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**Planning and Development Acts 2000 to 2020**

**Planning Authority: Dublin City Council**

**Planning Register Reference Number: 2189/20**

**Appeal** by The Board of Management of Sandford Parish National School care of Tom Phillips and Associates of 80 Harcourt Street, Dublin and by Hollybank Avenue Upper Residents Group care of Kiaran O'Malley and Company Limited of Saint Heliers, Saint Heliers Copse, Stillorgan Park, Blackrock, County Dublin against the decision made on the 27<sup>th</sup> day of March, 2020 by Dublin City Council to grant subject to conditions a permission to KW PRS ICAV acting for and on behalf of its sub-fund KW PRS Fund 2 care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition (total circa 392 square metres Gross Floor Area) of Block 5 (one storey) and Block 6 (one storey) (total four number residential units) and the construction of a new residential scheme of 36 number residential units in the form of two number contemporary three storey terraces, comprising: 12 number one bed A one storey (Gross Internal Area circa 54.65 square metres) units, 12 number one bed B one storey (Gross Internal Area circa 57.76 square metres) units and 12 number two bed A two storey (Gross Internal Area circa 110.29 square metres) units. Each new residential unit has associated private open space in the form of a garden

courtyard or terraces. Landscaping works to existing and proposed external amenity spaces (total circa 3,851 square metres) include an upgraded fire tender route with a wildflower meadow edge, a sunken garden area around the Protected Structure, a central formal garden and an outdoor seating area. The development shall be accessed via the existing vehicular access point from Sandford Close and will provide for the reconfiguration of the existing basement car park and surface level parking areas to comprise a total of 120 number car parking spaces at basement level; 36 number spaces at grade; 133 number residential cycle parking spaces and 18 number visitor cycle parking spaces. The proposed modifications reduce the total number of vehicle parking spaces on the overall site from 169 to 156 and increase the cycle parking spaces from 85 to 151. An Electricity Supply Board Meter room (circa 6 square metres) and bin store (circa 21.6 square metres) are proposed at surface level. The associated site and infrastructure works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; electrical services and associated ancillary works. All of the above within the overall Sandford Lodge residential development. The proposal and associated ancillary elements are located within the curtilage of a Protected Structure, all on lands at Sandford Lodge (a Protected Structure), Sandford Close, Sandford Road, Dublin.

## **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 the site's location in an established suburban area on lands with a zoning objective for residential development, the policies and objectives in the Dublin City Development Plan 2016-2022, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area and the availability in the area of a wide range of educational, social, community and transport infrastructure and to the provisions of:

- (a) the National Planning Framework 2040 adopted by the government in February 2018,
- (b) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (c) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 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 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,

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 character of the area, would not be prejudicial to public health and would be acceptable in terms of traffic 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.

**Reason:** In the interest of clarity.

2. No portion of this development shall be used for short term lettings.

**Reason:** In the interest of the proper planning and sustainable development of the area

3. (a) The drop-off area and car parking allocated in the north-west corner of the site for the use of the patrons of the adjacent primary school shall be retained. The drop off area shall remain free of any unauthorised parking preventing the use of the of the area as a set down.
- (b) The surface car park areas shall be maintained open at all times. Arrangements shall be made by the management company to ensure access is available to car parking for visitors to the development.

**Reason:** To ensure orderly development and that visitor car parking is accommodated within the development and to prevent parking in adjacent streets.

4. The developer shall ensure that the Protected Structure (Sandford Lodge) is adequately protected during the construction works to avoid any damage to the historic fabric together with regular monitoring of the building during the construction process by an accredited conservation expert. Should any unforeseen damage occur to the historic fabric, any repairs shall be specified and monitored by an accredited conservation expert and executed by contractors with proven conservation expertise.

**Reason:** To protect the integrity and fabric of the Protected Structure.

5. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

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

6.
  - (a) The developer shall enter into water and wastewater connection agreements with Irish Water, prior to commencement of development.
  - (b) Drainage arrangements, including those for 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.

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

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

8. All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.

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

9. Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

**Reason:** In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

10. (a) Cycle parking provision shall be increased to 165 number secure spaces to serve the residential units and a minimum of 18 number visitor cycle spaces shall be provided at surface level. Revised drawings and details shall be submitted prior to commencement of development to the planning authority for written agreement, detailing revised cycle parking provision.

- (b) A Parking Management Plan shall be prepared for the site and submitted for the written agreement of the planning authority prior to occupation of the development. This shall indicate how spaces will be assigned to all the residential units and how use of the car parking will be continually managed. This shall also clarify the number of visitor spaces at surface level and access arrangements. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.
  
- (c) A residential travel plan shall be prepared and submitted for the written agreement of the planning authority prior to occupation of the development. The travel plan shall address the mobility requirements of future residents and should promote the use of public transport, cycling and walking.
  
- (d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.

**Reason:** In the interest of the proper planning and sustainable development of the area.



11. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006.

**Reason:** In the interest of sustainable waste management.

12. 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, noise management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interests of public safety and residential amenity.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas and including condition number 3 (b) above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. 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.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 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.

16. (a) 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.

- (b) The traffic management plan shall outline traffic management measures having regard to shared access arrangements including potential impact on pedestrians, peak construction traffic generating phases, haulage routes and construction staff mobility measures.

**Reason:** In the interests of public safety and residential amenity.

- 17. Prior to the commencement of development, the developer shall submit a finalised Invasive Species Management Plan for the written agreement of the planning authority. This plan shall include updated details of invasive species surveys, the location of such species, and the proposed method of managing these species during the construction and operational phase of the development.

**Reason:** To ensure that the spread of invasive species is minimised.

- 18. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which 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, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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 area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

19. 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 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 for the area.

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 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 determined by An Bord Pleanála.

**Reason:** To ensure the satisfactory completion of the development.

21. 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.

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

**Dated this            day of            2021.**