



Planning and Development Acts 2000 to 2019

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 23rd day of August 2019 by Dundrum Retail GP DAC acting for and on behalf of Dundrum Retail Limited Partnership care of BMA Planning, Taney Hall, Eglinton Terrace, Dundrum, Dublin 14.

Proposed Development:

A planning permission for a strategic housing development on site of 0.43 hectares at Building 5, Dundrum Town Centre, Sandyford Road, Dublin 16. The application site is bounded to the North by the Ridgford apartment complex, to the East by Sandyford Road, to the South by a commercial/office block known as Buildings 3 and 4, to the West by the Dundrum Town Centre shopping complex.

The proposed development will consist of:

The construction of a seven to nine storey apartment building with 107 number units (comprising one number studio apartment, 50 number one-bed apartment units and 56 number two-bed apartment units) and ancillary accommodation totalling 9792 square metres gross floor area over an existing podium structure (2.2 to 2.5 metres above pavement level) completed as part of the overall Town Centre development (Planning Register Reference: D00A/0112, as amended).

The residential accommodation includes resident services, amenities and support facilities totalling 710.5 square metres consisting of lobby area, co-working space,

multi-purpose/games room, management office and post room at ground floor level (270.9 square metres), gym at first floor (55 square metres), cinema/media room at third floor level (55 square metres), lounge at seventh floor level (114 square metres) with visitor toilet block (25.3 square metres), facilities storage (25.3 square metres) at sixth floor level and residential storage at second floor level (55 square metres), fourth floor level (55 square metres) and fifth floor level (55 square metres). A double height café/restaurant unit (79 square metres) is proposed at ground floor with access doors to the internal services road. Part of the existing podium structure is removed to provide street level access to the café/restaurant unit.

The development includes communal open space in the form of a landscaped podium courtyard (284 square metres), landscaped roof garden at seventh floor level (207 square metres) and upgrade of the public realm in addition to private balconies/terraces. A new ESB substation and switch room (19.2 square metres) is also proposed at the northern boundary of the site adjacent to Sandyford Road.

Vehicular access to serve the proposed development will be provided via the existing basement entrance from Sandyford Road. A designated cycle entrance along the existing service road is also proposed.

The proposed building is located above an existing basement car park (three levels) and revisions are proposed to the basement car park as follows:

- Level 1M: provision of bicycle facilities (including provision of dedicated bicycle ramp, 164 number cycle parking spaces and bicycle service area), bin store, two number storage rooms reconfigured lift/stair core and associated circulation lobbies resulting in an additional 433.1 square metres and involving loss of 21 number car parking spaces
- Level 1: provision of a boiler room/plant, storage room and reconfigured lift/stair core and associated circulation lobbies resulting in an additional 255.9 square metres and resulting in the loss of eight number car parking spaces at this level. The reconfiguration of the existing car parking layout is proposed to provide 47

number car parking spaces at this level to be allocated to the proposed residential development

- Level -1: The provision of a water storage room, and storage room and revisions to existing stair/lift cores and circulation lobbies resulting in an additional 113.6 square metres and involving loss of five number car parking spaces

Permission is also sought for public lighting, hard and soft landscaping, boundary treatments, green roofs, photovoltaic panels and 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 site's location within an area with a zoning objective that permits residential development in principle;
- (b) the policies and objectives of the Dun Laoghaire-Rathdown County Development Plan 2016-2022;

- (c) the nature, scale and design of the proposed development and the availability in the area of a wide range of community, social, retail and transport infrastructure, including Dundrum Town Centre and the Green Luas line;
- (d) the Guidelines for Planning Authorities on 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;
- (d) the pattern of existing development in the area;
- (e) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (g) 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;
- (h) the nature, scale and design of the proposed development;
- (i) 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 respect the existing character of the area, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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 Appropriate Assessment Screening document 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.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that sections 7.2 to 7.4 of the Planning Statement submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development 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 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. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
 - (a) Signage throughout the development, including the shopfront to the café.
 - (b) Public lighting throughout the development.
 - (c) The operating hours of the proposed café unit shall be agreed in writing within the planning authority prior to first occupation of the unit.

Reason: In the interests of visual and residential amenity.

3. The proposed café area shall not be used for the sale of hot food for consumption off the premises (that is, as a takeaway) unless authorised by a further grant of planning permission.

Reason: In the interests of residential amenity.

4. Details and samples of the materials, colours and textures of all the external finishes and boundaries to the proposed development including external facades, signage, pavement finishes, and bicycle stands shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

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) Three number car parking spaces shall be reserved for communal car sharing use (car club use) only, and shall be clearly delineated and signed for such use;
 - (b) Five number car parking spaces shall be reserved for electric vehicles (for example, as 'e-car' spaces) only, and shall be clearly delineated and signed for such use;
 - (c) All other car parking spaces, with the exception of visitor parking, shall be let/sold with the residential units and shall not be sold or let separately or independently;
 - (d) The roads and traffic arrangements serving the site (including footpath connections and 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;
 - (e) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Urban Roads and Streets and with any requirements of the planning authority for such road works;
 - (f) 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;
 - (g) All of the communal parking areas, as well as the five number 'e-car' spaces, serving the apartments shall be provided with electric vehicle charging points.

Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

6. The landscaping scheme submitted shall be carried out within the first planting season following substantial completion of external construction works, details of which shall be submitted to the planning authority for written agreement prior to the commencement of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential and visual amenity.

7. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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 amenities of property in the vicinity and the visual amenities of the area.

9. Proposals for the development 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 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 and to ensure the use of locally appropriate place names for new residential areas.

10. 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.

11. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

12. 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 following specific requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development, unless otherwise stated:

- (a) Full details of proposed green roofs including a construction and maintenance plan;
- (b) Full details of the rainwater harvesting systems.
- (c) Stage 2 Detailed Design Stage Storm Water Audit;
- (d) Upon completion of the development, a Stage 3 Completion Stage Storm Water Audit;
- (e) Details of flow restricting devices, manhole locations, drainage arrangements at all entrances to each building and the attenuation tank.
- (f) Details of an annual maintenance contract in respect of the efficient operation of the petrol/oil interceptor and silt traps.

Reason: In the interest of public health and water quality.

13. Prior the commencement of development, the applicant shall submit to the planning authority a drawing showing the predicted flood extents with the proposed escape routes, ensuring that escape routes are outside of and directed away from inundated areas. Notwithstanding, all mitigation measures as set out in Flood Risk Assessment submitted with this application shall be implemented in full.

Reason: To minimise flood risk and in the interest of proper planning and sustainable development of the area.

14. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

15. 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.

16. 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. The plan should include details of a programme of works that amongst other items provides for interception containment and treatment of construction runoff. No construction runoff should be diverted to the proposed Sustainable Urban Drainage System (SuDS) measures such as the bioretention areas, permeable paving, green podiums or attenuation systems. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.

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.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1300 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.

18. 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.

19. 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.

20. The applicant shall undertake to implement the measures outlined in the Mobility Management Plan and to ensure that future tenants of the proposed development comply with this strategy. A Mobility Manager for the scheme shall be appointed to oversee and co-ordinate the preparation of the plan.

Reason: In the interest of encouraging the use of sustainable modes of transport.

21. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the Management Company, established to manage the operation of the development.

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

22. 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.

23. 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.

