



An
Bord
Pleanála

Board Direction
BD-003743-19
ABP-304405-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/08/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

1. The location of the site in the established urban area of Sandyford and adjacent to the Stillorgan Luas stop;
2. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022;
3. The Rebuilding Ireland Action Plan for Housing and Homelessness;
4. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
5. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018;
6. The Design Manual for Urban Roads and Streets (DMURS);
7. The nature, scale and design of the proposed development and the availability in the area of a wide range of social, transport and water services infrastructure;
8. The pattern of existing and permitted development in the area;

9. The planning history within the area,
10. The submissions and observations received, and
11. The Inspector's report.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced brownfield site, the Information for Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority, the observer and the prescribed bodies in the course of the application; and
- (d) The Inspector's report.

The Board considered that the environmental impact assessment report, supported by the documentation submitted by the applicant, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Significant direct positive effects with regard to population due to the increase in the housing stock.
- A direct effect on sunlight and daylight which could interact with human health. It is considered that the impacts would be moderate in extent.
- A direct effect on the landscape by the change in the use and appearance of a relatively large site from brownfield/unfished to residential and commercial. Given the location of the site within the built-up metropolitan area of Dublin this is considered a direct positive effect on the receiving environment.
- Potential effects arising from noise and vibration and air during construction. These effects will be short-term in nature and will be mitigated by measures outlined in the relevant section of the Environmental Impact Assessment Report.
- Potential indirect effects on water during construction and operational phases which will be mitigated through construction management and by the proposed surface water management and attenuation system with respect to stormwater runoff, the drainage of foul effluent to the public foul sewerage system, and flood mitigation measures and which will be mitigated during construction by appropriate management measures.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the mitigation measures set out in the environmental impact assessment report, and

subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Not more than 75 no. residential units, excluding studio and 1-bed units, shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed.

Reason: To ensure the timely provision of services and facilities, for the benefit of the occupants of the proposed dwellings.

3. All mitigation measures identified in Chapter 20 of the EIAR, in the Flood Risk Assessment and in other particulars submitted with the application shall be implemented in full by the applicant except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity and to protect the environment during the construction and operational phases of the development.

4. The proposed development shall be amended as follows:
 - (a) The balconies serving unit type 11 shall have a minimum depth of 1.5 metres.
 - (b) A design measure shall be put in place to safeguard the privacy of the bedrooms of unit no. 1206 and 1306 located along external terraces serving other units.
 - (c) Lifts serving the basement car parking levels shall be suitably sized to accommodate bicycles and buggies.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In order to comply with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities.

5. The applicant shall submit the following to the Planning Authority for agreement prior to the commencement of development:
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed dwellings.
 - (b) Details of all signage and shopfronts associated with the development.
 - (c) Full details of wayfinding through the site including details of access to the public lifts which should include hours of operation.

(d) Details for the provision of 24 hour access to the public realm areas and basement level car parking detailed on the submitted plans and particulars.

Reason: In the interests of visual amenities, permeability, connectivity and good urban design.

6. 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.

7. (a) Commercial units shall not be amalgamated or subdivided, unless authorised by a further grant of planning permission.
- (b) No external security shutters shall be erected for any of the commercial premises (other than at services access points) unless authorized by a further grant of planning permission. Details of all internal shutters shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To prevent unauthorized development.

8. Prior to the occupation of the development, the applicant shall submit a Community Facility Strategy for the written agreement of the planning authority. The Strategy shall set out how the multi-purpose room at ground level will be managed to offer space for exclusive use by local voluntary community groups or clubs on a sessional basis for a minimum of six hours per week, with one session scheduled for the evening time. The multi-purpose room shall be offered as a community facility on a sessional basis in accordance with the agreed Community Facility Strategy.

Reason: To ensure the appropriate provision of social and community infrastructure to serve the needs of the resident and employee population

of the area and in accordance with the Sandyford Urban Framework Plan 2016-2022.

9. (a) The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
 - (i) Final details of roads and traffic arrangements serving the site (including signage).
 - (ii) Full details of development works at the interface with the public realm at Carmanhall Road and Blackthorn Drive. All works to public roads / footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the Planning Authority.
 - (iii) A Stage 2 Quality Audit (inc. Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) that accords to DMRUS and TII standards.
 - (iv) Full details of cycle parking facilities with provisions for direct and unobstructed access to all cycle parking spaces.
- (b) Within 6 months of substantial completion of the development a Stage 3 Quality Audit (inc. Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), of the constructed development shall be submitted to the planning authority for approval.
- (c) At least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately, or let, to avoid non-take-up by residents. Prior to the commencement of development, the applicant shall submit a layout plan for the written agreement of the planning authority showing which parking spaces are allocated to individual numbered units and to visitor parking.
- (d) One car parking space per ten residential units shall have a functional electric vehicle charging point.
- (e) Clearly designated spaces for car share use shall be provided.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: In the interests of traffic, cyclist and pedestrian safety and sustainable travel.

10. A Mobility Management Plan for the development, that accords with the detail outlined in the Draft Travel Plan submitted with the application, shall be submitted for the written agreement of the planning authority prior to the commencement of development and the commitments contained therein, shall be complied with during the operational phase of the development.

Reason: In the interests of sustainable travel.

11. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) The applicant shall submit the following details to the planning authority for its written agreement prior to the commencement of development:
- (i) Revised surface water drainage calculations and attenuation details (where required) to meet the surface water storage requirements of the development.
 - (ii) Details of hydrobrake, to include head/flow relationship or alternative provisions that meet the design parameters being used.
 - (iii) Stage 2 – Detailed Design Stage Stormwater Audit.
 - (iv) Details of the proposed green roof types, a construction plan and a post construction maintenance and management plan.

Surface water drainage works shall be carried out in accordance with the agreed details and the green roofs shall be managed and maintained in accordance with the agreed post-construction maintenance plan.

- (c) Within 6 months of substantial completion of the development a Stage 3 Completion Stage Stormwater Audit, to demonstrate that SuDS measures have been installed and are working as designed and that there has been no misconnections or damage to stormwater drainage infrastructure during construction, shall be submitted to the planning authority for approval.

Reason: In the interest of public health and surface water management.

12. All foul sewage and soiled water shall be discharged to the public foul sewer. Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

13. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

14. 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 amenity of property in the vicinity and the visual amenity of the area.

15. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

16. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

17. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

18. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be

submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

20. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

21. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1700 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.

22. 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 traffic management plan, hours of working, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

23. The site development and construction works shall be carried out such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

24. Prior to the commencement of the development the applicant shall contact the Irish Aviation Authority in relation to all crane operations, with a minimum of 30 days prior notification of their erection. Details of a suitable marking and lighting scheme as agreed with the Irish Aviation Authority shall be submitted to the planning authority prior to the commencement of construction. Additional information regarding crane type (tower, mobile), elevation of the highest point of crane, dimensions of crane, ground elevation and location co-ordinate shall also be required by the Authority to allow for an aviation safety assessment.

Reason: In the interests of clarity and proper planning and sustainable development of the area.

25. The applicant shall comply with the following requirements of Transport Infrastructure Ireland:

The applicant shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with TII's 'Code of Engineering Practice for Works on, Near or Adjacent to the Luas Light Rail System'.

In this regard the Construction Management Plan shall identify mitigation measures for existing operational Luas infrastructure and the provision of same shall be agreed with the Planning Authority in consultation with the TII prior to any works taking place on site.

Reason: To protect the Luas and public safety.

26. 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 section 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 of the area.

27. 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 by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local 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 referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

28. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning

and Development Act 2000, as amended. The contribution shall be paid prior to 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

29. 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 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.

Board Member

Date: 09/08/2019

Paul Hyde