



An  
Bord  
Pleanála

## Board Order ABP-301614-18

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### Planning and Development Acts 2000 to 2018

### 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 15<sup>th</sup> day of May 2018 by Viscount Securities care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

#### **Proposed Development:**

A strategic housing development at Brennanstown Road, Dublin 18. The application site is bound to the north-west by the Carrickmines Wood development, to the north-east by Cabinteely Park and to the east / south-east by a number of dwellings.

The development will consist of 136 number residential units, comprising of 98 number apartments and 38 number houses, to be provided as follows:

- Apartment Block 1 containing 44 number apartments, including three number one-beds, 27 number two-beds and 14 number three-beds, in a four-storey building over basement / lower ground floor;
- Apartment Block 2 containing 44 number apartments, including three number one-beds, 33 number two-beds and eight number three-beds, in a four-storey building over basement;
- Apartment Block 3 containing 10 number apartments, including two number one-beds and eight number two-beds, in a two-storey building;

- seven number five-bed houses (Type A1 and A2), 23 number four-bed houses (Type B1, B2 and E2) and eight number three-bed houses (Type D1, D2, D3 and E1), of two and three storeys in height.

A 195 square metre creche facility and play area is proposed on the lower ground floor of Block 1. The development includes 227 number car parking spaces at basement / lower ground floor and surface level. The proposal includes cycle and motorcycle parking spaces, bin storage, public open space, landscaping, boundary walls and fences, internal roads, cycle paths and footpaths, and one number electricity sub-station. The associated site and infrastructural works include the removal of two existing structures in ruin, the provision of foul and surface water drainage, including attenuation tanks, and all associated services infrastructure.

The proposal incorporates works to Brennanstown Road including a roundabout at the proposed new site entrance, road and footpath widening, raised tables/ramps for the purpose of traffic calming, and alterations and enhancements to the Brennanstown Road / Glenamuck Road North (R842) / Brighton Road / Claremont Road junction.

The proposal also includes for the provision of a new pedestrian connection to and through Cabinteely Park including works to Cabinteely Park. The proposed connection will utilise a pre-existing opening in the boundary wall in the north-east corner of the proposed site, connecting to Cabinteely Park via a section of open space to be delineated by proposed railings within the adjacent Carrickmines Wood development. The proposed works include the provision of a new entrance gate to Cabinteely Park and new pathways within Cabinteely Park connecting to the existing footpath network within Cabinteely Park.

## **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 on lands with a zoning objective for residential development and the policy and objective provisions in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in respect of residential development,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the County Development Plan and appendices contained therein,
- (c) to 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 (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (g) the availability in the area of a wide range of social and transport infrastructure,
- (h) to the pattern of existing and permitted development in the area,
- (i) to the submissions and observations received, and
- (j) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development, and would be acceptable in terms of traffic and pedestrian 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 Screening for Appropriate Assessment 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, on any other European sites, in view of the sites' conservation objectives.

## Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Report 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 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 developer shall submit revised drawings and documentation showing compliance with the following requirements:
- (a) Revised site layout plan which indicates Unit number 22 as house type D2 and Unit number 25 as house type D3.
  - (b) Revised plans and elevations for Unit number 23 which shall be referred to as house type D4, a mirror of the D1 layout.
  - (c) Provision of privacy screens at either end of all balconies.
  - (d) Provision of 1.8-metre-high block walls, capped and rendered on both sides to the rear gardens of the housing units.
  - (e) Provision of a pedestrian gate to the south-west corner of the boundary wall along Brennanstown Road.
  - (f) Provision of a revised location for the playground.
  - (g) Full details of proposed green roofs.
  - (h) Provision of adequate cycle storage facilities.
  - (i) Details to ensure all basement and surface parking are constructed so as to accommodate future electric charging points for electrically operated vehicles.

Revised drawings and documentation shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

3. Prior to commencement of development, full details in respect of the road and footpath improvement works to Brennanstown Road including measures outlined in the Quality Audit shall be submitted to and agreed in writing with the planning authority. These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the developer prior to commencement of construction on any residential unit.

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

4. The following works shall be completed by the developer prior to the first occupation of the proposed residential development:
  - (a) Pedestrian linkage from the site to Cabinteely Park along the north-east boundary and the proposed new pathways as indicated on Drawing 305 prepared by BSM dated the 11<sup>th</sup> day of May 2018 shall be permanently made available upon the first occupation of the proposed residential development unless otherwise agreed in writing with the planning authority.
  - (b) Provision of public open space including the playground.

**Reason:** To enhance pedestrian and cyclist permeability.

5. The developer shall facilitate the preservation, recording and protection of archaeological materials and features that may exist within the site. In this regard, the developer shall:
  - (a) Notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
  - (b) Employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

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

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

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

6. Prior to commencement of development, the developer shall submit to the planning authority a schedule of ecological proposals as detailed in the Ecological Appraisal report. The schedule shall set out the timeline for implementation of each proposal and assign responsibility for implementation. All of the proposals shall be implemented in full and within the timescales stated.

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

7. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the schedule of ecological proposals. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

**Reason:** In the interest of nature conservation.



8. The site shall be landscaped in accordance with the submitted scheme of landscaping, specific 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 name and contact details of said person shall be submitted to the planning authority prior to commencement of development. 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.

9. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

10. The materials, colours and finishes of the authorised buildings, and the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

**Reason:** In the interest of residential privacy.

11. Proposals for a naming convention for the proposed development, which may include street names, a residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 orderly development.

12. Water supply and drainage arrangements, including the 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 proper standard of development.

13. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

**Reason:** To ensure a satisfactory standard of development.

14. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity.

15. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Public lighting shall be provided prior to the making available for occupation of any house.

**Reason:** In the interests of residential amenity and nature conservation.

16. The proposed development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** In the interest of the amenities of the occupants of the proposed housing.

17. (a) Prior to commencement of development, a revised Taking in Charge plan shall be submitted which provides for the taking in charge by the local authority of the pedestrian link from the development to Cabinteely Park.
- (b) The communal open spaces, including hard and soft landscaping, internal road serving the apartments, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be

taken in charge by the local authority, shall be maintained by a legally constituted owners' management company.

- (c) 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.

18. 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).

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

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

20. 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 offsite disposal of construction/demolition waste.

**Reason:** To protect residential amenity, public safety and natural heritage.

21. 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.

22. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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.

23. 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.

24. 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.

