



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0074

Appeal by the Sandyford Hall Residents Association care of Susan Fitzgerald of 67 Sandyford Hall View, Sandyford, Dublin and by Nicola Stapleton of Riverside Cottage, Kilgobbin Road, Dublin against the decision made on the 25th day of January, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to William and Douglas Richardson care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: The proposed development (circa 3,891 square metres gross floor area) comprises four number residential blocks ranging in height from two to four storeys, accommodating 43 number residential duplex and apartment units, all with balconies or terraces (nine number one-bed, 19 number two-bed, 15 number three-bed), associated site development, landscaping and boundary works including demolition of 'Riverside Cottage', a habitable dwelling (circa 158 square metres), proposed basement to serve Apartment Block 4, with associated vehicular access ramp, new vehicular site entrance and associated access road via existing Belarmine Vale to the west, new two-way pedestrian/cycle path connecting through the southern end of the site from Belarmine Vale to the west to Kilgobbin Road to the east, second

pedestrian footpath link along the northern edge of the site, connecting from Belarmine linear park to the west to Kilgobbin Road to the east, 69 number ancillary residential car parking spaces (37 number at surface and 32 number at basement), two number bicycle stores at surface level and bicycle parking at basement level (56 number bicycle parking spaces in total), public open space amounting to circa 985 square metres and including children's play area, one number bin store at surface level to serve Blocks 1, 2 and 3, one number electricity sub-station and attenuation tank, all on a site of circa 1.39 hectares at Riverside Cottage, Kilgobbin Road, Newtown Little, Stepaside, County Dublin, generally bounded to east by Kilgobbin Road, to the south by the ruins of Kilgobbin Castle, to the west by Belarmine Vale, to the south-west by Gaelscoil Thaobh Na Coille Primary School and to the north by the existing residential area of Sandyford Hall.

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

Having regard to:

- (a) The National Planning Framework which seeks to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford,
- (b) The Planning System and Flood Risk Management Guidelines for Planning Authorities, issued by the Department of Environment, Heritage and Local Government in November, 2009),
- (c) the standards for new apartment developments set out in 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),
- (d) the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018, and
- (e) the zoning objectives for the site set out in the current Dún Laoghaire-Rathdown County Council County Development Plan,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to flooding within the application site or on adjoining lands, would not adversely affect a protected structure or archaeological remains, would not be prejudicial to public health or endanger public safety by reason of traffic hazard, would not seriously injure the residential amenity of property in the vicinity or future residents of the proposed development and would, otherwise, be in accordance with the

provisions of the development plan and with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 7th day of August 2018 and on the 20th day of December 2018, 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.

Reason: In the interest of clarity.

2. 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.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and of traffic and pedestrian safety.

4. All of the basement car parking spaces and all of the surface parking spaces shall be provided with electric vehicle charging points, at the expense of the developer. Details of these charging points, including appropriate signage, shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of sustainable transport.

5. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. 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.

7. Public lighting shall be provided in accordance with a scheme, which shall include lighting along all 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 residential units.

Reason: In the interests of amenity and public safety.

8. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the residential units are made available by the developer for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not shown as to be taken in charge by the local authority on drawing number 16-039-PL-1-007 received by the planning authority on the 20th day of December, 2018, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.
- (c) The remainder of the development shown to be taken in charge by the local authority on drawing number 16-039-PL-1-007 received by the planning authority on the 20th day of December, 2018, including all of the pedestrian and cycle paths, shall be maintained by the developer until taken in charge. At the time of taking in charge, the public open space shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity and for taking in charge by the local authority.

10. Site development and building works shall be carried only out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 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.

11. (a) 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 for each apartment unit 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. Proposals for an estate/street name, apartment 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 apartment 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.

13. The construction of the development shall be managed in accordance with a Construction and Environment Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
 - (a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environment Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

14. Prior to commencement of development, a licensed archaeologist shall be appointed as project archaeologist and shall supervise the stripping of topsoil from the entire area proposed for development (except for the services corridor which has already been archaeologically resolved) to expose any sub-surface archaeological remains. These works shall be specified in a detailed method statement prepared in consultation with the National Monuments Service. Should sub-surface archaeological remains be found, the developer shall notify the Department of Culture, Heritage and the Gaeltacht without delay. Any subsequent related works deemed necessary by the department shall be completed prior to commencement of development at the site.

Reason: In the interest of the preservation by record or in situ of important archaeological heritage.

15. The mitigation measures in relation to bats set out in the Ecological Impact Assessment by Scott Cawley submitted in support of the application shall be followed in full. A bat activity survey, including dusk emergence and dawn re-entry surveys of the existing trees identified as having potential features suitable as bat roosts, shall be carried out in the April to September period.

Reason: In the interest of wildlife protection.

Note on the above condition:- If a bat roost is identified and it is intended to remove or otherwise interface with it, the developer is reminded of the obligation to obtain a derogation license from the National Parks and Wildlife Service.

16. 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.

17. 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.

18. 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 ensure the protection of trees on and immediately adjacent to the site and to make good any damage to trees caused during the construction period, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory to ensure the protection of trees on and immediately adjacent to the site and to make good any damage to trees caused during the construction period 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 protection of trees both to be retained on the site and trees immediately adjacent to the site.

19. 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 the 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.

20. 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 the 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.

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

Dated this day of 2019.