



An  
Bord  
Pleanála

**Board Order**

**ABP-301428-18**

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## **Planning and Development Acts 2000 to 2017**

### **Planning Authority: Dún 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 13<sup>th</sup> day of April 2018 by Pearse Farrell, Statutory Receiver to Certain Assets of Tivway Limited (in Receivership) and Picerno Limited (in Receivership) care of IGM Planning Limited, 75 Fitzwilliam Lane, Dublin 2.

#### **Proposed Development:**

A strategic housing development at the former Aldi Site, Carmanhall Road, Sandyford Business District, Dublin 18.

The development will consist of the demolition of all buildings and structures on the site and the construction of a residential development of 460 number apartments (one number studio unit, 92 number one bedroom, 303 number two bedroom, and 64 number three bedroom) in six, five to 14 storey blocks (above podium) comprising:

- 1) a total of 139 number apartments (22 number one bedroom, 98 number two bedroom (including 10 number duplex units) and 19 number three bedroom units (including two number duplex units)) in 11 storey Block A;
- 2) a total of 58 number apartments (22 number one bedroom, 23 number two bedroom (including 12 number duplex units) and 13 number three bedroom) in eight storey Block B;

- 3) a total of 35 number apartments (12 number one bedroom and 19 number two bedroom (including 14 number duplex units) and four number three bedroom (including two number duplex units) in five storey Block C;
- 4) a total of 64 number apartments (one number studio unit, 47 number two bedroom and 16 number three bedroom) in 14 storey Block D;
- 5) a total of 74 number apartments (16 number one bedroom, 52 number two bedroom (including seven number duplex units) and six number three bedroom (including one number duplex unit)) in 10 storey Block E;
- 6) a total of 90 number apartments (20 number one bedroom, 64 number two bedroom (including seven number duplex units) and six number three bedroom (including one number duplex unit)) in 12 storey Block F;
- 7) the provision of ancillary on-site facilities including:
  - a 149.6 square metres gymnasium and 85.3 square metres yoga/spin studio (with associated changing rooms and toilets: 69 square metres) and a 64.1 square metres movie room on the Blackthorn Drive level of Block C;
  - a 231.9 square metres crèche on the boulevard level of Block C;
  - a 36.9 square metres administration office, a 33.4 square metres meeting/events room and a 75.8 square metres reception area/entrance lounge on the Blackthorn Drive level of Block D;
  - a 153.1 square metres lounge/café, an 18 square metres bar/kitchen and a 40.8 square metres games room on the boulevard level of Block D; and
  - a 59.4 square metres communal meeting room on the second floor of Block A.
- 8) the construction of a two-level basement providing 454 number car parking spaces, 516 number bicycle parking spaces, service and plant areas, waste management areas and storage areas;
- 9) the construction of two number new vehicular accesses – to the two-level basement car park and to the 45 number space car park under the podium of Block A from Carmanhall Road, and two number pedestrian accesses, one from Blackthorn Drive and one from Carmanhall Road;

- 10) the provision of landscaped courtyards and an internal pedestrian boulevard connecting to the existing boulevard in the Rockbrook development to the west; and
- 11) all other associated works required to facilitate the proposed development including the paving of and tree planting on the footpaths and provision of vehicle drop off areas on the Blackthorn Drive and Carmanhall Road frontages.

## **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 within the established area of Sandyford and adjacent to the Stillorgan Luas stop,
- (b) the policies and objectives in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan 2016-2022,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (d) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in March 2018,
- (f) the Design Manual for Urban Roads and Streets issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (g) the nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the planning history within the area,
- (j) the submissions and observations received, and
- (k) 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 accessible urban location, would not seriously injure the residential or visual 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 noted the Appropriate Assessment Screening Report submitted by the applicant and the Appropriate Assessment Screening determination carried out by the Inspector. The Board concurred with the Inspector's determination, and adopted the conclusions and recommendations in this regard. The Board was therefore satisfied, having regard to the nature, location and scale of the subject development, that the construction of the proposed development would not be likely to have a significant effect, either individually or in combination with other plans or projects, or on any other European sites, in view of their conservation objectives.

## 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 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. The proposed crèche layout shall be revised such that it incorporates the adjoining apartment unit C105 within Block C. The associated private open space shall be incorporated into the crèche open space.

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 recommendations of the Childcare Facilities Guidelines for Planning Authorities and the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities with regard to childcare provision and in the interests of visual amenities and traffic safety.

3. The developer shall submit to, and obtain the written consent of the planning authority for the following prior to the commencement of development:
- (a) Proposals and drawings for addressing the level change adjoining Block A between the site and the adjoining site to the west.
  - (b) Detailed landscaping and architectural proposals for addressing the tie in with the pedestrian boulevard on the adjoining site to the west.
  - (c) Revised drawings for the juncture between Block C and the existing Rockbrook development to the west, showing a clear transitional design feature / façade treatment that demarcates between the two buildings.
  - (d) Full details of wayfinding through the site including details of access to the Block D public lift which should include hours of operation.
  - (e) Full details of all works to be carried out at the developer's expense along the development frontage at Blackthorn Drive and Carmanhall Road for the public realm within and outside the site boundary. Details shall include tree planting and any conflicts between provision of services and or transport infrastructure and provision of tree planting will be identified and agreed. The works shall include the provision of an accessible continuous legible unobstructed minimum pedestrian footway along each development frontage and an unobstructed westbound cycle track along Blackthorn Drive as a continuation of the cycle track to the east.

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

4. 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:
- (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) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
  - (c) 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.
  - (d) 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 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.
  - (e) Full details of cycle parking facilities to be submitted to and agreed in writing with the planning authority prior to development. Details of the internal basement layouts are to be provided such that internal cycle connections between basement levels and between basement cycle parking and cycle entrances are clear and legible.

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

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



5. 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.

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

6. The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit it to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.

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

7. A Mobility Management Plan for the proposed development, to include parking management, shall be prepared and submitted to the planning authority for approval prior to the commencement of development.

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

8. 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. The developer shall submit the following to the planning authority for its written agreement prior to the commencement of construction:
- (a) A revised summary calculation of the interception and treatment volume requirements.
  - (b) Details of the proposed attenuation tank that demonstrates that, in order to provide the required treatment, adequate retention time is being provided. The proposed 225 mm diameter emergency overflow pipe shall be removed.
  - (c) Details of the proposed bioretention area.
  - (d) The locations and details of the proposed bioretention tree pits to be located at the Blackthorn Road frontage.
  - (e) A detail of the proposed entrance opposite GC Technologies (RPS Drawing no. IBE1274\_011 Rev B) on Waterman Moylan Drawing Number 15-147 P101 that shows the extent of the predicted flood levels.
  - (f) Full details of proposed green roofs to include dimensioned drawings of the roof area and of the proposed green roof extents for each of the Blocks A – F, demonstrating that the minimum green roof coverage of 60% is being provided and a construction plan and a post-construction maintenance specification and schedule. The applicant shall also provide details of maintenance access to the green roofs.
  - (g) Details of the proposed podium landscaped and path areas and the hard paved areas draining to them.
  - (h) Details of drainage works at Carmanhall Road outside the development site.

**Reason:** In the interest of public health.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' 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.

10. As the car park and under podium services as well as the access and egress arrangements are shared facilities that relate to each block, no block shall be segregated by sale or letting from the approved right of access and egress and use of the shared service elements that relate to it, whether constructed or yet to be constructed.

**Reason:** In the interest of orderly development.

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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

**Reason:** To protect the visual amenities of the area, and to allow the planning authority to assess the impact of all signage through the statutory planning process.

13. 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.

14. Mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment, the Air Quality and Climate Impact Assessment, the Noise and Vibration Impact Assessment and the Arborist Report, submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

15. 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.

16. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority proposals for public art at the locations identified on the submitted Landscape Masterplan drawing number LTIV 001 100 and Section Drawing 07 (P3007). The public art shall be chosen and approved by an accredited art curator on behalf of and provided at the cost of the developer and shall accord with National Policy on Public Artworks and shall be installed within a timeframe agreed with the planning authority.

**Reason:** In the interest of visual amenity.

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

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

18. 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 June 2006.

**Reason:** In the interest of sustainable waste management.

19. 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.

20. Site development and building works shall be carried out only between 0800 to 1900 hours 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

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

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

22. Prior to the commencement of development, the developer 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 coordinates shall also be required by the Irish Aviation Authority to allow for an aviation safety assessment.

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

23. The developer shall comply with the following requirements of Transport Infrastructure Ireland:
- (a) The developer shall ensure that there is no adverse impact on Luas operation and safety. The development shall comply with Transport Infrastructure Ireland's 'Code of Engineering Practice for Works on, Near or Adjacent to the Luas Light Rail System'.
  - (b) The developer shall submit to and agree in writing a Construction Management Plan with Transport Infrastructure Ireland and the planning authority prior to the commencement of development. The plan shall identify mitigation measures for existing operational Luas infrastructure.
  - (c) Tram signal priority at the Luas junction with St. Raphaela's Road shall be maintained.

**Reason:** To protect the Luas and public safety.

24. Prior to the commencement of residential development, the developer shall submit for agreement in writing with the planning authority, a building lifecycle report, in compliance with Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

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



25. Prior to commencement of development, the developer 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.

26. 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.

27. 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.

28. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of    2018**