



Planning and Development Acts 2000 to 2018

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 8th day of January 2019 by Hines Cherrywood Development Fund ICAV care of BMA Planning, Taney Hall, Eglinton Terrace, Dundrum, Dublin 14.

Proposed Development:

A permission for a strategic housing development at a site (circa 3.06 hectares) in the townlands of Laughanstown, Dublin 18, lands generally bounded by Bishop Street to the south, the Luas Green Line to the east and Tully Park to the north.

The proposed development will consist of a residential development consisting of 184 number units with a total gross floor area of 21,154 square metres comprising the following:

- 134 number apartments (gross floor area of 13,601 square metres) in four blocks,
- 14 number duplex units (gross floor area of 1,372 square metres) and
- 36 number houses (gross floor area of 6,181 square metres)

and includes the following accommodation on a block by block basis:

- Block A (3,486 square metres): 35 number apartments, ancillary accommodation and associated balconies and roof terraces in a two to five storey block (comprising eight number one-bed, 24 number two-bed and three number three-bed);

- Block B (4,374 square metres): 44 number apartments, ancillary accommodation and associated balconies and roof terraces in a three to five storey block (comprising 12 number one-bed, 26 number two-bed and six number three-bed);
- Block C (2,158 square metres): 22 number apartments, ancillary accommodation and associated balconies and roof terraces in a three to five storey block (comprising six number one-bed, 13 number two-bed and three number three-bed);
- Block D (3,583 square metres): 33 number apartments, ancillary accommodation and associated balconies and roof terraces in a three to five storey block (comprising five number one-bed, 24 number two-bed and four number three-bed);
- Duplex Units (1,372 square metres): 14 number two-bed two storey units and associated terraces; and
- Houses (6,181 square metres): 36 number houses and associated gardens comprising:
 - 1 number two storey three-bed;
 - 7 number two storey four-bed;
 - 18 number three storey three to four bed; and
 - 10 number three storey four to five bed.

Access is provided from a single access point from Bishop Street (A2 – F1) as permitted under register reference: DZ15A/0758. A local neighbourhood road is proposed, which will link with the access point at Bishop Street that will connect with and propose minor modification to the local road permitted under register reference: DZ15A/0813, which relates to Tully Park. Tully Park itself is not affected by the current application. An internal access street is proposed to run west to east across the development site, providing access to the duplex units.

A 'green-link' pedestrian accessway is proposed to run north/south through the site, connecting Tully Park with Bishop Street. A universally accessible accessway is proposed to the east of the site, connecting Bishop Street with Tully Park.

The four apartment blocks are located above basement which will accommodate car parking (215 number spaces), bicycle parking (148 number spaces), motorcycle

parking (12 number spaces) and service areas. At surface level, 72 number parking spaces, 76 number bicycle spaces and one number motorcycle space are provided.

Permission is also sought for all hard and soft landscaping and includes all associated site and development works.

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 policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (b) the site's location close to the settlement of Cherrywood;
- (c) the planning history of the Cherrywood Strategic Development Zone Planning Scheme approved by An Bord Pleanála in 2014, and to the overall scope and objectives of the approved Scheme, as amended;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) 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;

- (f) the Guidelines for Sustainable Residential Developments 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;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments guidelines issued by the Department of Housing, Planning and Local Government in March 2018;
- (h) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) the Planning System and Flood Risk Management guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (j) the nature, scale and design of the proposed development;
- (k) the availability in the area of a wide range of social, community and transport infrastructure;
- (l) the pattern of existing and permitted development in the area;
- (m) the planning history within the area;
- (n) the submissions and observations received, and
- (o) 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 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.

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 Screening for Appropriate Assessment report 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.

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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall comply with all objectives of the Cherrywood Strategic Development Zone Planning Scheme, 2014, as amended, save as may be authorised by this grant of permission.

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

3. 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) The most easterly house of the terrace of three Type C houses, shall be omitted and the Type D house at the eastern end of the site shall be relocated westward accordingly, and the resulting residual open space shall be suitably landscaped and incorporated into the public open space provision.
 - (b) The proposed bin store which directly abuts the gable wall of the maisonette dwelling, located to the west of the pedestrian route through the site leading from Bishops Street to Tully Park, shall be relocated to the basement.
 - (c) Balcony glazing shall be comprised of obscure glazing.
 - (d) House A1 shall be omitted.

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

4. 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.

5. The developer shall comply with all 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) All basement car parking spaces shall have a functional electric vehicle charging point available.
- (g) All surface car parking spaces shall have cabling to allow for future connection for electric vehicle charging points.

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 development or each phase of the development and any plant materials 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.

7. 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.

Reason: In the interest of visual amenity.

8. 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 and to allow the planning authority to assess the impact of such development through the statutory planning process.

9. 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.

10. 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 Owners' Management Company. Membership of this company shall be compulsory for all purchasers of apartments and duplex units in the 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. The triangular element of open space to the north west Public Open Space No.1 shall be vested in the Local Authority.

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

11. 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.

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

12. 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.

13. 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.

14. (a) The site shall be landscaped in accordance with the landscaping drawings submitted with the application, other than as amended by other conditions of this permission. The developer shall retain the services of a suitably qualified landscape architect throughout the duration of the site development works. The developer's landscape architect shall certify to the planning authority in writing his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development hereby completed.
- (b) The areas of open space shown on submitted drawings shall be retained by the developer as open space, shall not be incorporated into house plots, and shall be maintained by the developer until the development is taken in charge by the local authority. At the time of taking in charge, these open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In the interest of residential and visual amenity, and in order to comply with national policy in relation to the maintenance and management of residential estates.

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15. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

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

16. 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.

17. 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.

18. A final site specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted to and agreed in writing with the planning authority at least five 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.

19. The developer shall pay to the planning authority a financial contribution in respect of 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.

20. 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 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

