3 sqm excluding car parking) in two apartment blocks, 4-storey high over basement car park comprising the following:
 - Block A consists of 4 no. 1-bed units, 6 no. 2-bed units and 4 no. 3-bed units.
 - Block B consists of 3 no. 1-bed units, 7 no. 2-bed units and 3 no. 3-bed units.
 - A new pedestrian access is to be provided between the site and the linear park to the west.
 - All associated site development, landscape, boundary treatment works, services provisions and ancillary site works will also be provided.

2.2. The application was accompanied by the following:

- Planning Report
- Design Statement
- Road Safety Audit
- Engineering Services Report
- Landscape Masterplan and Associated Report
- Report on Arboricultural Impact & Tree Protection
- Screening Report for Appropriate Assessment
- Ecological Impact Assessment
- Part V cost Calculations
- Letter from the owner of the site, James O'Reilly, Proprietor, Altadore Nursing Home, Upper Glenageary Road giving consent to the applicant to lodge a planning application.

2.3. **Further information** was received on the **12th June 2019** and summarised as follows:

- Block B - It is proposed to move the stair and lift core from the northern to the southern face of Block B. This allows the penthouse level to be set back from the north elevation. Note that the penthouse level is also set back from the east elevation. The balcony is restricted to the south and west elevation with the areas to the north and east being planted. Access to the outside areas to the north and east will be restricted to maintenance use only.
- Revised plans making provision for a new pedestrian link between the existing adjoining green space and the site in order that the Local Authority can implement the connecting path within the green space at a future date.
- Submitted that the applicant has investigated the possibility of providing a two way ramp to serve the basement car park (32 car spaces, 53 no bicycle spaces and 2 no motor cycle spaces) and have concluded it would severely impact the proposed landscape spaces in the scheme. At surface level 14 no visitor bicycle spaces are provided.
- Submitted that a single ramp with Stop / Go system will provide a workable solution for the basement car park design of a scheme of this size. Stated that the applicant

has revisited the site layout design and modified it to ensure it can accommodate the required vehicle manoeuvres

- The bin collection area has been sited adjacent to the top of the ramp. A bin lorry can reverse onto the site and parking in the visitor / service spaces at the site entrance.
- Furniture deliveries etc can perform a similar manoeuvre to the bin lorry by also reversing onto the site and parking in the visitor / service spaces at the site entrance
- Stated that the applicant received advise from a Fire Consultant regarding the fire tender access required to served the site. Access for the fire brigade will be provided along the main road to the front of the Block A and along the east side of Block A towards the top of the ramp. Fire tender access is not required to the podium / communal central space.
- An indicative path that will link the proposed residential development to Silchester Park. The proposed pedestrian and cycle route through the site will be designed to allow for accessibility and ease of use.

2.4. The application was accompanied by the following:

- Architectural Report & Drawings
- Engineering Report
- Flood Risk Assessment
- Construction Management Plan
- Outdoor Lighting Report

2.5. **Revised public notices** dated 12th June 2019 were submitted advising that significant further information /revised plans were furnished to DLRCC.

3.0 **Planning Authority Decision**

3.1. **Decision**

3.1.1. DLRCC issued a notification of decision to grant permission subject to 31 no generally standard conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- The **Case Planner** in their first report sought further information as recommended by DLRCC internal technical reports and Irish Water in relation to height, stop / go system, compliance with DMURS, drainage, surface water, foul sewer capacity, flooding, public lighting and open space. Further Information was requested on the 19th December 2018.
- The **Case Planner** in their second report and having considered the further information submitted recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by DLRCC reflects this recommendation

3.2.2. Other Technical Reports

3.2.3. Planning Application

- **Public Lighting** – Further information sought in relation to lighting designs for the new entrance road into the underground car park and internal walkway lighting for this development.
- **Housing Department** – Condition to be attached requiring the applicant / developer to enter into an agreement in accordance with Part V of the Planning and Development act as amended prior to commencement of work on site.
- **Drainage Planning** – Further Information sought in relation to surface water discharge flow, drainage, foul effluent and a full site-specific flood risk analysis.
- **Transportation Planning** – Further information sought in relation to a basement car parking design that does not involve a stop / go system for vehicles, ramped entry treatment for pedestrian priority at vehicular entrance, provision of a stop sign at the new vehicular entrance, connectivity to Silchester Park, bicycle spaces, access arrangements and vehicle manoeuvres required for refuse collection, emergency vehicles etc and construction management plan.
- **Parks & Landscape Services** – Recommended that permission be refused as the scheme is not in accordance with Section 8.2.8.3 of the Development Plan in respect of quality residential placemaking / residential amenity (Policy RES3)

with specific regard to trees, open space and play provisions and opportunities and landscape design.

3.2.4. Further Information

- **Drainage Planning** – No objection subject to condition similar to that recommended by Irish Water below.
- **Public Lighting** – A number of queries have been raised before they “*can sign off on the lighting design*”. These relate to moving an ESB Network Column and associated impact, minimum of 1 lux on all areas for health and safety grounds and light levels on the car park ramp.
- **Transportation Planning** – No objection to the proposed development subject to conditions as set out in the report.

3.3. Prescribed Bodies

3.3.1. Planning Application

- **Irish Water** – Further information requested seeking a hydraulic analysis of the combined sewer to determine if it is sufficient to take the proposed load, and if not proposals to upgrade the foul sewer diameter together with watermain layout to both buildings.
- **Department of Culture, Heritage and the Gaeltacht** – The applicant is required to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development.

3.3.2. Further Information

- **Irish Water** – The applicant has been approved to discharge an attenuated excess of surface water into the nearest combined sewer. For this discharge the applicant shall replace, at their own cost and in consultation with Irish Water, the whole of the existing 150mm diameter combined pipe with a minimum 300mm diameter pipe, to the point where it connects to the existing 300mm diameter pipe.

3.4. Third Party Observations

3.4.1. Planning Application

- 3.4.2. There are 16 observations on the planning file from (1) Brendan Murphy, (2) Bellevue, Glenageary & Rochestown Residents Association, (3) Professor Colin O’Gara & Jennifer O’Gara, (4) Elisabeth Richers-Byrne & Gerard Byrne, (5) Sharon Plunkett, (6) Robert Murphy & Joanne Archer, (7) Mitchel & Barbara Simpson (x2), (8) Eric & Susan Bradshaw, (9) Riain & Gillian Darcy, (10) Declan Flynn, (11) Jonathan & Helen Murphy, (12) Paulyn Marrinan Quinn, (13) Denis Cody, (14) Helen Bradshaw, (15) Philip Nolan, (16) Annette & Anthony Devine and (16) Anna T O’Flanagan.
- 3.4.3. The issues raised relate to traffic congestion, impact and safety; density proposed; size, scale and design; the adjoining pedestrian laneway is not an “adjoining park”, visually incongruous, height, overshadowing, overlooking, noise pollution for basement car park, security, flooding, construction impact, overshadowing, sewerage capacity, access to the lane will cause a serious noise issue, inadequate car parking, devaluation of property values, precedent, damage to the character of the area, proximity of Block B, overdevelopment, Block A is forward of the established building line, stop / go access, inaccuracy of 3D images, misrepresentation of the main entrance, protection of trees, noise and lighting pollution, capacity of local schools and pre-schools, title to the hedgerows, adequacy of essential services and infrastructure, inadequate public transport, lack of open space, removal of trees and the impact on boundary wall and the foundation and structure of adjoining houses.
- 3.4.4. Further Information
- 3.4.5. There are 8 observations submitted on foot of the further information received on the planning file from (1) Professor Colin O’Gara & Jennifer O’Gara, (2) Susan Bradshaw, (3) Robert Murphy & Joanne Archer, (4) Helen Bradshaw, (5) Jonathan & Helen Murphy, (6) Sharon Plunkett, (7) Paulyn Marrinan Quinn SC and (8) Bellevue, Glenageary & Rochestown Residents Association,
- 3.4.6. The issues raised relate to the impact of Block B to adjoining residents (height, scale, massing, layout and topography), houses to the east at the rear of the proposed site are at a significantly lower level, proposed 3 storey with 4th floor step back is actually 4 storeys with a 5th storey step back in height with when viewed from adjoining properties, failure to amend stop go system, concern about the movement of larger vehicles within the site, objective to protect and preserve trees and woodlands is breached, ill conceived oversized project for the site, existing permission for 4 houses

more suitable, overlooking, overshadowing, noise, inadequate car parking and inadequate open space.

4.0 Planning History

4.1. There was a previous appeal on this site that may be summarised as follows:

- **PL06D.249147 (Reg Ref D17A/0518)** – In 2017 DLRCC refused permission for 8 no. dwelling houses, new access road and entrance, parking and other works at Arva, Glenageary Rd Upper, Glenageary Co. Dublin. Following a first party appeal the Board refused permission on the 16th February for the following 4 no reasons as summarised:
 - 1) The selected housing typology has unduly constrained the achievement of higher densities
 - 2) Inadequate provision of public open space
 - 3) The proposed development would militate against the protection of trees on the site
 - 4) Risk of flooding of adjacent lands.

4.2. The following planning history is set out in the above Planning Inspectors report (PL06D.249147 refers):

- Under **PL06D.241192** the Board on 17th of April 2013 upheld the decision of the Planning Authority (Reg. Ref. D12A/0074) to grant permission for a development comprising 4 no. detached two-storey houses with partial use of attic, widening of existing vehicle access and other works at Arva, Glenageary Rd Upper. Conditions included measures for protection of trees and precautionary mitigation measures for bats.
- Under **PL06D. 236338** the Board on 21st July 2010 upheld the decision of the Planning Authority (Reg. Ref. 09A/0909) to refuse permission for a development comprising a part three-storey part two-storey part one-storey over basement 48 ensuite bedroom retirement home at Arva, Glenageary Rd, Upper. The reasons for refusal related to height and scale and excessive form of development which would also give rise to overlooking and to substandard open space provision.

- Under **PL06D.224837** the Board on 12th December 2007 upheld the decision of the Planning Authority (Reg. Ref. D05A/1174) to grant permission for alterations to previously approved retirement home at Arva, 137 Upper Glenageary Rd. The reason for refusal related to likely resulting damage to trees and likely increase in demand for parking which would result in an excessive development. The parent permission for the development sought to strike a balance between scale and the amenities of the site.
- Under **PL06D.215177** the Board on 8th June 2006 upheld the decision of the Planning Authority to grant permission for construction of a two-storey over part basement retirement home including relocation of site entrance.

5.0 Policy Context

5.1. National Planning Policy & Guidance

5.1.1. The government published the **National Planning Framework** in February 2018. Table 2.1 targets growth of 235,000 to 290,000 in the population of Dublin and its suburbs.

- Objective 3a states that 40% of new homes will be within footprint of existing settlements; 3b is that 50% of the new homes in the cities will be within their existing built up areas.
- Objective 11 is to favour development that can encourage more people to live or work in existing settlements.
- Objective 13 is that, in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- Objective 33 is to prioritise the provision of new homes that can support sustainable development.
- Objective 35 is to increase residential density in settlements

5.1.2. The following is a list of **Section 28 Ministerial Guidelines** considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated technical Appendices) (2009)
- Framework and Principles for the Protection of the Archaeological Heritage (1999)
- Architectural Heritage Protection Guidelines for Planning Authorities (Revised 2011)

5.1.3. The minister issued Guidelines for Planning Authorities on **Urban Development and Building Heights in December 2018**.

- SPPR1 states government policy in favour of increased building height and density in location with good public transport accessibility.
- Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development.
- SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites

5.2. Development Plan

5.2.1. The operative plan for the area is the **Dun Laoghaire Rathdown County Council 2016 – 2022**. The site is zoned **Objective A** which seeks *to protect and / or improve residential amenity*. Land uses that are considered to be “permitted in principle” in Zone A include the following:

“Assisted Living Accommodation, Open Space, Public Services, Residential, Residential Institution, Travellers Accommodation”

5.2.2. Further the site is subject to an objective identified on Map 7 of the Development Plan *to protect and preserve trees and woodlands*. Section 8.2.8.6 Trees and Hedgerows states that *new developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow and new developments shall have regard to objectives to protect and preserve trees and woodlands as identified on the County Development Plan Maps*

5.2.3. Policies relevant to this scheme are set out as follows:

5.2.4. **Policy RES 3** – It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009).
- ‘Urban Design Manual – A Best Practice Guide’ (DoEHLG 2009).
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007).
- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoECLG, 2013).
- ‘National Climate Change Adaptation Framework – Building Resilience to Climate Change’ (DoECLG, 2013).

5.2.5. The Plan also states that, as a general rule, the minimum default density for new residential developments in the County shall be 35 units per hectare. It is acknowledged that this density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Section 2.1.3.3 states that in relation to proximity to public transport:

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and / or 500 metres of a Bus Priority Route and / or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

5.2.6. With reference to Map 7 together with the Development Plan there is a proposed quality bus / bus priority route objective along *Cherrywood to Dún Laoghaire via*

Wyattville Dual Carriageway, Church Road, Sallyglen Road, Upper Glenageary Road and Mounttown Lower (including Graduate and Deerhunter Roundabouts).

- 5.2.7. Church Road / Rochestown Avenue, Churchview Road and Glenageary Road Upper. Strategic Local Objective SLO 160 applies at The Graduate Roundabout:

“To facilitate, support and enhance the development of the area, both roundabouts at Killiney Shopping Centre (Graduate roundabout) and at Glenageary, be retained to ensure proper traffic management of the area”

- 5.2.8. **Policy RES4** – It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.
- 5.2.9. **Policy RES7** – It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.
- 5.2.10. **Policy OSR5: Public Open Space Standards** – It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents ‘Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities’ (2009) and the accompanying ‘Urban Design Manual – A Best Practice Guide’.
- 5.2.11. **Public/Communal Open Space –Quality** – Where any open space is to be provided on foot of a planning permission, the space in question should be well overlooked and designed and located to sympathetically complement the layout of the development and should be visible from, and accessible to, the maximum number of dwellings.
- 5.2.12. **Trees and Hedgerows** – New developments shall be designed to incorporate, as far as practicable, the amenities offered by existing trees and hedgerow.
- 5.2.13. **Appendix 9** of the County Development Plan sets out a Building Height Strategy. The site is not located in an area where any specific provisions in relation to building height apply, e.g. an SDZ. A maximum height of 3-4 storeys therefore applies. Section 4.8.1 of the Strategy sets out the Upward Modifiers that may be applied to justify greater

height in particular locations. These largely relate to good urban design, proximity to public transport nodes and specific site characteristics. The Strategy states:

“The presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be one floor or possibly two”.

5.3. Natural Heritage Designations

5.3.1. The site is not located within a designated Natura 2000 site.

5.4. EIA Screening

5.4.1. Having regard to the nature and scale of the proposed development comprising the construction of 27 residential units in two apartment blocks in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. There are three third party appeals on the file from (1) Professor Colin O’Gara & Jennifer O’Gara, (2) Robert Murphy & Joanne Archer and (3) Mitchel & Barbara Simpson all of whom are residents in the adjoining small gated residential enclave to the east. The issues raised in each may be summarised as follows:

6.1.2. Prof Colin O’Gara & Jennifer O’Gara, Rowan Rock, Glenageary Road Upper

- Loss of amenity to Rowan Rock (appellants home) due to height and massing of the eastern aspect of apartment Block B
- A 4 storey apartment block on an elevated site would have even more of a negative impact than the 3 storey houses refused under PL06D.249147.
- In the event that the Board grant permission it is requested that a condition be attached whereby the height of Block B is reduced or alternatively, the third floor is also stepped back (in addition to the 4th floor) adjacent to Rowan Rock.

- Requested that consideration is given to adequate screening by way of appropriate trees between Block B and Rowan Rock and lightly coloured render consistent with the existing houses.
- Concern is raised about the proposed 11 hours of building a day. In the event of a grant of permission requested that significant protections are implemented to minimise noise and air pollution on existing residents.
- Concern is raised that excavation works may cause potential damage to the shared boundary wall and the appellants property.

6.1.3. **Robert Murphy & Joanne Archer, Cranmore, Glenageary Road Upper**

- Concern is raised with regard to the height, massing and overbearing impact of Apartment Block B. The development could have addressed these issues in a number of ways; stepping back Block B significantly away from the Rowan Rock boundary wall; reducing Block B by at least 1 storey; setting back the top storey away from the boundary and the use of screening / trees / greening etc and sensitivity on materials used in the build – light colours etc.
- Concern is raised with regard to the over development of the site. There are not enough parking spaces including visitor and turning space. The location of bins and arrangements for turning of bin trucks are also sub-optimal in terms of traffic congestion, noise, smells, traffic related risks and general amenity loss.
- The stop / go system will lead to unacceptable levels of congestion, noise pollution, traffic backing up on the main road, danger to road users and loss of amenity. The DLRCC request for additional information specifically requested a detailed plan and design that does not involve a stop/go system.
- Damage to lands and possible damage to existing walls and foundations and noting also the flood risk as highlighted by DLRCC itself. There will also be significant loss of amenity during the build phase and the time periods etc allowed for works take no account of the existing residents rights.
- The proposal does not comply with the development plan. The site is bounded by residential development characterised by low rise and low density. Infill development with a higher density and higher rise should harmonise with the existing surrounding residential development, in terms of scale, pattern and

character. This is simply not achieved by the construction of a scheme of the scale and bulk as is proposed here.

- Significant reduction in value of property and negative impacts on mental health and overall well being.

6.1.4. **Mitchel & Barbara Simpson, Monkswell, Glenageary Road Upper**

- Opposes the proposed development that would result in the overdevelopment of the site, would materially impinge on their residential amenity and privacy and that of other adjoining properties and depreciate the value of property in the vicinity.
- Concern is raised with regard to residential amenity / overlooking from Block A; over development; car parking and traffic (no change to the internal traffic management scheme notwithstanding the request by Council to address this point) and the entire development being forward of the established building line on Upper Glenageary Road.
- This proposal is over development as evident from its excessive density, its punitive open space, its poor layout and design, and inadequate car parking, access and servicing arrangements.
- Due to its proximity to site boundaries, its height, and elevated windows and balconies, it would materially impinge on the residential amenity and privacy of adjoining dwellings.
- Due to its height, scale, mass and proximity to Upper Glenageary Road, it would be visually intrusive on the streetscape and out of character with the pattern and scale if development in the area.
- The Board is requested to overturn the permission granted.

6.2. **Applicant Response**

6.2.1. The first party response to each appeal was prepared and submitted by MacCabe Durney Barnes on behalf of the applicant and may be summarised as follows:

6.2.2. **Response to Mitchel & Barbara Simpson, Monkswell, Glenageary Road Upper**

6.2.3. Residential Amenity / Overlooking

- The distance between the boundary of Arva and that of Monkswell is 18m. The distance of the Block A and the Monkswell garden is 33m. Unit A13 located on the top floor has a balcony which faces both east and south. However the oblique views are at a distance exceeding 33m. Also noted that there is substantial existing screening along the Monkswell boundary which will be completed with additional planting as shown on the landscape masterplan
- The design of Block B is cognisant of the planning history of the site and was sufficiently set back to avoid any impact on adjacent properties, whether to the east or north. Screening is provided to the east between Arva and Rowen Rock, and existing trees are retained to the north between Arva and the northern property. The applicants have set back the top floor away from the east and northern properties.

6.2.4. Overdevelopment

- The proposed development applies the standards as required in the Apartment Design Guidelines 2018. These Guidelines supersede the standards as set out in the County Development Plan in respect of apartment developments.

6.2.5. Traffic Management & Parking

- The proposed development applies the standards as required in the Apartment Design Guidelines 2018. Section 4.21 states that in intermediate urban locations served by public transport and with more than 45 dwellings per hectare, planning authorities “must” consider a reduced overall parking standard.
- The proposed development includes 27 car parking spaces of which 2 are disabled spaces, 7 additional car parking spaces are provided for visitor, two of which are at grade. Further information was submitted to the Councils Transportation Department and it was deemed satisfactory. The issue of unauthorised parking enabled by the footpath width in front of Monkswell falls outside the application site and is a matter for parking enforcement.

6.2.6. Building Line

- There does not appear to be an established building line along the northern side of Glenageary Road Upper. The staggered building will not be visible owing to proposed planting along the Glenageary Road boundary. In addition it is

suggested that having some buildings staggered help create safer environment for pedestrians and cyclist.

6.2.7. Response to **Prof Colin O’Gara & Jennifer O’Gara, Rowan Rock, Glenageary Road Upper**

- Block B is located between 7.27m (the proposed rear supporting wall to the car park entrance) and 14.6m from the side gable of Rowan Rock. The impact of the proposed block on Rowan Rock is minor and will not be significant.
- The applicants have considered the request to provide screening between Arva and Rowan Rock. There are trees proposed to be planted along the two-storey element of Rowan Rock to the north as can be seen on the Landscape Masterplan (Drg No 100) submitted as part of further information. This will allow for adequate screening between the properties.
- There is no possibility to provide planting type screening along the one-storey element of Rowan Rock as the width between the basement ramp and the boundary wall is too narrow (c1m) to allow for trees to grow roots. It is also considered that topping up the existing wall would not be appropriate as it could impact on its integrity. As a result, the applicants respectfully decline to provide for additional screening between two properties.
- The applicants propose to change the dark brick as permitted under Reg Ref D18A/1009 with a lighter coloured render. The Board is referred to the drawing prepared by Ferreira Architects which shows the permitted brick and the suggested rendered replacement. Any changes in materials would need to be agreed with the Planning Authority.
- It is not unusual to have refuse vehicles reversing into sites. This is generally the norm for streets which are closed off with a cul de sac. Considered that the proposed arrangement is suitable and the Transportation Department was satisfied same.
- The applicant will implement the actions and measures outlined in the Construction Management Plan submitted as part of the planning application. Condition No 12 of the decision refers. An archaeologist will be supervising the stripping of the site. Condition No 18 of the decision refers. All measures will be in place to prevent any damage on the boundary wall.

6.2.8. Response to **Robert Murphy & Joanne Archer, Crannmore, Glenageary Road Upper**

- Crannmore is located c37m away from the boundary between Arva and Rowan Rock. This is sufficient separation distance between Block B and Crannmore and that concerns of overshadowing and loss of natural light do not apply. The parapet height is at 10.05m with a third floor set back. Block B will have no impact on Crannmore, which is located some 40m away from Block B.
- Several of the policies noted by the appellants have now been superseded by Section 28 Ministerial Guidelines, namely the Building Height Guidelines 2018 and the Apartment Design Guidelines 2018. The development is compliant with the National Planning Framework 2040 which seeks to achieve Compact Growth.
- A Site Specific Flood Risk Assessment was submitted. The report concluded that the *“risk of flooding to the development had been reduced as far as is reasonable practicable and that the proposals do not increase the risk of flooding to any adjacent site or nearby area”*.

6.3. **Planning Authority Response**

- 6.3.1. DLRCC in their submission note that on foot of the further information the overall bulk and mass of the proposed apartment Block B was reduced. Reference is made to the Case Planners report. The Planning Authority considers that the proposed development, subject to compliance with conditions, would not detract from the amenities of adjoining properties by reason of overlooking or overshadowing and is, therefore, considered to be in accordance with the proper planning and sustainable development of the area.

6.4. **Observations**

- 6.4.1. There are two observations recorded on the appeal file both from Sharon Plunkett. The issues raised relate to height, overshadowing, overlooking, allowing access from the lane will cause a serious noise factor, loss of hedges, traffic on Glenageary Road Upper, inadequate car parking, devaluation of residential property values and it is factually incorrect to say that Killiney Shopping Centre is 300m away.

6.5. Further Responses (additional comments)

6.6. Planning Authority

- No additional comments

6.7. Professor Colin O’Gara & Jennifer O’Gara, Rowan Rock, Glenageary Road Upper

- The first 3 stories of Block B are on a significantly elevated site, contributing to over an 11 metre differential in height between this block and the single storey aspect of their property. Block B is far too close and high and must be reduced to prevent a significant massing effect.
- The current proposal does not use variety in scale and form to respond to the scale of adjoining dwellings to the east. It does not include an effective mix of 2, 3 and 4 storey development.
- It is submitted that it would be a fair and reasonable approach to reduce the height of Block B on the eastern side to respect the significantly lower level of “Rowan Rock” and plant trees on the Eastern aspect of the development where the 4 storey eastern aspect of Block B is adjacent to one storey of “Rowan Rock” (photo attached)
- Additional screening is critical to softening a 14m wide by 15m high imposing structure. Requested that the Board condition that screening should be provided as part of a grant of permission.

6.8. Robert Murphy & Joanne Archer, Cranmore, Glenageary Road Upper

- The applicant gives an incorrect identification of Cranmore. The house that they refer to is the neighbouring house “Tinoran”. All measurements are therefore wrong.
- Proposed developments with higher density and greater heights must be managed and effected in a sympathetic way respecting the surrounding properties.
- The stop go system will create a traffic hazard and congestion.
- Requested that Block B be reduced by at least 1 storey with a top storey set back; that sufficient space is allowed for screening and trees and that the road is reworked using a standard 2 way system.

7.0 Assessment

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Density
- Residential Amenity
- Traffic Impact
- Construction Impact
- Other Issues

7.2. Principle

7.2.1. Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2016 – 2022 the appeal site is wholly contained within an area zoned Objective A where the objective is *to protect and / or improve residential amenity* and where residential development is permitted in principle. Accordingly, the principle of developing 27 dwelling units is acceptable in principle subject to the acceptance or otherwise of site specifics / other policies within the development plan and government guidance.

7.3. Density

7.4. With regard to density it is a clear and overriding objective of the National Planning Framework Plan (2018) to promote compact growth in serviced urban areas. Policy RES 3 of the Dun Laoghaire Rathdown County Council 2016 – 2022 states that it is the *Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.* The Development Plan also states that, as a general rule, *the minimum default density for new residential developments in the County shall be*

35 units per hectare. Further, Section 2.1.3.3 states that in relation to proximity to public transport:

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and / or 500 metres of a Bus Priority Route and / or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

- 7.5. This aligns with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) where it states that within walking distance of public transport such as 500m of a bus stop or 1km of a light rail stop or a rail station that in general *minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes.*
- 7.6. Accordingly, it is generally accepted in the interests of sustainability and the efficient use of infrastructural investment that higher densities are to be encouraged in serviced urban areas. This a scheme for 27 units on a stated site area of 0.27 ha, thus providing an overall density of 100 units per ha. This is a high-density urban development. However, there are no obvious physical impediments within the site that would prohibit a density of this scale particularly given its location within 1km of Glenageary DART Station whereby a higher density should be encouraged. I consider that the density proposed represents an efficient and sustainable use of serviced, zoned land at this location and is entirely within the recommended densities under the guidelines outlined above and the requirements of the current Development Plan.

7.7. Residential Amenity

- 7.7.1. Much of the concerns raised in the three third party appeals relate to the impact of proposed two apartment blocks in terms of height and proximity to the established dwellings of Rowan Rock, Cranmore and Monkswell all three of which are located to the east of the appeal site within a small gated residential enclave that is accessed off Glenageary Road Upper.
- 7.7.2. To this end I would set out the following:

- Rowan Rock – It is submitted that Block B is located between 7.27m (the proposed rear supporting wall to the car park entrance) and 14.6m from the side gable of Rowan Rock.
- Crannmore – it is stated that this house is located c37m away from the boundary between the appeal site and Rowan Rock with Block B some 40m from this house.
- Monkswell – It is submitted that the distance between the boundary of the appeal site and that of Monkswell is 18m. The distance of Block A and the Monkswell garden is 33m. However, it is stated that the oblique views are at a distance exceeding 33m.

7.7.3. Having regard to the layout and design of the proposed apartment blocks (as amended) I am satisfied that the development in its architectural treatment, orientation and proximity to adjoining properties strikes a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings in terms of overlooking and overshadowing with the requirement to a high density residential development on this zoned serviced site. Overall I am a satisfied that the proposed development, would not seriously injure the residential amenity of the area of property in the vicinity

7.7.4. With regard to the overall scheme I am satisfied that the height, building form, elevational treatment and layout has had due regard to the sites context and its boundary within this established residential area together with the qualitative and quantitative requirements of the both local and national policy. Further I am satisfied that the scheme will not detract from the visual amenities of the area. In terms of apartment design, types and size I am satisfied that the development complies with the requirements set out in the Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (2018) in terms of dual aspect, size, storage, private amenity space and aggregate floor area. With regard to the proposed height I am satisfied that the scheme comprising two apartment blocks, 4-storey high over basement car park complies with the Guidelines for Planning Authorities on Urban Development and Building Heights (2018). With regard to open space provision I am satisfied that the scheme meets the requirements and provides public open space which is practical in terms of scale and layout. Accordingly, there is no objection to the layout and design of the development proposed (as amended) at this location.

7.8. Traffic Impact

- 7.8.1. The appellants to the scheme raise concern that the stop / go system will lead to unacceptable levels of congestion with traffic backing up on the main road resulting in a danger to road users and a traffic hazard. Concern is also raised as to how refuse trucks will reverse into this site without causing a potential traffic hazard on Glenageary Road upper.
- 7.8.2. The proposed development provides a single access point from Glenageary Road Upper onto the development site and the basement parking area. It is noted that the sightlines exceed the requirements set down in DMURS. A total of 27 no allocated parking spaces including 2 no accessible spaces have been provided for the development. An additional 7 no spaces are provided for visitor parking, two at surface level and five at basement level. Having regard to the Apartment Design Guidelines (2018) together with the density proposed this is an acceptable provision of car parking.
- 7.8.3. With regard to the proposed ramped access to the basement car parking it is stated that the applicant has investigated the possibility of providing a two way ramp and it was concluded that the site is too narrow to allow for a two-way ramp and that the provision of same would severely impact the proposed landscape spaces in the scheme. Due to the existing constraints and in particular the width of the site (length of road frontage) it was considered that the proposed one-way ramp with a Stop / Go system would be the most viable option. However, the potential issue with a one-way arrangement is that traffic seeking to access the basement may backup at the top of the ramp and queues may extend onto Glenageary Road Upper. In this regard I refer to the Engineering Report submitted by way of further information and the amended proposals to provide a ramped entry treatment into the development.
- 7.8.4. The queue length available for vehicles entering the site and seeking to access the basement car park measures c22.8m. This is measured from the stop barrier to the nearside Glenageary Road Upper kerb / channel / road edge. Allowing 5.5m per vehicle in a queue this equates to 4 no vehicles. It is stated that a development of this scale (27 units) would be expected to generate approx. 7 no vehicle trips (27 x 0.25) in each of the peak hour periods (approx. one every 10 minutes during peak hour period). I agree that the pm peak hour is the critical period with regard to queuing

towards Glenageary Road Upper. Having regard to the foregoing together with the information available I am satisfied that the available 4 vehicle queue length in this instance between the stop-barrier and the nearside Glenageary Road upper road edge is sufficient to accommodate anticipated traffic volumes accessing the development.

- 7.8.5. It is also noted that during the pm peak period, in all likelihood, the higher volumes will be accessing the development rather than egressing the development. This means that there would be minimal delays for vehicles at the top of the ramp waiting for egressing vehicles to clear the ramp. It is also proposed that the vehicles at the top of the ramp entering the basement car park would be given priority. As a default all barriers will be in the closed position. It is stated that the priority will always be given to the car accessing the basement. In the event of a barrier failure the barriers will remain open for cars accessing the basement to ensure no queuing will occur. In the event of a fire the opposite will be the case.
- 7.8.6. It is stated that bin stores are at basement level, but it is proposed that the property management company will position the bins at surface, close to the access for pick up. The surface level bin storage area is located to the immediate north of the two surface visitor spaces. There will be a maximum of two refuse vehicle manoeuvres per week. It is reasonable to assume that these vehicles can reverse into the development to collect bins. I agree with the applicant that it is not unusual to have refuse vehicles reversing onto sites and that this arrangement is generally the norm for streets which are closed off with a cul de sac. DLRCC Transportation Planning raised no objection. I consider the proposed arrangement to be acceptable at this location.
- 7.8.7. I have considered the information available on the appeal file, the final report of the DLRCC Transportation Planning Section where there was no stated objection to the scheme, together with my site inspection and I am satisfied that given the location of the appeal site together with the layout of the proposed scheme (as amended) that the vehicular movements generated by the scheme would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in the immediate area. Overall, I consider the proposal to be acceptable and I am satisfied that the proposed development and in particular access / egress from the site will not result in the creation of a traffic hazard.

7.9. Construction Impact

- 7.9.1. I note the concerns raised with regard to the proposed 11 hours of building a day, associated noise and air pollution and loss of amenity. I also note the concerns that the excavation works may cause potential damage to the shared boundary wall and the walls and foundations of the appellants property.
- 7.9.2. There will inevitably be disruption during the course of construction, however such can be minimised to acceptable levels with appropriate standard working / construction procedures such as controlling construction hours, dust minimisation etc. With regard to excavation works and associated impact much of the concern raised is an engineering issue and not a planning issue, whereby it falls to the developer to ensure that no damage or deterioration occurs to adjoining properties. Overall I am satisfied that these matters can be dealt with by way of suitably worded conditions requiring the submission of a construction management plan for agreement. With the attachment of such a condition I do not consider that the construction phase of the development would give rise to an unreasonable impact on neighbouring properties in this instance.

7.10. Other Issues

- 7.10.1. **Appropriate Assessment** – I refer to the Screening for Appropriate Assessment Report and Ecological Impact Assessment submitted with the planning application. Having regard to the nature and scale of the proposed development, comprising the construction of 27 residential units in two apartment blocks, 4-storey high over basement car park within an established urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 7.10.2. **Tree Removal** – As documented in Section 4.0 Planning History above the Board refused permission for a previous scheme on this site comprising 8 no dwelling houses for 4 no reasons including that the proposed development would militate against the protection of trees on the site (PL06D.249147 (Reg Ref D17A/0518) refers).
- 7.10.3. Under Policy OSR7 of the Dún Laoghaire Rathdown County Development Plan 2016-2022, it is the policy of the planning authority to ensure that tree cover in the county is managed and developed. The site is subject to an objective identified on Map 7 of the

development plan to protect and preserve trees and woodlands. I further note the Conditions attached by DLRC (No 19, 20, 21 and 22 refer) requiring inter alia the engagement of the services of a qualified Landscape Architect to procure, oversee and supervise the landscape proposals; the appointment of a Arboricultural Consultant for the entire period of construction to implement all the recommendations pertaining to tree retention, tree protection and tree works as detailed in the Arboricultural Method Statement and Tree Protection Plan; lodgement of a Tree Bond in the amount of €15,000.00 and the erection of protective fencing around all retained trees as shown on Drawing No 103 (date stamped 26th October 2018).

7.10.4. I refer to the Tree Assessment Report submitted with the Planning Application. This is a partly cleared site with trees located on the northern and southern boundaries. A total of fifteen trees were identified and assessed with details on condition and categorisations contained within Table 1 and Section 7 of the report. The vast majority of the trees are coniferous species and varieties with the main concentration of trees on the northern boundary. The trees in this area form a densely planted screen which obscures the site from neighbours to the north. The quality of the trees is generally good despite the closely spaced nature of the planting. The remainder of the trees (4 no) are located on the southern boundary and with the exception of a single sycamore they are all conifers (2no cypress and 1 no yew) and are of mixed quality. It is stated that the Monterey Cypress unless managed appropriately is unsuitable for most built up urban locations; the yew is in decline overall and of limited long-term potential and the sycamore is a sub-dominant specimen which has probably self-seeded.

7.10.5. I refer to the Landscape Design Statement and the drawings titled "Arboricultural Impact" (Drawing No 102; date stamped 26th October 2018) and "Tree Protection" (Drawing No 103; date stamped 26th October 2018) where it is proposed to retain the existing mature trees to the northern boundary, remove the trees along the southern / roadside boundary and retain and trim the existing escallonia hedge along the western boundary.

7.10.6. Having regard to the foregoing together with the layout of the proposed development (as amended) I do not consider that to permit the scheme (as amended) would contravene the provision of the development plan. It is however recommended that should the Board be minded to grant permission that a condition be attached requiring that all planting/landscaping comply with the specification of the landscaping scheme

submitted to the planning authority and that protective fencing be erected around all trees to be retained along the northern boundary.

- 7.10.7. **Archaeology** - I note the report from the Department of Culture, Heritage and the Gaeltacht on the planning file requiring the applicant to engage the services of a suitably qualified archaeologist to monitor all topsoil stripping associated with the development. I further note Condition No 18 of the notification of decision to grant permission setting out the requirements stated above. It is recommended that should the Board be minded to grant permission that a similar condition be attached.
- 7.10.8. **Public Lighting** – I note the report of DLRCC Public Lighting Section and the queries raised before they “*can sign off on the lighting design*”. The concerns raised relate to moving an ESB Network Column and associated impact, minimum of 1 lux on all areas for health and safety grounds and light levels on the car park ramp. I note Condition No 16 set out in the notification and recommended that a similar condition be attached requiring that a specification and layout for public lighting be submitted and agreed in writing with details to include the relocation of the ESB Network column and a revised lighting design which shall provide a minimum of 1 lux on all areas.
- 7.10.9. **Pedestrian Gate Opening Hours** – Condition No 31 of the notification requested that prior to commencement of development, details of the opening hours of the proposed gate providing access to / from the green space to the northwest of the appeal shall be submitted to and agreed in writing by the planning authority. In the interest of permeability I agree with this approach and recommend that a similar condition be attached.
- 7.10.10. **Surface Water** – I note the report of Irish Water where it states that the applicant has been approved to discharge an attenuated excess of surface water into the nearest combined sewer subject to restrictions and the replacement of the whole of the existing 150mm diameter combined pipe at the applicant’s expense. Condition No 9 of the notification refers. It is recommended that should the Board be minded to grant permission that a similar condition be attached.
- 7.10.11. **Flooding** – I note the previous refusal on this site where it was stated that in the absence of definitive proposals for surface water attenuation and a site-specific flood risk assessment, the Board is not satisfied that the proposed development would

not give rise to flooding of adjacent lands. Matters pertaining to surface water are addressed above.

7.10.12. I refer to the Site-Specific Flood Risk Assessment submitted by way of further information. The available data indicates that the site is within Flood Zone C for Fluvial and Coastal flooding and that the residential development proposed is therefore compactible and no mitigation measures are required. The available data also indicates that the site is outside the areas of potential risk for Groundwater and Pluvial Flooding. It is noted that there is a flooding hotspot identified in the Development Plan c54m east of the appeal site. The report states that upon investigation of the topography and the existing drainage infrastructure in the area it has been determined that the hotspot is localised to an area to the east of the site and the site is not affected by it.

7.10.13. It is further stated that the proposed drainage system has been designed in accordance with the relevant standards and regulations; the flood risks arising from the proposed drainage infrastructure will be negligible and no mitigation is required. The report concluded that the *“risk of flooding to the development had been reduced as far as is reasonable practicable and that the proposals do not increase the risk of flooding to any adjacent site or nearby area”*. This report was subsequently assessed by the DLRCC Drainage and Planning Departments, both of which appear to concur with the assessment and conclusions.

7.10.14. Having regard to the foregoing I am satisfied that no flooding issues arise that would prohibit a grant of permission at this location.

7.10.15. **Property Values** – I note the concerns raised with regard to potential significant reduction in value of adjoining properties. The proposal before the Board is for a residential development on lands zoned for residential use where such developments is considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. The units proposed in terms of design, scale, layout and location are not considered to be a bad neighbour in this context and I do not therefore consider that to permit this development would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.

- 7.10.16. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000 (as amended).
- 7.10.17. **Special Development Contribution** – DLRCC in their notification of decision to grant permission attached a condition requiring the payment of a *special contribution in the sum of €1,500.00 levied in accordance with Section 48(2)(c) of the Planning and Development Act, 2000, as amended*, to facilitate the provision of the new footpath proposed from the new pedestrian entrance gate to the north-western boundary leading to the existing pathway in the adjoining green space. Condition No 28 refers. This condition has not been appealed.
- 7.10.18. The Board will be aware that Section 48(2)(c) of the Planning and Development Act (as amended) it states that a special development contribution may be imposed where exceptional costs not covered by the Dún Laoghaire-Rathdown County Council Development Contribution Scheme, 2016 – 2020, are incurred by the Council in the provision of a specific public infrastructure or facility. Only developments that will benefit from the public infrastructure or facility in question will be liable to pay the special development contribution.
- 7.10.19. Having regard to the Dún Laoghaire-Rathdown County Council Development Contribution Scheme 2016-2020 (adopted by Dún Laoghaire-Rathdown County Council on 14th December 2015) I am satisfied that the proposed works meet this criteria. It is therefore considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development. It is therefore recommended that Condition No 28 (or similar) be attached to any grant of permission.

8.0 Recommendation

- 8.1. Having considered the contents of the application (as amended), the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the site's location in an established suburban area on lands zoned for residential use in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the National Planning Framework 2040 adopted by the government in February 2018, the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March, 2018 and the Guidelines on Urban Development and Building Height issued by the Department of Housing, Planning and Local Government in December 2018, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would respect the character of the area, would not be prejudicial to public health or give rise to an undue risk of flooding, and would be acceptable in terms of road safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 12th day of June 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the

developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

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

3. Prior to commencement of development, details of the opening hours of the proposed gate to provide access to/from the green space to the northwest of the application site, shall be submitted to and agreed in writing by the planning authority.

Reason: In the interest of orderly development, permeability and residential amenities

4. a) All planting/landscaping required to comply with the specification of the landscaping scheme submitted to the planning authority shall be maintained, and if any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced by a plant of the same species, variety and size within the planting season following such loss.
b) Prior to commencement of work on site the developer shall erect protective fencing around all trees to be retained along the northern boundary and as indicated on drawing titled "Tree Protection" (Drawing No 103; date stamped 26th October 2018). The details of which shall be agreed in writing with the Planning Authority prior to commencement of work on site.

Reason: In the interest of visual amenity and to protect and preserve trees and woodlands on site.

5. A specification and layout for public lighting shall be submitted to the Planning Authority and agreed in writing before development commences.

The specification and layout shall comply with the standard as set out in the latest edition of the Council's Development Works in Residential and Industrial Estates or as otherwise agreed by the Planning Authority. In particular, the plans and particulars to be submitted shall include:

- a) Proposals for the relocation of the ESB Network column, which currently has a public light on it. The Applicant shall demonstrate detailed proposals for moving this pole, including how the removal of this pole will impact on light levels on Glenageary Road Upper. Details of agreement with ESB Networks to move this pole shall be submitted.
- b) A revised lighting design which shall provide a minimum of 1 lux on all areas. Any existing or potential obstacles shall be taken into account in the revised lighting design which is to meet the minimum 1 lux standard. In particular, light levels of the access road and ramp into the basement car park shall be clearly indicated.

Reason: To ensure a satisfactory standard of public lighting

6. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity

7. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. (a) Drainage arrangements, including those for the attenuation and disposal of surface water as set out below, shall comply with the requirements of the planning authority for such works and services.
(b) The developer may discharge an attenuated excess of surface water into the nearest combined sewer, through a flow limitation device which shall be set at 1.5 l/s and with a head of 0.7m. For this discharge, the developer shall replace, at their own cost and in consultation with Irish

Water, the whole of the existing 150mm diameter combined pipe with a minimum 300mm diameter pipe, to the point where it connects to the existing 300mm diameter pipe. Alternatively, a new 300mm diameter pipe may be laid to the point of connection. Details shall be agreed with the Planning Authority prior to commencement of work on site.

Reason: In the interests of public health

9. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

10. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

Reason: In the interests of visual and residential amenity.

11. Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and

staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

Reason: In the interest of amenities, public health and safety

13. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

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

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

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

Reason: To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under Section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18. The developer shall pay to the planning authority a financial contribution of fifteen hundred euro (€1,500.00) as a special contribution under Section 48(2) (c) of the Planning and Development Act 2000 (as amended) in respect of the provision of the new footpath proposed from the new pedestrian

entrance gate to the north-western boundary leading to the existing pathway in the adjoining green space. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the ***Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

*** For Dun Laoghaire-Rathdown Co Co refer to SCSi Price Tender Index

Mary Crowley

Senior Planning Inspector

6th January 2020