



An
Bord
Pleanála

Board Order ABP-301044-18

Planning and Development Acts 2000 to 2017

Planning Authority: Dun Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 28th day of February 2018 by Vimovo Doyles Limited care of Marlet Property Group Limited, 7th Floor, College House, Townsend Street, Dublin 2.

Proposed Development:

A strategic housing development on a site at the former Doyle's Nurseries and Garden Centre, and Benoni, Brennanstown Road, Cabinteely, Dublin 18.

The proposed development will comprise 115 number residential units in a mix of 26 number dwelling houses and 89 number apartments / duplexes with the proposed two and three-storey houses to consist of eighteen number three-bed units (Type F, A1, A3, B1), two number four-bed units (Type C), and six number four/five-bed units (Type A2, A4, B), and the 89 number apartments / duplexes (within Blocks D, E1, E2, E3, and E4) to consist of 13 number one-bedroom apartments, fifty four number two-bedroom apartments, twenty two number three-bedroom apartments all in five number buildings ranging in height from three to six storeys with balconies / terraces to be provided on Block D (south elevation), and Blocks E1, E2, E3 and E4 (all elevations). A second-floor terrace is also provided on the east elevation of the terraced Block F.

The proposed development includes for the demolition of 'Benoni' (circa 252 square metres - a habitable dwelling proposed for demolition to facilitate the proposed development and main vehicular access), together with the extant single storey buildings associated with the former Doyle's Nursery and Gardens (circa 690 square metres); vehicular access to the site is proposed at the location of the existing entrance to the new Doyle's Nursery Garden Centre facility adjoining the south of the subject site which is to be realigned and improved and which will serve both the garden centre and the proposed development (note: the new garden centre is not part of subject application site).

Car parking is to be provided in the form of on-curtilage car parking, on-street parking and a basement car park for 190 number spaces; the proposed development will also provide all ancillary and associated site development and landscape works including the removal of existing obstructions in the Cabinteely Stream adjoining the east of the site and the reprofiling of the riparian corridor / flood plain located west of the stream, and the provision of an Electricity Supply Board sub-station (circa 22 square metres), and all necessary bin and bicycle storage including basement level stores for the apartment / duplex units.

The proposed development includes for measures to upgrade the Brennanstown Road including works within Dun Laoghaire Rathdown County Council owned lands from the location of the proposed site entrance northwards as far as the junction of the Brennanstown Road with the Bray Road at Cabinteely Village and these works are to comprise road widening and realignment works, widening and resurfacing of the existing footpath located on the western side of the Brennanstown Road as per the Design Manual for Urban Roads and Streets guidelines to a maximum of circa 1.8 metres in width where physical constraints permit, the introduction of controlled pedestrian measures in the form of a four-arm mini-roundabout at the proposed site entrance at the junction with the Brennanstown Road and Lambourne Wood Estate, the construction of a circa 2.5-metre wide pelican crossing at the north arm of this roundabout, the construction of a circa 2.5-metre wide raised crossing at the south arm of this roundabout, and the construction of a raised table at the junction of the Brennanstown Road and the Carraig Glen Estate further north of the subject site.

The proposed development also includes for improved pedestrian and cyclist connections comprising a pedestrian footbridge to a circa 21-metre span over the Cabinteely Stream at a location to the north east of the subject site to be of steel construction with recycled plastic non-slip boarding with circa 1.4-metre high safety railings providing connectivity for the site to Cabinteely Village, the Stillorgan Quality Bus Corridor, and Dun Laoghaire Rathdown County Council owned lands to the east of the subject site identified as a future walking and cycling route ('The Cabinteely Greenway'). The connectivity proposals also include for a new circa three-metre wide pedestrian and cycle shared surface path connecting the site into the Brennanstown Avenue Estate to the south of the site. The new shared surface path will be circa 54 metres long, passing through Dun Laoghaire Rathdown County Council lands and connecting into an existing footpath along Brennanstown Avenue.

All on lands measuring circa 1.85 hectares nett (circa 2.3 hectares gross including third party owned lands) bounded generally to the east by Cabinteely Stream, to the south by the new Doyle's Nursery and Garden Centre and residences at Brennanstown Avenue, and to the west by the existing houses fronting on to Brennanstown Road at the Former Doyle's Nursery and Garden Centre, and 'Benoni', Brennanstown Road, Cabinteely, Dublin 18.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the site's location close to the established settlement of Cabinteely Village,
- (b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016-2022,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016,
- (d) the nature, scale, and design of the proposed development,
- (e) the availability in the area of a wide range of social, community, and transport infrastructure,
- (f) the pattern of existing and permitted development in the area and on the site,
- (g) the planning history within the area,
- (h) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (i) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (j) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, issued by the Department of Housing, Planning and Local Government in March 2018,
- (k) The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), issued by the Department of Environment, Heritage and Local Government in November 2009,
- (l) the submissions and observations received, and
- (m) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenity 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.

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 urban area, the Stage 1 Appropriate Assessment Screening Report submitted with the application, and 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 sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment. The Board concluded that the proposed development, having regard to its nature and scale, would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conditions

1. The proposed 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 proposed 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. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (a) Replacement of the dwellings on Plots 2 and 3 (Dwelling Type B) with two-storey dwellings with a corresponding reduction in overall height and replacement of dwelling on plot 4 (dwelling type A2) with Dwelling Type A1.
 - (b) Privacy screens on the southern corner of the balconies of Units E2.10, E2.14, E2.18 and E2.21 within Block E2.
 - (c) Full details of proposed green roofs.
 - (d) The effective width of the proposed bridge over the Cabinteely Stream shall be increased to a minimum width of 2.5 metres.
 - (e) A revised cycle parking layout outlining adequate provision of spaces, to be located as close as possible to each of the main entrances.
 - (f) Proposals to safeguard the walls along the western side of Brennanstown Road during construction of the road improvement works, to be prepared by a conservation specialist.

- (g) All rear gardens shall be bounded by concrete block walls 1.8m high, rendered on both sides and capped. Post and timber rail fence shall not be used.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

- 3. 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.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

- 4. The proposed works to Brennanstown Road shall be completed to the satisfaction of the planning authority and shall be available for public use, prior to the first occupation of any of the proposed residential units.

Reason: In the interest of traffic safety.

- 5. The developer shall comply with all the requirements of the planning authority in relation to roads, access, lighting, and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.

- (c) Pedestrian crossing facilities shall be provided at all junctions.

- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) A detailed Construction Traffic Management Plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery, and the location for storage of deliveries to the site.
- (f) One car parking space per ten residential units shall have a functional electric vehicle charging point.
- (g) 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.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

- 6. 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. The proposed all weather play court shall not be floodlit.

Reason: In the interest of residential and visual amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Reason: In the interests of amenity, ecology and sustainable development.

8. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

Reason: In the interests of amenity, ecology and sustainable development.

9. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the ecological impact assessment, bat survey, and Construction Environment Management Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:
 - (a) The developer shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures, including any monitoring requirements by a suitably qualified ecologist which shall accompany this document, for written agreement at least five weeks in advance of site clearance works.

- (b) Vegetation clearance and tree removal shall take place outside the bird breeding season (1st day of March to 31st day of August).
- (c) Prior to any works, all buildings proposed for demolition and all mature trees proposed for felling shall be examined for evidence of bats by a bat specialist, including an examination of internal roof features. If required, a National Parks and Wildlife Service derogation licence shall be obtained.
- (d) Prior to commencement of development, the developer shall submit a letter from their bat consultants, stating that they are satisfied that the final design of the external illumination proposed will be to the required specification and that the proposed roosts and important bat corridors are not illuminated.
- (e) After installation of the external lighting, a report prepared by the bat specialist shall be submitted for the written satisfaction of the planning authority, confirming that the lighting is operating according to specification.

Reason: In the interests of protecting the environment and to address any potential impacts on biodiversity.

- 10. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roofs of the houses shall be blue black or slate grey in colour (including ridge tiles).

Reason: In the interest of visual amenity.

- 11. 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.

12. Site development and building works shall be carried only out between 08.00 to 19.00 hours on Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenity of property in the vicinity.

13. 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.

14. 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.

15. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development. All existing underground cables, including those along Brennanstown Road, shall be undergrounded as part of the development works.

Reason: In the interest of orderly development and the visual amenity of the area.

16. 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 carry out site testing and monitor all site investigations and other excavation works, following demolition, 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 (in situ or by record) of any remains that may exist within the site

17. 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.

18. Development described in Classes 1 or 3 of Part 1 of the Second Schedule to the Planning and Development Regulations, 2001, as amended, shall not be carried out within the curtilage of houses in Block F, or plots 1-8 without a prior grant of planning permission.

Reason: To provide for the orderly development of the site.

19. A plan containing details for the management of waste within the development site, 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.

20. A final, detailed, site specific Construction and Environmental Management Plan shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing.

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage, and flooding.

21. 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.

22. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the proposed 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 referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the proposed development.

