



An
Coimisiún
Pleanála

Commission Order

ABP-320078-24

Planning and Development Act 2000, as amended

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D23A/0641

Appeal by Lucinda Coen and others and by parties against the decision made on the 18th day of June, 2024 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Glenveagh Homes in accordance with plans and particulars lodged with the said Council.

Proposed Development: Permission for development including infrastructural works. Total gross floor area of 3,046 square metres will consist of the demolition of the existing Rockall dwelling house (circa 215 square metres) and single storey outbuilding (circa 51 square metres) and the construction of 10 number four bed, three storey dwelling houses (circa 163 square metres each) with terraces facing north-west and south-east and a three storey duplex apartment block (1,417 square metres) comprising 14 number units (seven number two bed units and seven number three bed units) with terraces facing north-east and south-west. The development will also comprise of widening and upgrading the existing entrance, internal roadways and footpaths, the provision of a maintenance access gate to golf course lands to the east, 37 number car parking spaces, bicycle parking, bin storage, boundary treatments, signage, lighting, hard and soft landscaping, changes in levels and all other associated site works above and below

ground, all at 0.715 hectare site at Rockall, The Birches, Torquay Road, Foxrock, Dublin including infrastructural 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.

Reasons and Considerations

Having regard to the location of the site on land zoned 'A - To provide residential development and improve residential amenity while protecting the existing residential amenities in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, and to the proposal to provide for the intensification of residential use on this zoned site, to the nature and scale of the proposed development, to the pattern of development in the area, and, subject to compliance with the conditions set out below, it is considered that the proposed development would comply with Policy Objective PHP18 of the development plan which seeks to encourage higher residential densities while ensuring a balance is struck between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development, and Policy Objective PHP20 which seeks to protect existing residential amenity. Furthermore, it is considered that the proposed development would not seriously injure the residential amenities of property in the vicinity or the visual amenities of the area, would be acceptable in terms of traffic safety and convenience and surface water drainage, and would therefore be in accordance with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

In accordance with Section 177U of the Planning and Development Act 2000, as amended and on the basis of the information considered in this Appropriate Assessment screening, it is concluded that the proposed development individually or in combination with other plans or projects would not be likely to give rise to significant effects on the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), South Dublin Bay Special Area of Conservation (Site Code: 000210), Dalkey Islands Special Protection Area (Site Code: 0041720) and Rockabill to Dalkey Islands Special Area of Conservation (Site Code: 003000) or any other European site, in view of the conservation objectives of those sites and that an Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 7th day of March, 2024 and the 23rd day of May, 2024 and as further amended by the plans and particulars received by An Coimisiún Pleanála on the 13th day of August 2024, 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. Mitigation and monitoring measures outlined in the plans and particulars submitted, including the preliminary Construction and Environmental Management Plan, the Ecological Impact Assessment and the Arboricultural Assessment submitted with the application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of clarity and to protect the environment and public health.

3. Prior to commencement of development, the developer shall provide, for the written agreement of the planning authority, revised plans that clearly outline how the communal open space will be managed to ensure that its use is limited to the residents of the development only.

Reason: In the interests of residential amenity, and of the proper planning and sustainable development of the area.

4. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity and in order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

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

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

6. All bathroom and ensuite windows shall be fitted and permanently maintained with obscure glass.

Reason: In the interest of residential amenity.

7. The following requirements of the planning authority shall be complied with:
 - (a) All proposed cycle parking to serve the proposed development shall be constructed in accordance with Dún Laoghaire-Rathdown County Council's 'Standards for Cycle Parking and associated Cycling Facilities for New Developments - January 2018'.
 - (b) All accepted recommendations within the submitted Quality Audit by Bruton Consulting Engineers, dated February 2024 shall be implemented.
 - (c) The main contractor shall ensure that all measures outlined within the submitted Preliminary Construction Management Plan by DBFL Consulting Engineers, dated 26th the day of September, 2023.
 - (d) The developer shall ensure that all proposed works, both on the public road and within the site (i.e. road carriageways, kerbs (which must be in situ), footpaths, street lighting, signs, etc) are designed and constructed, at the developer's own expense, to meet Dún Laoghaire-Rathdown County Council's 'Taking-in-Charge Development Standards Guidance Document' (June 2022) requirements and 'Taking In Charge Policy Document (May 2022)': and all to the satisfaction of the planning authority.

(e) A minimum of one car parking space per five car parking spaces shall be equipped with one fully functional EV charging point. All proposed residential car parking spaces should be constructed to be capable of accommodating future electric charging points for electrically operated vehicles (ducting, mini-pillars etc.) without the requirement for future excavations/intrusive works.

Reason: In the interests of public and environmental health, and the promotion of more sustainable forms of travelling.

8. The internal road network serving the proposed development, including carriageway widths, corner radii, turning bays, junctions, parking areas, footpaths, kerbs, pedestrian crossings, raised tables, and cycle lanes shall be in accordance with the detailed construction standards of the planning authority for such works, and design standards outlined in the Design Manual for Urban Roads and Streets and the National Cycle Manual issued by the National Transport Authority.

Reason: In the interests of sustainable development and of traffic and pedestrian safety.

9. Proposals for an estate/street name, house/duplex 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/duplex 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 placenames for new residential areas.

10. (a) Drainage arrangements and the disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the written agreement of the planning authority.

(b) The surface water outfall discharge rate for the site shall be limited to 2.4l/s as calculated in the application, subject to the orifice size of the flow control device not being less than 50 millimetres in diameter, as detailed in the application. Note that in the interest of clarity where the calculated QBAR rate for the site is less than 2l/s/ha then a minimum value of 2 l/s/ha should be applied, not a flat rate of 2 l/s, subject to the orifice size of the flow control device not being less than 50 millimetres in diameter. i.e. the outfall discharge rate should be calculated based on the lowest flow rate achievable for a 50 millimetres Unit Outlet Diameter on the proposed flow control.

(c) The developer shall provide a sufficient attenuation volume for the 1 in 100 year rainfall return period (plus minimum 20% allowance for climate change and 10% allowance for urban creep) on site, (224 cubic metres) as detailed in the application. The proposed attenuation system shall be designed to encourage infiltration (i.e. unlined) in accordance with Section 10.2.2.6 Policy Objective EI6: Sustainable Drainage Systems (SuDS) of the Dún Laoghaire-Rathdown County Development Plan 2022-2028, unless prohibited by local ground conditions. The offset distance for infiltration from adjacent buildings or structures will be at the professional judgement of a suitably qualified engineer and shall ensure the proposed system has no impact on neighbouring properties.

(d) Any changes to parking and hardstanding areas shall be constructed in accordance with the recommendations of the Greater Dublin Strategic Drainage Study for sustainable urban drainage systems (SuDS) i.e. permeable surfacing, and in

accordance with Section 12.4.8.3 Driveways/Hardstanding Areas of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. Appropriate measures shall be included to prevent runoff from driveways entering onto the public realm as required. Where unbound material is proposed for driveway, parking or hardstanding areas, it shall be contained in such a way to ensure that it does not transfer on to the public road or footpath on road safety grounds.

Any area of hardstanding to be Taken In Charge should be designed to the planning authority's Taking In Charge (TIC) standards.

- (e) All proposed SuDS features shall be designed, installed and maintained in accordance with the requirements of The SUDS Manual (CIRIA C753).
- (f) The developer shall ensure that trees shall not be planted in the area over the attenuation tank. Trees shall be placed at a minimum distance of two metres from the edge of attenuation tanks. Tree protection barriers may be required, depending on the tree species and the expected extent of root spread, to be advised by the landscape architect.
- (g) The developer shall implement a construction management plan and programme of works that amongst other items provides for interception, containment and treatment of construction runoff. No construction runoff should be diverted to proposed SuDS measures. Any surface water sewer pipes used to convey construction runoff should be thoroughly cleaned before subsequent connection to SuDS elements.
- (h) The developer shall ensure that all drainage works are carried out in accordance with the agreed details and that a post-construction maintenance specification and schedule is implemented on site. Maintenance contractors with specialist training in SuDS care should be used. Thereafter, all elements of the surface water management system shall be maintained at all times in accordance

the post-construction maintenance specification and schedule, which shall be included in the site Safety File.

(i) Prior to the surface water connection to the public system, the developer shall make a submission for the written agreement of the planning authority, showing that the attenuation system, including the flow control device, has been installed according to the planning application plans and conditions, and set to the maximum permitted discharge limit. This shall include photo documentation of the installation process, and certification from who installed the system. The developer shall then facilitate an inspection from the planning authority and will proceed to connection if the inspection was deemed satisfactory.

Reason: To prevent flooding and in the interest of sustainable drainage.

11. Prior to the commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann to provide for a service connection(s) to the public water supply and/or wastewater collection network.

Reason: In the interest of public health and to ensure adequate water/wastewater facilities.

12. The site shall be landscaped in accordance with landscaping proposals submitted to the planning authority on the 7th day of March, 2024. 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 the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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.

13. (a) The developer is required to employ an appointed arboricultural consultant for the duration of the project including the construction design input of built features which shall be agreed in writing with the planning authority prior to the commencement of development.
- (b) Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species.

Reason: To secure the protection of trees on the site.

14. Public lighting shall be provided in accordance with the plans submitted and any revisions shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces. Such lighting shall be provided prior to the making available for occupation of any residential unit.

Reason: In the interests of amenity and public safety.

15. 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.

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 amenities of property in the vicinity.

17. A finalised Construction and Environmental Management Plan (CEMP) shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The CEMP shall include but not be limited to construction phase controls for dust, noise and vibration, waste management, protection of soils, groundwaters, and surface waters, site housekeeping, emergency response planning, site environmental policy, and project roles and responsibilities.

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

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

19. 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 within each house plot and for each duplex/apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained and 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.

20. 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. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

21. (a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all relevant houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning

authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

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 transfer of a (percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended , and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended.

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 Coimisiún Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

24. 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 Coimisiún 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.

25. The developer shall pay to the planning authority a financial contribution in lieu of the public open space requirement 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 Coimisiún 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.



Tom Rabbette

Planning Commissioner of An Coimisiún
Pleanála duly authorised to authenticate
the seal of the Commission.

Dated this 5th day of FEB. 2026