



Planning and Development Acts 2000 to 2020

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 24th day of July 2020 by Greenacres GP3 Limited care of Brady Shipman Martin of Canal House, Canal Road, Dublin 6.

Proposed Development comprises of the following:

The provision of 54 number additional apartments on the previously permitted Greenacres residential development of 253 number apartments, as permitted under ABP-304469-19. This will bring the total number of apartments to 307 number and bring the existing permitted height of four to six storeys (max height of circa 20.3 metres), to a proposed four to eight storeys (maximum height of circa 26.7 metres). The additional units will be provided for by way of additional storeys, thus giving rise to consequential modifications to the permitted development. The revised proposals consist of:

- Block A will increase in height from permitted four to six storeys to five to eight storeys, with an increase of 32 number units, to a total of 150 number units (61 number one-bed, 78 number two-bed, 11 number three-bed),
- Block B will increase in height from permitted four to six storeys to four to seven storeys, with an increase of 14 number units, to a total of 108 number units (62 number one-bed, 36 number two-bed, 10 number three-bed),

- Block C will increase in height from permitted four to six storeys to five to seven storeys, with an increase of eight number units, to a total of 49 number units (18 number one-bed, 26 number two-bed, five number three-bed),
- Balconies are provided for on all proposed apartment units, on all elevations.

183 number additional bicycle spaces shall be provided throughout the scheme increasing the number of bicycle spaces to 583 number spaces, and the total number of car parking spaces is being reduced from 212 number to 205 number spaces.

Reconfiguration of the Ground Floor of Block A to allow for an increase in permitted residential amenity space from circa 387 square metres to circa 502 square metres, an increase in the permitted crèche from circa 236square metres to circa 285 square metres and additional bicycle parking.

The proposed development includes associated ancillary site development works, including an additional substation all located at this site which comprises the three parcels of land of, Green Acres Convent (1.23 hectares), Drumahill House (0.26 hectares), and the Long Acre (0.27 hectares), all at Upper Kilmacud Road, Dundrum, Dublin 14. The site is bound by Upper Kilmacud Road to the north, Drumahill and Holywell residential development to the east, and Eden Farm (part of Airfield Estate) and Airfield Estate to the west and south of the site.

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 on lands with a zoning objective for residential development;
- (c) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (c) The nature, scale and design of the proposed development;
- (d) The pattern of existing development in the area;
- (e) The sites planning history;
- (f) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (g) The National Planning Framework, Project Ireland 2040 issued by the Department of Housing, Planning and Local Government in February 2018;
- (h) The Eastern and Midland Regional Assembly Regional Spatial and Economic Strategy 2019-2031;
- (i) 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 2019, as amended;
- (j) The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of the Environment, Community and Local Government in March 2018;
- (k) The Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;

- (l) The Planning System and Flood Risk Management for Planning Authorities (including the associated Technical Appendices), issued by the Department of the Environment, Heritage and Local Government in 2009;
- (m) The submissions and observations received, during the course of the application;
- (n) The Chief Executives Report of the planning authority;
- (o) The Inspectors Report.

The Board, in deciding not to accept the refusal recommendations as contained in the Report of the Chief Executive of the planning authority, agreed with the Inspector's assessment and recommendation on those matters.

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 adequately serviced urban site, the information for the Appropriate Assessment Screening Report and the Ecological Impact Assessment 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 Screening for Environmental Impact Assessment submitted by the developer, 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, which is under the mandatory threshold in respect of Schedule 5 Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001, as amended,
- (b) the location of the site on lands that are zoned for residential uses under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 undertaken in accordance with the Strategic Environmental Assessment Directive (2001/42/EC),
- (c) the location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- (d) the location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- (e) the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government August 2003, and
- (f) the criteria set out in Schedule 7 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 is not, therefore, required in this case.

Conclusions on Proper Planning and Sustainable Development

The Board considered that the proposed development is, apart from the parameters of the Building Height Strategy set out in Appendix 9 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 is broadly compliant with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Building Height Strategy as set out in Appendix 9 of Dún Laoghaire-Rathdown County Development Plan 2016-2022 as outlined below: -

- Section 4 of Appendix 9 notes that apartment development with a maximum height of three to four storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes – providing they have no detrimental effect on the existing character and residential amenity. It further states that the maximum height cannot apply in every circumstance and there will be situations where a minor modification up or down in height by up to two floors could be considered. Therefore, subject to certain criteria a maximum of six number storeys permissible. The proposed development is eight-storey and, therefore, is above the maximum permissible height as set out in the plan.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the grant of permission in

material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- The proposed development falls within the definition of strategic housing set out in Planning and Development (Housing) and Residential Tenancies Act 2016.
- Government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- Objectives 13 and 35 of the National Planning Framework which support the creation of high-quality urban spaces and increase residential densities in appropriate locations, while improving the quality of life and places.
- Specific Planning Policy Requirement 3 and Specific Planning Policy Requirement 4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development 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, or as otherwise stipulated by conditions hereunder, 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 Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:

The balcony for apartment B04 19 shall be relocated to the northwest elevation and the balcony for apartment A04 08 shall be relocated to the south-eastern elevation, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential amenity.

3. 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.

4. 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.

5. Proposals for an apartment naming/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 names 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.

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. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 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: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

8. Prior to the opening/occupation of the development, a Mobility Management Strategy (including an interim or temporary strategy reflecting any requirements or adjustments relating to Covid-19 movement and travel patterns) 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. Details may 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. The interim or temporary strategy, where applicable, should reflect the requirements of DMURS Interim Advice Note – Covid Pandemic Response (May, 2020). The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport and reflecting the needs of pedestrians and cyclists during Covid-19 pandemic.

9. Details of the public cycle track along Kilmacud Road Upper, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

10. A minimum of 10% of all car parking spaces to the apartment block shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces within the development facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations or 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.

11. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the planning authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management

12. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

13. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

14. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

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

15. Prior to commencement of development, the developer 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.

16. 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.

17. 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.

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

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

19. 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 shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

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

