



An
Bord
Pleanála

Inspector's Report ABP-305684-19.

Development	Permission for the demolition of 2 sheds and construction of 2 apartment buildings comprising 20 apartments, parking and associated site works.
Location	At the rear of J. Collins Butchers, Main Street, Lucan, Co. Dublin.
Planning Authority	South Dublin County Council.
Planning Authority Reg. Ref.	SD19A/0031.
Applicant(s)	HVGL Limited.
Type of Application	Permission.
Planning Authority Decision	Refuse.
Type of Appeal	First Party
Appellant(s)	HVGL Limited.
Observer(s)	None.
Date of Site Inspection	06/02/2020.
Inspector	A. Considine.

1.0 Site Location and Description

- 1.1. The subject site is located in the centre of the village of Lucan, Co. Dublin, and to the south of the buildings fronting onto Main Street, being to the rear of J. Collins Butchers in the village. The existing buildings on Main Street are primarily 2 storey in height and on street parking is provided for on the south side of the street. Access to the site is via a private lane, approximately 5m in width, which is currently gated and is used as a car parking area. The access point on Main Street lies in proximity to a roundabout.
- 1.2. The levels of the site are lower than those lands surrounding the site to the west while the levels on the land to the east is lower than the existing site levels. The site is surrounded by residential developments with Gandon Mews to the west and Sarsfield Park to the east and south. To the north lies the rear of the buildings which front onto Main Street.
- 1.3. The site has a stated area of 0.1818ha and is currently occupied by an extensive hard stand area and sheds.

2.0 Proposed Development

- 2.1. Permission is sought, as per the public notices for the demolition of 2 sheds (86m²) and construction of 2 older persons apartment building comprising 20 dwellings; Block 1 is 3 storeys with penthouse, consisting of 8 apartments with external terraces (three 2 bed and five 1 bed); Block 2 is 3 storeys, consisting of 12 apartments with external terraces (twelve 1 bed); shared access road / footpath; bin store; 10 car parking spaces; 12 bicycle spaces and all associated site works, all at the rear of J. Collins Butchers, Main Street, Lucan, Co. Dublin.
- 2.2. The application included a number of supporting documents including as follows;
 - Plans, particulars and completed planning application form
 - Planning Report
 - Engineering Services Report
 - Part V submission – advising that the proposed development is to be purchased by an approved housing body for older persons (Oaklee Housing).

2.3. Following a request for further information, the following documents were submitted in support of the proposed development:

- Documents relating to the site access and car park management strategy.
- Stage 1/2 Road Safety Audit
- Details of the Extensive Green Roof System – Water Attenuation.
- Pre-connection Enquiry from Irish Water advising that the development can be facilitated, subject to a valid connection agreement being put in place.
- Visual Impact Assessment
- Deed of Wayleave over the access laneway.
- Sunlight & Shadow Analysis
- Schedule of floor areas for apartments
- Details of permeable paving
- Details of public lighting

3.0 Planning Authority Decision

3.1. Decision

The Planning Authority decided to refuse planning permission for the proposed development for the following 4 stated reasons:

1. Having regard to the overall bulk, scale and massing of the building, the proposed development would be visually obtrusive and would adversely impact on the visual and residential amenity of adjacent properties and the wider area, including the Lucan Village Architectural Conservation Area within which the site is located. The proposed development would contravene HCL4 Objective 2 of the South Dublin County Development Plan 2016-2022 and would set an undesirable precedent for similar type development in the area and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development would result in significant overlooking on the existing dwellings to the west from proposed fourth floor terraces of Block 1 and would therefore not be in accordance with the zoning objective of the site 'to protect ad/or improve Residential Amenity'. The proposed development would, therefore, seriously injure the residential amenities of the area, would conflict with the objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.
3. Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018, the Planning Authority is not satisfied on the basis of the information submitted that the proposed development complies with criteria set out in Section 2.0 of said guidelines with regard to dwelling mix. The proposed development would therefore be contrary to SPPR 1 and SPPR 2 of the Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.
4. Having regard to the provisions of the Sustainable Urban Housing: Design Standards of New Apartments – Guidelines for Planning Authorities 2018, the Planning Authority is not satisfied based on the information submitted that the proposed development complies with criteria set out in Section 3.0 of said guidelines with regard to Dual Aspect Ratios. The proposed development would therefore be contrary to SPPR 4 of the Ministerial Guidelines and contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report considered the proposed development in the context of the details submitted with the application, internal technical reports, planning history and the County Development Plan policies and objectives. The report also includes a Screening Appropriate Assessment.

The initial Planning Report concludes that further information is required in relation to the development in terms of the future occupants and management of the development, issues with the overall design, height and mass of the apartment blocks, landscape issues, requires a schedule of unit and internal floor areas,

impacts of overlooking, lack of dual aspect, roads and traffic issues and issues in relation to the fact that the existing foul network downstream of the development has limited capacity.

Following the submission of a response to the FI request, the final planning report concludes that proposed development is not acceptable. Planning Officer recommends that permission be refused for the proposed development, for reasons relating to visual impact, impacts associated with overlooking and non-compliance with Ministerial Guidelines.

This Planning Report formed the basis of the Planning Authority's decision to refuse planning permission.

3.2.2. **Other Technical Reports**

Parks & Landscape Services: The submitted landscape plan is of poor quality with little tree planting, vast amounts of public open space located on the periphery and with limited passive and active recreational opportunities provided for. The development as proposed fails to comply with a number of policies and objectives and it is recommended that permission be refused.

Following the submission of a response to the FI request, the Parks & Landscape Services advised no comments.

Roads Department: Further information is required in relation to site access, sight distances at the entrance, access is over a right of way over private property which is currently gated and which restrict the width of the lane and other issues in relation to the access lane – which is located outside the red-line boundary of the site. Further details required in relation to car parking, including visitor parking required. Finally, it is noted that the swept path analysis submitted demonstrating that a fire tender can turn within the development, does not include the access.

The Board will note that a request for the additional Roads Report issued on the 28th January 2020. These reports were submitted on the 14th of February after a follow up email to the PA on the 13th of February 2020.

Following the submission of a response to the FI request, the Roads Department submitted two reports on the 27th of June 2019 and a second report on the 4th of September 2019.

Report dated 27th of June 2019:

The report notes that the issues requested by the Department have not been addressed. The Roads Department recommends refusal of the application as the concerns raised are considered significant in nature and cannot be dealt with by way of condition. The report concludes that the original proposal is substandard with regard to access, visibility splays, parking arrangements and lighting and that a grant of permission would be contrary to proper planning.

Report dated 4th of September 2019:

The report deals with the proposed development under a number of headings as follows:

- **Sightlines:** The proposed access to the development is at an existing access point to an area which is used for car parking. Minor works are required in the public domain to achieve sightlines, including the construction of 2 no. build outs, the loss of 1 public car parking space, the narrowing of the carriageway on the exit of the mini-roundabout.
The report concludes that the site is currently used as a car park and will remain in use as such if the subject site is not developed. The proposed improvements will be an improvement to the current situation at the access point.
- **Road Safety Audit:** A Stage 1 & 2 Road Safety Audit (RSA) has been submitted. The RSA informed the revised design and identified the need for footpaths adjacent to car parking spaces within the proposed car park, which are proposed.

- **Laneway and Right of Way:** The applicant has submitted evidence of the right of way over the existing laneway. The development does not propose the removal of the gates at the entrance to the site from Main Street. These gates will have to be removed due to the intensification of use of the laneway / site.
- **Nature and Use of Existing Car Park:** The car park to the north of the site does not form part of the application and is in third party ownership.
- **Car Park Management Strategy:** The development proposes 10 car parking spaces. The maximum allowable under the CDP standards is 21.5 spaces. The use of collapsible bollards is proposed but it is not clear if residents will be provided with keys for these bollards or if the management company will be responsible for providing access to the spaces.
A more detailed parking management strategy is required to be submitted prior to the commencement of any development.
- **Public lighting:** The public lighting plan submitted does not appear to include the laneway area. This element should be addressed and agreed with SDCC Public Lighting Section prior to the commencement of development.

In conclusion, the report notes that the Roads Department consider the proposed changes to the public domain will improve the access point which is currently in use for the existing car park. The development will result in an intensification of use of the access and any alterations to the public domain must be agreed with SDCC. As no agreements are in place, it is not certain that all alterations can be delivered. Clarification is required in relation to a number of issues but the

report concludes raising no objections subject to compliance with a number conditions.

Housing Department: Notes the proposal to sell all 20 units to Oaklee but advises that there is still a Part V requirement which must be agreed with the Housing Department.

Water Services: No objection subject to compliance with conditions.

Architectural Conservation Officer: The development does not reflect the villages architectural character and is not sensitive to its location within the ACA. Requires that the overall design, height and mass of the proposed accommodation blocks should be redesigned / revised in order to lessen the overall visual impact from the Main Street and views from the adjoining areas which form part of the Village Architectural Conservation Area.

Following the submission of a response to the FI request, the Architectural Conservation Officer considers that the applicant failed to address the areas of concern with regard to overall visual impact within the ACA of Lucan. The initial concerns and issues still stand and therefore the proposed development is considered unacceptable.

3.2.3. Prescribed Bodies

Irish Water: No objection subject to compliance with conditions

3.2.4. Third Party Submissions

There are 3 no. third party objections/submissions noted on the planning authority file. The issues raised are summarised as follows:

- The proposed 3 and 4 storey apartment block are of great concern in terms of the type of foundations proposed, visual impact and impact on residential amenity, roads and traffic, parking and overlooking.
- The scale of the development is not suitable for the subject site.
- Lack of information regarding boundaries.
- Impacts on existing elderly residents and lack of any communication.

- Impact on views, sunlight and daylight.
- Increased noise impacts due to balconies.

4.0 Planning History

The following is the relevant planning history pertaining to the subject site:

PA ref: SD17A/0399: Permission granted for internal alterations to a previously consented 3 storey 6 apartment building.

PA ref: SD16A/0446: Permission granted for a 3 storey 6 apartment unit, 1 semi-detached unit and 1 detached unit including car and bicycle parking facilities, bins and landscaping with new entrance gate.

PA ref: SD15A/0387: Permission refused for a 3 storey 6 apartment unit, 1 semi-detached unit and 1 detached unit including car and bicycle parking facilities, bins and landscaping with new entrance gate for reasons relating to Flood Risk / surface water issues and precedent that would be set for similar developments which would be harmful to the amenities of the area.

5.0 Policy and Context

5.1. National Policy

5.1.1. National Planning Framework – Project Ireland 2040, DoHP&LG 2018

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

- National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.
- National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

- National Planning Objective 13 provides that “in urban areas, planning and related standards, including, in particular, 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”.

5.1.2. Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities, (DoHPLG, 2018):

These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government’s action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines. Aspects of previous apartment guidance have been amended and new areas addressed in order to:

- Enable a mix of apartment types that better reflects contemporary household formation and housing demand patterns and trends, particularly in urban areas;
- Make better provision for building refurbishment and small-scale urban infill schemes;
- Address the emerging ‘build to rent’ and ‘shared accommodation’ sectors; and
- Remove requirements for car-parking in certain circumstances where there are better mobility solutions and to reduce costs.

The guidelines identify specific planning policy requirements in terms of apartments and Development Plans dealing with the mix of unit sizes, while Chapter 3 deals with Apartment Design Standards, including studio apartments, orientation of buildings and dual aspect ratios, storage provision, private amenity spaces and security

considerations. Chapter 4 deals with communal facilities, including car and bicycle parking. Chapter 5 deals with Build to Rent schemes.

The primary aim of these guidelines is to promote sustainable urban housing, by ensuring that the design and layout of new apartments will provide satisfactory accommodation for a variety of household types and sizes – including families with children - over the medium to long term. These guidelines provide recommended minimum standards for:

- floor areas for different types of apartments,
- storage spaces,
- sizes for apartment balconies / patios, and
- room dimensions for certain rooms.

The appendix of the guidelines provides guidance in terms of recommended minimum floor areas and standards.

5.1.3. **Urban Development and Building Heights Guidelines for Planning Authorities December 2018.**

The guidelines encourage a more proactive and more flexible approach in securing compact urban growth through a combination of both facilitating increased densities and heights, while also mindful of the quality of development and balancing the amenity and environmental considerations. Section 3.0 of the Guidelines relate to Building Height and the Development Management Process and requires an applicant to demonstrate that the proposed development satisfies a number of criteria including that the development is at the scale of the relevant city/town, district / neighbourhood / street and of the site/building.

In relation to building height in suburban /edge locations of towns Paragraph 3.4 states that '*newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, typically now include town-houses (2-3 storey), duplexes (3-4 storeys and apartments (4 storeys upwards).*' It also notes that '*such developments also address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends.*'

Paragraph 3.7 states that for '*suburban edges of towns and cities for both infill and greenfield development and should not be subject to specific height restrictions.*'

5.1.4. **Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013**

In terms of the design of the proposed development, including the entrance and access to the site, it is a requirement that they be considered against the Design Manual for Urban Roads and Streets (DEMURS), DoTTS, March 2013. This Manual replaces DMRB in respect of all urban roads and streets and it does not differentiate between public and private urban streets, where a 60kph speed limit or less applies. The implementation of DMURS is obligatory and divergence from same requires written consent from relevant sanctioning authority (NRA, NTA or DTT&S). The Manual seeks to address street design within urban areas (i.e. cities, towns and villages) and it sets out an integrated design approach.

5.2. **Local Policy**

5.2.1. **Development Plan**

The South Dublin Development Plan 2016 – 2022, is the relevant policy document relating to the subject site. the site is zoned village centre 'VC' where it is the stated objective 'to protect, improve and provide for the future development of village centres'. The Village Centre zoning will support the protection and conservation of the special character of the traditional villages and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context. Residential development is permitted in principle on such zoned lands.

Chapter 2 of the Plan deals with Housing, with section 2.1.2 dealing with Housing For Older People, and includes a number of relevant policies and objectives as follows:

- HOUSING (H) Policy 3 Housing for Older People

It is the policy of the Council to support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people (independent and semi-

independent living) within their communities and at locations that are proximate to services and amenities.

- H3 Objective 1: To support housing that is designed for older people (including independent, semi-independent or nursing home accommodation) in residential and mixed-use areas, at locations that are proximate to existing services and amenities including pedestrian paths, local shops, parks and public transport.

Chapter 5 of the Plan deals with Urban Centres with section 5.1.2 dealing with traditional villages, which includes Lucan, and includes a number of relevant policies and objectives as follows:

- Urban Centres (UC) Policy 3 Village Centres
It is the policy of the Council to strengthen the traditional villages of the County by improving the public realm, sustainable transport linkages, commercial viability and promoting tourism and heritage value.
- UC3 Objective 1: To protect and conserve the special character of the historic core of the traditional villages and ensure that a full understanding of the archaeological, architectural, urban design and landscape heritage of the villages informs the design approach to new development and renewal, in particular in Architectural Conservation Areas (ACAs).
- UC3 Objective 2: To promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes.
- UC3 Objective 6: To encourage and facilitate the re-use and regeneration of derelict land and buildings for appropriate centre uses and encourage the full use of buildings, and in particular the use of upper floors and backlands, with due cognisance to the retail sequential approach, quality of urban design, integration and linkages.

5.3. **Natural Heritage Designations**

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (& pNHA) (Site Code: 001398) which is located approximately 2.9km to the west of the site.

The River Liffey pNHA, (Site Code 000128), is located approximately 109m to the north of the site.

5.4. **EIA Screening**

Having regard to nature and scale of the development, together with the brownfield nature of the site, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental 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**

This is a First party appeal against the decision of the Planning Authority to refuse planning permission for the proposed development. The issues raised are summarised as follows:

- The Board is asked to consider the letter from Oaklee Housing who will own, operate and manage the entire older person housing development. A condition restricting the use as such could be considered.
- The design is generally in keeping with the character of the area. The buildings overlook the public / communal open space and the height and scale are considered appropriate while remaining respectful of adjoining dwellings.
- The development complies with the dual aspect and unit size requirements.
- There is an extant permission for a 3 storey apartment building on the site. there is little difference between the permitted and proposed.

- Opaque screens will be used to avoid overlooking.
- The development has little impact on the ACA. The appellant proposes the removal of the penthouse level.
- The development will provide low-level support accommodation for the elderly and Oaklee will be responsible for the management and maintenance of the development.
- The appeal provides an assessment and rationale for all elements of the proposed development including density, height, massing and design, location, visual impacts, materials and finishes, landscape and recreational opportunities, SUDS, accessibility, green roofs, boundary treatments, car parking and lighting.

The appeal proceeds to address the reasons for refusal for the development and presents how the development is consistent with the policies and objectives of the South Dublin County Development Plan as it relates to housing. It is requested that the Board accept the amendment to Block 1 and overturn the Planning Authority's decision to refuse permission for the development.

6.2. **Planning Authority Response**

The Planning Authority submitted a response to the first party appeal confirming its decision and noting that the issues raised in the appeal have been covered in the planners' report.

6.3. **Observations**

None.

7.0 Assessment

Having undertaken a site visit and having regard to the relevant policies pertaining to the subject site, the nature of existing uses on and in the vicinity of the site, the nature and scale of the proposed development and the nature of existing and permitted development in the immediate vicinity of the site, I consider that the main issues pertaining to the proposed development can be assessed under the following headings:

1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards
2. Visual Impacts
3. Roads & Traffic
4. Water Services
5. Other Issues
6. Appropriate Assessment

7.1. Compliance with National Guidelines & Standards, the County Development Plan & General Development Standards:

- 7.1.1. The subject site is located within the village centre of Lucan and on lands zoned 'VC' Village Centre. It is the stated objective of this zoning 'to protect, improve and provide for the future development of village centres'. The Village Centre zoning will support the protection and conservation of the special character of the traditional villages and provide for enhanced retail and retail services, tourism, residential, commercial, cultural and other uses that are appropriate to the village context. Residential development is permitted in principle on such zoned lands.
- 7.1.2. The site is located to the rear of buildings which front onto Main Street in Lucan and on a site which is currently being used as an unregulated car park. The properties fronting onto Main Street comprise mainly two storey buildings and the site is located within the Architectural Conservation Area of Lucan. The site is bound to the east south and west by residential developments comprising two storey semi-detached and terraced houses and three storey small blocks of apartments. Access to the site

is via a narrow laneway between two buildings with a width of approximately 5m. In principle, I have no objections to the proposed development.

- 7.1.3. In terms of the proposed development, the Board will note that 20 apartments are proposed to be constructed for specific use by older people. The development is to be purchased, managed and maintained by Oaklee Properties who provide low support accommodation for the elderly. In this regard, the apartments are to be provided in two separate blocks, Block 1 is 3 storeys with penthouse, consisting of 8 apartments and Block 2 is 3 storeys, consisting of 12 apartments. The Board will note that in their appeal, Block 1 is to omit the previously proposed penthouse, reducing the number of units to 6, 18 in total. The development proposes a mix of one and two bed units, including 3 x 2 bed and 15 x 1 bed (as per the appeal proposal to omit the penthouse in Block 1 comprising proposed units 7 and 8, 2 x 1 bed units).
- 7.1.4. The site layout proposes the two blocks will face each other with a central area of public open space provided between the buildings. Car parking will be provided towards the eastern side of the site. The proposed development site was the subject of previous applications for residential development, with an extant permission for an apartment building and three houses, a pair of semi-detached and a detached house. The proposed apartment buildings are of similar design to that already permitted and will have flat roofs, with green roof systems proposed. The buildings will be finished in a variety of materials including brick, self-coloured render, zinc to the roofs and double-glazed windows.

The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018

- 7.1.5. The 2018 guidelines update the guidelines from 2015 in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness, Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines, and specific policy objectives contained in these guidelines take precedence over policies and objectives of development plans. The aims of the guidelines are to enable a mix of apartment types, make better

provisions for building refurbishment and small-scale urban infill schemes, address the emerging 'build to rent' and 'shared accommodation' sectors and to remove requirements for car-parking in certain circumstances.

7.1.6. Chapter 3 of the Guidelines provide Design Standards and I proposed to consider the proposed development against these requirements as follows:

a) *Apartment floor area:*

The Guidelines require that the minimum floor areas be applied to apartment developments. The proposed development provides for the following floor areas:

No of Unit Type	Minimum overall F/A	Proposed F/A	Total F/A
15 x One bedroom	45 sq m	1 x 51.2m ² 1 x 58.4m ² 2 x 62.5m ² 2 x 54.0m ² 3 x 50.4m ² 3 x 53.0m ² 3 x 54.3m ²	815.7m ²
3 x Two bedrooms (3 person)	63 sq m	3 x 78m sq m	234m ²
18 units in Total			1049.7m²

The development proposes 15 x 1 bedroom and 3 x 2 bedroom apartments. All apartments proposed achieve the minimum floor area required by the guidelines.

The guidelines also provide for the following minimum requirements in terms of the living / dining and kitchen room areas:

Minimum aggregate floor areas for living/dining/kitchen rooms

Minimum widths for the main living/dining rooms Apartment type	Width of living/dining room	Aggregate floor area of living / dining / kitchen area*
One bedroom	3.3 m	23 sq m
Two bedrooms (3 person)	3.6 m	28 sq m

All units generally accord with the above requirements and I am satisfied that the development proposes bedrooms of a size which comply with the requirements in terms of width and floor areas.

b) Safeguarding Higher Standards

It is a requirement that 'the majority of all apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10% (any studio apartments must be included in the total, but are not calculable as units that exceed the minimum by at least 10%)'.

In this regard, the following is relevant:

Unit Mix	No of Apartments	Cumulative Min Floor Area
16.6% 1-bed units	15	15 x 45m ² = 675m ²
83.3% 2-bed units	3	3 x 63m ² = 189m ²
Total	18	864m²

+ 10%	No of Apartments	Cumulative Min Floor Area
1-bed units + 10%	15	15 x 4.5m ² = 67.5m ²
2-bed units + 10%	3	3 x 6.3m ² = 18.9m ²
Total	18	86.4m²

Total Required Minimum Floor Area therefore is 950.4m². The actual proposed floor area of the amended overall development is approximately 1400m². The proposed development is acceptable in this regard.

c) Dual aspect ratios:

This issue relates to the availability of daylighting and orientation of living spaces in order to maximise the amenity of occupants of the apartments. The proposed development provides for 18 apartments in two blocks, over three floors in 2 three storey height buildings.

In terms of Block 1, 3 of the 6 proposed living spaces have dual aspects, being south and east, while the remaining 3 units have south facing living areas.

In terms of Block 2, all of the living areas and the balconies have a northern aspect. The applicant has sought to argue that 50% of the units in Block 2 have a dual aspect, however, bedrooms are included in order to make this statement valid. It is argued that the planning history of the site provided for a development on the footprint of the current proposed apartment Block 2 and that the reason for refusal in relation to dual aspect ratio is unwarranted and without foundation.

I have considered this matter carefully and would advise the Board that the previous permission on the site provided for 3 houses rather than an apartment block – in the area of currently proposed Block 2. The rear gardens for these houses were south facing and therefore, the residential amenity of future occupants was appropriately considered. I find it difficult to accept the minimal arguments put forward by the appellant in this regard and consider that a re-working of the internal floor plans for Block 2 should be considered. All amenity space for the units in Block 2 are north facing which, given that the proposed development is to house the elderly, it is unacceptable, in my opinion.

d) *Floor to Ceiling Height:*

It is a specific policy requirement that ground level apartment floor to ceiling heights shall be a minimum of 2.7m, and 3m should be considered for multi-storey buildings. The submitted plans provide a floor to ceiling height of 2.7m across all floors. This is in accordance with the requirements of the guidelines.

e) *Lift & Stair Cores:*

A central core area is proposed to serve the development. Having regard to the limited scale of the proposed development, I am satisfied that the proposed stairs and lift arrangement is acceptable.

f) *Internal Storage:*

The proposed development provides for storage within all apartments. Minimum storage requirements are indicated in the guidelines and it is noted that said storage 'should be additional to kitchen presses and bedroom furniture but may be provided in these rooms. A hot press or boiler space will not count as general storage and no individual storage room within an apartment shall exceed 3.5m².' The Guidelines also advise that storage for bulky items outside the individual units should also be provided, apart from bicycle parking requirements. The minimum storage space requirements are identified as follows:

Minimum storage space requirements

Studio	3 sq m
One bedroom	3 sq m
Two bedrooms (3 person)	5 sq m

In the context of the proposed development, the Board will note that the submitted drawings indicate that storage is provided within each apartment. While a number of units seem to be a little short of the minimum requirements in accordance with the guidelines, I am generally satisfied that the proposed development is acceptable.

g) *Private Amenity Space:*

It is a specific planning policy requirement that private amenity space shall be provided in the form of gardens or patios/terraces for ground floor apartments and balconies at upper levels. The guidelines require the following minimum floor area for private amenity space:

Minimum floor area for private amenity space

Studio	4 sq m
One bedroom	5 sq m
Two bedrooms (3 person)	6 sq m

All apartments are provided with balconies or terraces, all of which appear to meet the minimum requirements, and all private open spaces adjoin and have a functional relationship with the main living areas of the apartments. I have raised a concern above in relation to the quality of the private open spaces associated with the units in Block 2 given that they are all north facing.

h) Security Considerations

The Guidelines require that apartment design should provide occupants and their visitors with a sense of safety and security by maximising natural surveillance of streets, open spaces, play areas and any surface bicycle or car parking. Entrance points should be clearly indicated, well lit, and overlooked by adjoining dwellings. Particular attention should be given to the security of ground floor apartments and access to internal and external communal areas.

In the context of the proposed development, I am satisfied that the development is acceptable in principle, in this regard. However, I have a number of concerns in terms of the proposed lighting of the public areas associated with the proposed development, and notably the access laneway and area outside the proposed development site. I will address these issues further below in Section 7.3 of this report.

7.1.7. Chapter 4 of the Guidelines seeks to deal with communal facilities in apartments and deals with access & services, communal facilities, refuse storage, communal amenity space, children's play, bicycle parking and storage and car parking. Given the scale of the proposed apartment block as part of the development, I am satisfied that there is no requirement for a communal room and that the communal areas proposed are adequately sized. In this regard, the following is relevant:

- I am satisfied that the building has been designed to provide appropriate access to the buildings.
- In terms of community facilities, having regard to the minimal scale of the development, I am satisfied that such facilities are unnecessary.
- A communal refuse storage area is proposed adjacent to the proposed entrance to the site.

- With regard to communal amenity space, the space between the two buildings is identified as a communal garden area. I am satisfied that this is acceptable.
- The Guidelines require that the recreational needs of children are considered as part of communal amenity space within an apartment development. I am conscious of the intended use of the building but am generally satisfied that the layout of the proposed garden area can be considered appropriate to address the recreational needs of visiting children.
- In terms of bicycle parking and storage, there is a requirement of 1 space per bedroom, plus 1 space per 2 residential units visitor bicycle parking. The proposed development therefore requires 30 spaces. The proposed site layout plan identifies parking for 11 bicycles, which is clearly well below the recommended minimum requirement.
- The proposed development provides for 10 car parking within the scheme. The guidelines facilitate the reduction in the provision of car parking spaces, or the elimination of such provision in certain circumstances. Given the location of the site, and the proximity of the site to shops and services, I am satisfied that reduced parking may be appropriate to serve the proposed development.

7.1.8. Overall, and while the principle of the proposed development is acceptable in terms of the zoning objective afforded to the site, I am concerned that the proposed development fails to comply with a number of elements of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018, and in particular with regard to the quality of private open space provision, particularly in Block 2 and bicycle parking and storage. I would note that I have no objections to the amended Block 1 proposal. Should the Board be minded to grant planning permission in this instance, the above issues should be fully addressed.

7.2. Visual & Residential Amenity Issues

7.2.1. The proposed development site lies to the rear of the existing buildings on Main Street, Lucan, Co. Dublin. The Board will note that the PA has refused permission for the development for reasons which include the visual and residential impacts on both the ACA and the surrounding residential areas. I would concur that the potential

visual impacts arising from the proposed development may have an impact on Main Street however given the amendments to Block 1, and the omission of the penthouse levels, together with the planning history associated with the site, I am generally satisfied that this element is acceptable.

7.2.2. In terms of proposed Block 2, I consider that the context is slightly different to that of Block 1. The existing properties to the west, south and east of the site are two storey houses, with the site levels dropping towards the south and east. The County Development Plan, housing Policy 9, deals with Residential Building Heights and Objective 3 seeks 'To ensure that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing (see also Section 11.2.7 Building Heights).' Section 11.2.7 of the Plan notes that:

'The appropriate maximum or minimum height of any building will be determined by:

- The prevailing building height in the surrounding area.
- The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height, unless a separation distance of 35 metres or greater is achieved.
- The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
- The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

7.2.3. In the context of the above, the proposed development does not appear to comply as the 35m separation distance cannot be achieved. The proposed development provides for a set-back along the southern elevation of the proposed building of 27m-27.8m from the adjacent two storey houses. The level of these houses is approximately 2-2.5m below the level of the subject site. The houses to the east, two-storey in nature, are approximately 1-2m below the level of the subject site and

lie approximately 24m from the eastern wall of proposed Block 2. All of these distances fall below the 35m minimum cited.

- 7.2.4. In relation to the Development Plan, I note the support for higher buildings, and I would consider that this site is capable of accommodating a residential development of the scale proposed. In terms of the above minimum separation distance requirement, I also note that developments are required to provide measures that promote the transition to higher buildings. In the wider context of the subject site, there are three storey apartment developments which co-exist alongside houses, including those at Grandon Mews to the west of the site. I would also note that National Policy supports higher buildings in order to provide sustainable housing in areas where services and infrastructure are available. In this regard, I would have no real objections to the proposed development of Block 1 as amended. However, I do have concerns in terms of the height, scale and bulk of Block 2 as proposed and consider that it would be overbearing on existing residential development to the south and east.
- 7.2.5. I am generally satisfied that if permitted, the development is unlikely to have an impact on adjoining properties in terms of overshadowing. I further note the design features of proposed Block 2 in terms of the protection of residential amenity from overlooking in that no windows are proposed on the side elevations and the design provides for obscure glazing panels on the balconies. The proposed windows on the rear elevation of Block 2 serve the public corridors, internal halls of 6 of the 12 proposed residential units, and 6 bedrooms. Overall, I do not consider that the proposed development will result in significant overlooking of adjacent properties.
- 7.2.6. UC3 Objective 2 of the County Development Plan seeks 'to promote design standards and densities in traditional village centres, that are informed by the surrounding village and historic context and enhance the specific characteristics of each town or village in terms of design, scale and external finishes'. Having regard to the spirit of this objective, I would raise concerns regarding the bulk and scale of proposed Block 2 in terms of its length, featureless gables and northern facing private amenity spaces. I am of the opinion that the development does not reflect the historic context or enhance the specific characteristics of Main Street, Lucan. However, given the location to the rear of the buildings fronting onto Main Street, I

would not consider that if permitted, the development would significantly impact upon the existing character of the area or indeed, the ACA.

- 7.2.7. Overall, and while the principle of the proposed development is acceptable in terms of the zoning objective afforded to the site, I am concerned that the proposed development fails to comply with a number of elements of the Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December, 2018, and in particular with regard to the quality of private open space provision, particularly in Block 2 and bicycle parking and storage. I would note that I have no objections to the amended Block 1 proposal. Should the Board be minded to grant planning permission in this instance, the above issues should be fully addressed.

7.3. Roads & Traffic

- 7.3.1. In terms of Roads and Traffic issues, the Board will note the concerns of the Roads Department of South Dublin County Council in terms of the site access, sight distances at the entrance, access is over a right of way over private property which is currently gated and which restricts the width of the lane as well as other issues in relation to the access lane – which is located outside the red-line boundary of the site.
- 7.3.2. The applicant, in response to the FI request submitted a Stage 1 & 2 Road Safety Audit. The Audit identifies a number of problems and offers solutions to address same. In addition, the Audit makes two assumptions, as follows:
1. That the existing gates at the entrance to the lane will be removed as part of the proposal so as not to restrict the access lane width and the width of the shared use footway.
 2. That dropped kerb access points to assist mobility impaired pedestrians will be provided within the development.
- 7.3.3. In terms of the above, the Board will note that permission has been submitted with regard to the use of the lane to access the development site. However, it is not indicated if permission has been given to remove these gates. In addition, it is not clear that permission has been granted for the alterations to the public realm on Main Street required to facilitate the proposed development. The Roads Section of the County Council has raised concerns that the proposed alterations required may not

be delivered. I further note that the Roads Section of South Dublin County Council has advised that they would not object to the proposed alterations to the public realm noting that the changes will improve the access to the site, which is currently used as a car park area. I also note the concern that the development will result in an intensification of use of the access point.

7.3.4. Having considered the nature and scale of the proposed development, together with the situation on the ground, I am generally satisfied that the proposed development is acceptable in terms of roads and traffic. However, and prior to the commencement of any development on the site, the applicant should be required to submit clear proposals for the works to the public realm and secure the necessary permissions to carry out the works. In addition, clear permission is required to remove the existing gates at the entrance to the laneway which serves the site.

7.3.5. In terms of car parking, I have dealt with this matter above in Section 7.1.7 of this report. The Board will note that the development as proposed requires the provision of 21.5 spaces. The development proposes 10 spaces. The Sustainable Urban Housing: Design Standards for New Apartments, DoHPLG December 2018, facilitate the reduction in the provision of car parking spaces, or the elimination of such provision in certain circumstances. Given the location of the site, and the proximity of the site to shops and services, I am satisfied that reduced parking may be appropriate to serve the proposed development.

7.3.6. However, I am conscious that the existing site is currently used as an unregulated car parking area and on the date of my inspection, which was approximately 5pm in the evening, there were 8 cars and 1 van parked on the site. While I note the concerns of the PA in terms of the car parking management strategy, I also note the intention to erect signage to advise of clamping of unauthorised cars as well as the provision of restriction bollards to be erected at each parking space to mitigate against patrons other than residents / visitors parking on the site. Having considered the details presented, I am inclined to agree with the Planning Authority in terms of the car parking strategy and how it may be implemented. In the event of a grant of planning permission in this instance, full details of such a parking strategy should be provided, prior to the commencement of any development on the site.

- 7.3.7. With regard to the lighting of the existing laneway, I noted on the day of my site inspection, a high-level downward light on the gable of the building to the east of the laneway. There is a second light to the rear of this building which may offer some illumination of the rear of this property. In addition, I noted a high-level light to the rear of the property to the west of the lane, but it was not lit on the date of my inspection. It is not clear if these lights are left on during the hours of darkness and as such, I would agree with the concerns of the Roads Section of South Dublin County Council in terms of the lighting plan for the site, which does not appear to extend to the laneway. Should the Board be minded to grant planning permission in this instance, full details of the public lighting proposal for the site, including the access laneway, should be submitted for the written agreement of the PA prior to the commencement of any development on the site.
- 7.3.8. While I have no objection in principle to the proposed residential development on this site, I am concerned in terms of a number of roads issues which have not been clearly dealt with by the applicant. While a number of the issues might reasonably be dealt with by way of conditions of a grant of permission, given that they affect lands outside the control of the applicant, I do not consider it appropriate to deal with issues such as the removal of the gates and works to the access laneway, including lighting, by way of a condition. I am further concerned in terms of the management of the parking spaces proposed.

7.4. Water Services

- 7.4.1. In terms of water services, the Board will note that Irish Water has indicated that there is capacity in the networks to accommodate the proposed development. It is proposed that the water supply shall connect to the existing 180mm HPPE main supply on Main Street and the foul sewer shall connect to the existing 225mm ID sewer also on Main Street. IW advise that a 60m network extension, approximately, will be required to connect to the sewer which will have to be provided by the applicant.
- 7.4.2. The pre-connection enquiry from Irish Water also advises that IW cannot guarantee a flow rate to meet fire flow requirements and in order to guarantee a flow to meet the Fire Authority requirements, the applicant is required to provide adequate fire storage capacity within the development. I also note the report on file from the South

Dublin County Council Water Services Engineer who raises no objections to the proposed development subject to conditions.

- 7.4.3. The development proposes the inclusion of SUDs techniques including permeable paving to parking areas, on site attenuation of public open space using a stormtech attenuation tank and flow control devices and interceptors to ensure no pollution. The design of the two apartment blocks also includes green roofs. The surface water discharge rate has been designed for the 100 year storm event with 20% allowed for climate change and storage to be provided is indicated at 50 cubic metres. The estimated storage requirement is indicated at 47 cubic metres and as such, I am satisfied that the development is acceptable in terms of surface water management.
- 7.4.4. In light of the above, I am generally satisfied that the development can be accommodated in terms of water services. However, clarification regarding the provision of an adequate water supply for the purposes of fire fighting should be required to be submitted prior to the commencement of any development on the site.

7.5. **Other Issues**

7.5.1. **Development Contribution**

The subject development is liable to pay development contribution, a condition to this effect should be included in any grant of planning permission.

7.6. **Appropriate Assessment**

The site is not located within any designated site. The closest Natura 2000 site is the Rye Water Valley / Carton SAC (& pNHA) (Site Code: 001398) which is located approximately 2.9km to the west of the site.

The River Liffey pNHA, (Site Code 000128), is located approximately 109m to the north of the site.

Overall, I consider it is reasonable to conclude on the basis of the information available that the proposal individually or in combination with other plans or projects, would not adversely affect the integrity of a Natura 2000 site having regard to the nature and scale of the proposed development and separation distances involved to adjoining Natura 2000 sites. It is also not considered that the development would be

likely to have a significant effect individually or in combination with other plans or projects on a European Site.

8.0 Recommendation

I recommend that planning permission be refused for the proposed development for the following stated reasons.

9.0 Reasons and Considerations

1. Having regard to the overall bulk, scale and massing of the proposed Block 2 building in particular, the development would be visually obtrusive and would adversely impact on the visual and residential amenity of adjacent properties and the wider area, including the Lucan Village Architectural Conservation Area within which the site is located.

The proposed development would, therefore, seriously injure the residential amenities of the area, would conflict with the objectives of the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

2. Having regard to the provisions of the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018, the Board is not satisfied on the basis of the information submitted, that the proposed development complies with criteria set out in Section 3 of said guidelines with regard to a number of areas and in particular with regard to the quality of private open space provision associated with the apartments in proposed Block 2, all of which are north facing, bicycle parking and storage as well as dual aspect apartments.

The proposed development would therefore give rise to substandard residential amenity for future occupiers, would be contrary to Specific Planning Policy Requirement 4 of the Ministerial Guidelines and would therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development requires works to be carried out on lands outside the control of the applicant, to facilitate the development. On the basis of the submissions made in connection with the planning application and appeal, the Board is not satisfied that the applicant has provided the sufficient consent or approval of the person(s) who has such sufficient legal estate or interest in these lands to carry out necessary works and in particular on the access laneway and the public realm, including the removal of existing gates to the access lane, lighting of the lane and necessary works to the public footpath and road to address road safety issues.

In these circumstances, it is considered that the Board is precluded from giving further consideration to the granting of permission for the development the subject of the application.

A. Considine

Planning Inspector

14th February, 2020