



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 9th day of April 2020 by Paul and David Butler care of Stephen Newell Architects, Jollylands, Ballycorus, Dublin 18.

Proposed Development: A planning permission for a strategic housing development at Suttons Fields, Ballybetagh Road, Kiltarnan, Dublin 18 with surface water sewer and outfall in Kiltarnan Abbey Laneway, Enniskerry Road, adjoining lands to the north, and discharging to the public sewer in the Enniskerry Road via Golden Ball Gates (a Protected Structure). The Butler lands lie between the Butler residences / Our Lady of the Wayside National School, on Ballybetagh Road to the south, and Kiltarnan Abbey Laneway to the north and lie to the west of Wayside Cottages, Enniskerry Road.

The proposed development will consist of 116 dwellings and ancillary 31 space childcare unit. The dwelling will comprise: -

85 number houses as follows:

- 7 number one-bed units
- 2 number two-bed units
- 40 number three-bed units
- 36 number four-bed units

The houses will range from one-storey to three-storeys in height.

31 number apartments as follows:

- 13 number one-bed units
- 16 number two-bed units
- 2 number three-bed units

29 number apartments will be accommodated in two number three-storey blocks (17 number in Block Location 1 and 12 number in Block Location 2) at the north end of the development site. Block Location 1 will have ground floor terraces and upper floor balconies on its south and west elevations. Block Location 2 will have ground floor terraces and upper floor balconies on its east, west and south elevations. Two number two-bed, two-storey duplex apartments will be located over the 159 square metre ground floor childcare unit, in a three-storey building, close to the south end of the site. The duplex apartments will have balconies at first and second floor levels facing south and west.

Vehicular, pedestrian and cycle access to the site will be from Ballybetagh Road, to the west of the Butler residences.

The development will include a Main Road on its west boundary, running from Ballybetagh Road to the north boundary, that will facilitate linkage to development lands to the north.

Pedestrian and cycle access will be provided from Ballybetagh Road into the site, along the west boundary of Our Lady of the Wayside National School, connecting to the site circulation roadway in the vicinity of the childcare unit. The boundaries of the residences of Paul and David Butler on the Ballybetagh Road will be set back to provide improved pedestrian footpath from the site access to the west boundary of Our Lady of the Wayside National School. David Butler's vehicular access from Ballybetagh Road will be moved to ensure the safety of the pedestrian / cycleway.

The development will include the re-laying of existing 200 mm watermain that runs through the subject lands, such that it lies under the proposed road system, and provision of a ring-main to serve the development.

The development will be served by an existing connection to an existing 225 mm public foul sewer in Kiltarnan Abbey Laneway, which in turn connects to sewerage in Enniskerry Road at Golden Ball vial Golden Ball gates.

Surface water from the development will be attenuated in six number onsite attenuation tanks, with outfall to a new surface water sewer and outfall pipe, to be provided in Kiltiernan Abbey Laneway, connecting to a public surface water sewer in Enniskerry Road. The surface water sewer will be laid between the gates of Golden Ball, a protected structure. The laying of the sewer will not affect the integrity of the protected gateway.

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 boundary of the Kiltiernan Glenamuck Local Area Plan with a zoning objective for residential development;
- (b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;
- (c) Nature, scale and design of the proposed development;
- (d) Pattern of existing and permitted development in the area;
- (e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

- (f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- (g) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Housing, Planning and Local Government in March 2013 (and DMURS Covid-19 Interim Advice Note, 19 May 2020).
- (h) 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;
- (i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018;
- (j) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- (k) Submissions and observations received;
- (l) The Dun Laoghaire Rathdown Chief Executive Report dated 16th July 2020;
- (m) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

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 Information for Screening for Appropriate Assessment 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 the Environmental Impact Assessment Screening Report 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.

Proper Planning and Sustainable Development

It is considered that, subject to compliance with the conditions set out below, the proposed development would be of appropriate density, scale and height, would achieve an acceptable standard of urban design, 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 traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance 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, 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 Board Pleanála for determination.

Reason: In the interest of clarity.

2. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise 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 the interest of visual amenity.

3. 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.

4. 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.

5. Prior to the commencement of development details of all links (pedestrian, cycle and vehicular) to adjoining lands shall be submitted for the written agreement of the planning authority. Links shall be shown up the site boundary to avoid ransom strips and to facilitate future connection subject to appropriate third party consents.

Reason: To facilitate future pedestrian, cyclist and vehicular linkages.

6. 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/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

7. 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.

8. 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 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.
 - (b) 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 Roads and Streets and with any requirements of the planning authority for such road works.
 - (c) Cycle tracks/paths within the development shall be in accordance with the guidance provided in the National Cycle Manual.
 - (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the planning authority for such road works.
 - (f) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit) to the satisfaction of the planning authority. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

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

9. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 216 number clearly identified car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

10. 157 number bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. (a) Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by residents/occupants/staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the commercial element of the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

- (b) Prior to the occupation of the development, a Parking Management Plan

shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

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

12. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

13. (a) The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.
- (b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site.

Reason: In the interest of public health.

14. Prior to the commencement of development, the applicant shall submit for the written agreement of the planning authority a combined Taking in Charge and Wayleave drawing and a draft wayleave agreement in favour of Dun Laoghaire County Council for the sections of the proposed public surface water infrastructure that are to be located in lands not to be taken in charge. Such a draft Wayleave agreement shall be accompanied by dimensioned drawings showing the locations of all surface water drainage elements in relation to adjoining property boundaries. The wayleave shall be agreed and in place prior to the taking in charge of the development.

Reason: 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 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 interests of residential and visual amenity.

16. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis during the construction of the development, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted

Arboricultural Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

17. (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 not later than six months from the date of commencement of the 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.
- (c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

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

18. (a) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.
- (b) Full 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 communal open spaces, including hard and soft landscaping, 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 the legally constituted management company

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

19. 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. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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:

- Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse
- Location of areas for construction site offices and staff facilities
- Details of site security fencing and hoardings
- Details of on-site car parking facilities for site workers during the course of construction
- 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
- Measures to obviate queuing of construction traffic on the adjoining road network
- Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network
- 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
- Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels
- 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
- Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil

- Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise
- A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority

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

21. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

22. Details of the proposed signage for the creche to be submitted prior to occupation for the written agreement of the planning authority.

Reason: in the interest of proper planning and sustainable development.

23. The developer shall ascertain and comply with all requirements of the planning authority in relation to conservation matters and works to Protected Structures. In that regard:

- (i) Prior to the commencement of development, the applicant shall submit proposals for works relating to the laying of pipes at the Golden Ball Gates.

- (ii) All repair works shall be carried out in accordance with best conservation practice and the Department of Culture, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities'.
- (iii) All works are to be carried out under the professional supervision of an appropriately qualified person with specialised conservation expertise who shall manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric and to certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: In the interest of architectural conservation.

24. Prior to the commencement of development, the following shall be carried out and a report submitted to the planning authority for written agreement:

- (i) An Archaeological Impact Assessment shall be compiled, the applicant shall engage the services of a suitably qualified Archaeologist to carry out an archaeological assessment of the development site. No sub-surface work shall be undertaken in the absence of the Archaeologist without his/her express consent.
- (ii) The Archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the Archaeologist (licensed under the National Monuments Act 1930-1994), having consulted the site drawings.
- (iii) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: In the interest of the preservation of archaeological heritage and the proper planning and sustainable development of the area.

25. 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.

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 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.

28. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme 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.

Terry Prendergast

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

Dated this day of 2020