



An
Bord
Pleanála

Inspector's Report PL06D.246953

Development	Demolish house and erect 24 residential units at Springfield House, Springfield Park, Foxrock, Dublin 18
Planning Authority	Dun Laoghaire Rathdown Co. Co.
Planning Authority Reg. Ref.	D15A/0622
Applicant(s)	SH14 Property Investments Ltd.
Type of Application	Permission
Planning Authority Decision	Grant subject to 26 conditions
Appellant(s)	<ol style="list-style-type: none">1. Seosaimhin Ni Bhruin/Peter Hoare.2. Springfield Park Residents Assoc.
Observer(s)	<ol style="list-style-type: none">1. An Taisce2. Peter Boylan
Date of Site Inspection	19 th October 2016
Inspector	Hugh Mannion

1. SITE AND SURROUNDINGS

This site lies along the south side of the Stillorgan Road/Bray Road (N11) and opposite the junction with Kill Lane and Foxrock Church. The access to the site is from Springfield Park which runs southwest from a junction with Stillorgan Road. The site has a stated area of 0.6705ha and is irregularly shaped. The site comprises Springfield House and its attendant gardens and then a further triangular area south of Springfield House. The northern boundary of the site is along the Stillorgan Road and there are two stepped pedestrian accesses, one directly from the site and another from further along Springfield Park. The western boundary is along the rear gardens of 4, 6, 8, 10, 12, 14, 18 Springfield Park. The southern boundary is along the rear gardens of 20, 24, 26 and 28 Springfield Park. The eastern boundary adjoins 'Shandrum'. This is a three bay two storey house with its own gated access to Stillorgan Road. Further along this eastern boundary are the gardens associated with the houses on Westminster Grove which is itself accessed over a junction with Stillorgan Road south of the site. There is extensive shrub/tree cover on site and along the boundaries.

2. PROPOSED DEVELOPMENT

The proposed development was originally for 24 units but was **revised** by the public notice/further information submitted to the planning authority on the 31st May 2016. The revised proposed development comprises the demolition of Springfield House, revised access onto Springfield Park and the erection of 25 residential units as follows;

Units Size	Number of units
One bed	3
Two bed	12
Three bed	3
Five bed	7
Total	25 units

3. HISTORY

Under appeal reference PL06D.223756 permission was refused for the construction of 23 residential units and associated work at Springfield House and 4 Springfield Park, Foxrock, Dublin 18.

1. Having regard to the zoning objective of the site and its location in relation to a Conservation Area, the size of the site and the character of adjoining properties, it is considered that, by reason of its height, massing, overly complex and horizontal design treatment and proximity to the adjoining property to the south-east, Shandrum, the proposed development would be inconsistent with the character of the area and would have an overbearing impact on the adjoining property and would seriously injure the amenities of adjoining property by reason of overlooking. Furthermore, the proximity of the proposed service access and refuse storage area to the adjoining house, number 6 Springfield Park, would seriously injure the residential amenity of that property and the proximity of the proposed development to the public road, Springfield Park, would result in an overbearing form of development as viewed from this road. The proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the size of the apartments and the location of the proposed vehicular access on a residential road which also serves as the access to a secondary school, it is considered that the number of proposed car parking spaces is inadequate to serve the development. The proposed development would, therefore, create a demand for on-street car parking to the detriment of the residential amenities of the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

Under appeal reference PL06D.233656 permission was refused for 10 apartments in four blocks at 4, Springfield Park, Foxrock, Dublin 18 because;

Having regard to the zoning objective of the site and its location in relation to a Conservation Area, the size of the site and the character of adjoining properties, it is considered that, by reason of its height, massing and proximity to the adjoining property to the south-east, Shandrum, the proposed development would be inconsistent with the character of the area and would have an overbearing impact on the adjoining property and would seriously injure the amenities of adjoining

property by reason of overbearing impact. Furthermore, the proximity of the proposed development to the adjoining house, number 6 Springfield Park, would seriously injure the residential amenity of that property by reason of overbearing impact and the proximity of the proposed development to the public road, Springfield Park, would result in an overbearing form of development as viewed from this public road. The proposed development would seriously injure the amenities of the area and of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4. PLANNING AUTHORITY DECISION

The planning authority decided to grant permission subject to conditions.

Planning authority reports.

Surface Water Drainage Division (report dated 13th November 2015) sought further information in relation to the capacity of the proposed surface water attenuation scheme and the areas which will be taken in charge by the local authority.

Transport Planning (report dated 19th November 2016) raised no objection to the proposal on traffic hazard grounds. The applicant commented that the access to the proposed site is an existing residential access and on the outside of a bend were the better sightlines apply.

Parks and Landscape Services (second report dated 21st June 2016) reviewed the submission of further information and recommended clarification of the further information submitted. The planning authority dealt with these matters by way of compliance condition.

Irish Water reported no objection.

5. THIRD PARTY APPEAL

The grounds of appeal may be summarised as follows;

- The site is zoned A “to protect and or improve residential amenity” in the Dun Laoghaire Rathdown County Development Plan 2010-2016. The application has achieved higher residential density but does not respect the character of the surrounding area in contravention of the objectives set out in the country Development Plan.
- The shape of the site and changes in elevations within the site makes it difficult to achieve higher density without negatively impacting on the amenity of adjoining property.
- The Building Height Strategy in the Development Plan recommends two storey developments in suburban areas including Foxrock.
- The proposed development (especially house number 25) is too close to the boundaries of existing houses (especially 16 Springfield Park) and to the houses proposed under PL06D.246699.
- The site should be considered as a backland site and the standard 22m separation distance applied. In particular, the proposed three storey apartment blocks will overlook adjoining property, particularly 4, 6 and 8 Springfield Park. The shadow analysis submitted with the application is misleading. The proposed development will devalue adjoining property.
- The open space provision is inadequate. The loss of trees will contravene Development Plan objective OSR7 in relation to the retention of trees and woodlands.
- The area is congested especially with school related traffic. The access to the proposed development is located on a corner on the public road and will endanger public safety by reason of traffic hazard. The internal access/shared road does not meet DMURS standards.
- Springfield House is worthy of protection and regard should be had to Development Plan objective AR5 in relation to the retention of significant buildings which are not protected structures.

6. OBSERVATIONS

An Taisce made an observation which may be summarised as follows;

The existing Springfield House is a building to which Development Plan policy AR5 in relation to the retention of structures which are not protected structures.

Peter Boylan made an observation stating that the proposed access from Springfield Park would traffic hazard.

The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs made a submission which may be summarised as follows;

- Springfield House is not a protected structure nor is it located within the Foxrock ACA but has architectural merit and will be included in the National Inventory of Architectural Heritage when it is published for Dun Laoghaire Rathdown.
- It is not clear that the planning authority considered the application in the context of policy AR5.
- The proposed development will have a visual impact on Shandrum (an adjoining 19th Century house) and the wider area.

7. APPLICANT'S RESPONSE

The applicant's response to the appeal may be summarised as follows;

- The objections raised in relation to the previous refusals on this site in PL06D.233656 and PL06D.223756 (excessive density, proposed ACA, proximity to boundaries, excessive height, overlooking, the site area has been increased, parking provision meets Development Plan standards, trees are retained) have been overcome.
- The nearby Loreto College Foxrock will be more visually prominent in the area than the proposed development.
- The proposed development supports national policy in relation to housing provision.
- The standard separation distances of 22m may be relaxed in certain circumstances.

- The proposed density is 37 units per ha; this is an appropriate density for the area.
- The proposed height is appropriate and new infill development should not be required to match bungalows in the area.
- Distances to the boundary comply with Development Plan standards and the proposal will not overshadow or overlook adjoining property.
- The public open space requirement using Development Plan standards is 1,150m² whereas the proposed provision is 1,200m².
- The proposed development will make use of an existing residential entrance at a point where sightlines are adequate.

8. PLANNING AUTHORITY RESPONSE

The planning authority responded to the appeals to state that the further information submitted addressed its concerns in relation to impacts on residential amenity and the provision of public open space. The proposal does not meet the Development Plan density standards but in the context of adjoining existing development this shortfall in density is acceptable.

The planning authority commented on the submission made by The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs that it raised no new issues.

9. FURTHER SUBMISSIONS

Springfield Park Residents Assoc. wrote to state that they supported the points made in the other third party appeal.

Springfield Park Residents Assoc. responded to the applicant's submission to state housing policy should be given effect by sensitive infill developments where appropriate, the Foxrock area is generally low density which new developments should respect, the development should be reduced to two storeys.

Seosaimhin Ni Bhruin/Peter Hoare responded to the applicant's submission to say that the revised development will negatively impact on the amenity of

houses on Springfield Park, the proposal is too close to the shared boundary, the houses on Springfield Park are all single story and this pattern should be respected.

An Taisce commented on the submission from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs that the planning authority has a policy set out in the Development Plan to encourage the rehabilitation of buildings of heritage value which are not on the RPS.

Springfield Park Residents Assoc. wrote to support the points raised by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

The applicant submitted a conservation assessment of Springfield House in response to the submission by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

Peter Boylan responded to support the points made by the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs and state that the application has not observed the planning authority's conservation policy.

10. PLANNING POLICY FRAMEWORK

The relevant plan is the **Dun Laoghaire Rathdown County Development Plan 2016-2022**. The site is zoned 'Objective A', with a stated objective 'to protect and or improve residential amenity'.

Policy AR5 Buildings of Heritage Interest. It is Council policy to:

- I. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.
- II. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.

Policy RES3: Residential Density (Section 2.1.3.3)

It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing

residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- Sustainable Residential Development in Urban Areas (DoEHLG 2009)
- Urban Design Manual - A Best Practice Guide (DoEHLG 2009)
- Quality Housing for Sustainable Communities (DoEHLG 2007)
- Irish Design Manual for Urban Roads and Streets (DTTaS and DoECLG, 2013)
- National Climate Change Adaption Framework-Building Resilience to Climate Change (DoECLG 2013).

Section 2.1.3.3 of the County Development Plan in relation to Residential Density states that;

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged. As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives 'GB', 'G' and 'B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas.

The **Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEHLG 2009)** recommends higher density in serviced urban areas where it is compatible with the pattern of development in the area and the protection of amenity.

The **Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (DOEHLG 2015)** sets out standards for new apartments.

11.ASSESSMENT

11.0 I consider that the principal planning issues are County Development Plan Provisions, density, architectural heritage, traffic safety, parking provision, public open space, tree protection/landscaping, impacts on residential amenity, residential standards, AA screening.

11.1 County Development Plan Provisions

11.2 The site is zoned A 'to protect and or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016-2022. Residential development is a permitted use within this zone and, subject to satisfying other criteria, the application accords with the Development Plan on this point.

11.3 Density

11.4 The appeal makes the point that the proposed density is too high.

11.5 The Sustainable Residential Development in Urban Areas Guidelines (DOEHLG 2009) recommends that new residential development in urban areas where infrastructure exists, particularly public transport, should be provided at net minimum densities of 50 units/ha. The Guidelines recognise that this objective is subject to constraints such as size of site, proximity to boundaries and impacts on sensitive adjoining uses. The County Development Plan (RES3) undertakes to have regard to the guidelines and encourage higher density having regard, *inter alia*, to the protection of the amenity of the area.

11.6 The proposed density is 37units/ha. This is reasonable in light of the restricted size of the site (0.6ha), proximity to the Stillorgan Road QBC and the requirement to protect the amenity of adjoining property.

11.7 Architectural Conservation.

11.8 The site is not included in the Foxrock Architectural Conservation Area.

11.9 Policy AR5 in the Development Plan requires that the planning authority when considering applications for works to buildings of heritage interest which are not protected structures that the planning authority seeks to retain where appropriate and encourage reuse of these structures where they make a positive contribution to the character of an area. An Taisce makes the point that the planning authority may not have properly considered the case for the retention of Springfield House in the context of this objective.

11.10 The Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs made a submission which makes the case that the application, which includes the demolition of Springfield House, should be considered in the light of Policy AR5 and that the proposed development will significantly impact on the setting of Shandrum house which another nearby significant house and on the visual amenity of the wider area.

11.11 The County Development Plan was reviewed this year and neither Springfield House nor Shandrum were added to the record of protected structures (RPS). Section 53 (1) of the Planning and Development Act 2000, as amended, provides that the Minister for Arts may make a recommendation to a planning authority to include a structure in the RPS. In the present case that Department does not state that it made such a recommendation to Dun Laoghaire Rathdown when the planning authority was reviewing the plan. It is the case therefore that these structures do not have the protections attributable to protected structures set out in Part IV of the Act.

11.12 The Department states that Springfield House and Shandrum have been included in the National Inventory of Architectural Heritage which has yet to be published for Dun Laoghaire Rathdown. I have interrogated the Buildings of Ireland website and can confirm that the NIAH for Dun Laoghaire Rathdown has not been published.

11.13 There was an architectural conservation assessment of Springfield House submitted in the history case PL06D.223756 which I have read. A similar architectural conservation assessment was submitted by the applicant to the Board in the present case in response to the Minister for Art's observations. These two documents make the point that the available cartographic evidence is that Springfield House was constructed between 1866 and 1910 with a likely date of between 1880 and 1883. The houses in Springfield Park were constructed in the original grounds of Springfield House in the 1940s. Springfield House is two storeys with sitting room/dining at ground floor and four bedrooms and a bathroom at first floor. Additional accommodation was created at ground and first floor in the 1970s with an extension which wraps around the house to the rear and side.

11.14 The architectural conservation assessment concludes that the house is relatively late for its type, plain in terms of decoration and has been substantially altered. It is not of sufficient merit to require inclusion on the RPS on grounds of architectural, historical, archaeological, artist, cultural, scientific, social or technical interest. The original planning report (Reid Associates) submitted with the application makes the point that Springfield House is of

poor construction with a mix of replaced wood and aluminium windows and a low energy rating.

11.15 I have carried out a site inspection and I have considered the submissions on file made in relation to this application and appeal. I note that Springfield House is not on the RPS and that the planning authority or the Board has not previously decided that its demolition should be refused on grounds of special architectural, historical, archaeological, artist, cultural, scientific, social or technical merit. I conclude that it is not necessary to retain the house on grounds of its architectural heritage value and, therefore do not recommend refusal on this point.

11.16 A related point has been made that the demolition of Springfield House would impact on the setting of Shandrum House. Shandrum House is due south of Springfield House and has retained its own pedestrian and vehicular entrance onto the Stillorgan Road (N11). Viewed from the Stillorgan Road this appears to be a more substantial house. Having regard to Shandrum's occupation of a separate site served by a separate access, the boundary treatment and orientation south of Springfield House and the proposed new development I do not agree that the proposed development would negatively impact on the amenity or architectural heritage value of Shandrum House.

11.17 Traffic Safety.

11.18 The appeal makes the point that the entrance to the site of the proposed development is located a point on the public road where sightlines are restricted. Transport Planning Transport Planning (report dated 19th November 2016) raised no objection to the proposal on traffic hazard grounds. The applicant commented that the access to the proposed site is an existing residential access to Springfield House on the outside of a bend where the better sightlines apply.

11.19 The proposed development is modest, 25 houses, and does not have the capacity to materially impact on traffic patterns in the area. Loreto College Foxrock has two access points onto Springfield Park; an in/out access close to a light controlled junction with the Stillorgan Road and a second access, closer to the site, is an entrance only and marked with a "clear way" on Springfield Park. There is a QBC bus stop on the Stillorgan Road within a couple of hundred metres of the application site. The proposed site access is onto a cul de sac where the 50kph speed limit applies and 60m sightlines are provided as per drawing P004 submitted to the planning authority on 1st October 2015.

11.20 The applicant's submission (see GVA Planning submission received 19th August 2016) refers to this matter and provides an auto track analysis showing that the shared surface internal estate road parking spaces are accessible by larger vehicles.

11.21 Having regard to these factors I conclude that the proposed development will not give traffic hazard or congestion

11.22 Parking Provision.

11.23 Table 8.2.3 of the Development Plan requires 1 car parking space for 1 and 2 bed residential units and 2 spaces for 3 or more bed residential units. The initial planning authority's Transport Planning Section's report (dated 19th November 2015) commented that the application provided 43 spaces which represented a shortfall of 3 spaces. The planning authority sought amendments to the application by way of a request for further information but did not raise this shortfall in parking.

11.24 Having regard to the proximity of the site to public transport and community facilities (including secondary and third level education and a church) and I do not consider this shortfall in parking spaces to be significant.

11.25 Open Space.

11.26 The appeal makes the case that open space provision is inadequate.

11.27 The County Development Plan (paragraph 8.2.8.2 (i)) requires an a minimum of 10% of residential development sites be set aside for public open space. The initial Parks Department report recommended refusal because the proposed provision of public open space was inadequate. This issue was the subject of a request for further information whereby the applicant was required to reconfigure the proposed public open space without reducing the proposed housing density.

11.28 By way of FI response (see especially Site Plan drawing number AI-pS(00)-01 submitted on 31st May 2016) the site layout was reconfigured and a central area of public open space of 750m² was created. This and additional smaller areas give a total of 1,200m² of public open space for the development. The details of this space including tree retention and new tree planting is set out in the Mitchell and Associates submission included with the further information response and illustrated in the Landscape Master Plan submitted.

11.29 The second Parks and Landscape Services section report (dated 21st June 2016) commented that the revised proposals were an improvement on the original application but recommended that details should be subject to a request for clarification of the further information.

11.30 I conclude, having regard to the quantum of space being provided, the hard and soft landscaping detailed in the application and the overlooked nature of most of the space that it meets the standards set out in the Sustainable Urban Housing guidelines and the County Development Plan and is adequate to meet the open space requirements of the proposed development.

11.31 Tree Protection/landscaping.

11.32 The appeal makes the point that insufficient care has been taken to retain the existing trees on site as part of the application.

11.33 The application includes a tree survey (see CMK drawing number 101) and a landscaping plan which was revised in the course of the application (see Mitchell and Associates Landscape masterplan drawing number 100 received on 31st May 2015). It is the case that trees, especially along the southern boundary (the rears of 24, 26 and 28 Springfield Park) will be lost however their retention would require extensive modifications to the proposed development and reduction in the density on a site which already difficult to develop because of its shape and the changes in site levels within the site.

11.34 On the other hand, I consider that the landscaping plan including the proposed perimeter planting submitted as part of the further information is acceptable and will reasonably protect the amenity of adjoining property.

11.35 Impacts on Residential Amenity.

11.36 The appeal makes the point that the proposed development is too close to the boundary with adjoining residential property and in particular will impact negatively on 4, 6 and 8 Springfield Park.

11.37 The revised site plan (drawing number AI-pS(00)-01) illustrates the relationship between the proposed development and the rear of the houses on Springfield Park. The proposed (revised) three units that back onto houses 4 and 6 Springfield Park are three bed town houses with a first floor terrace fitted with a 1.8m high opaque glazing. Numbers houses 4 and 6 Springfield Park are set back into their sites close to the boundary with the application site. The distances between the proposed first floor terraces of the three new units and the site boundary are 8m, 9.5m and 12m. The general rule is that

the separation distance between opposing first floor windows should be 22m. Given the proximity of the existing houses on Springfield Park to the boundary with the application site it would be unreasonable to impose the entire burden of this separation distance requirement on the application site. While much of the coniferous tree cover along the western boundary of the site will be lost it may be noted that the landscaping plan provides substantial screening on this boundary, that the glazing on block E is opaque, that the planning authority has conditioned that the flat roof at 2nd floor level not be used as outside space and that there is little additional windows/glazed area on this southwestern elevation. I conclude that the impact from overlooking will be minimal and not sufficient to warrant refusal of permission or further reduction in unit numbers in this suburban location.

11.38 In relation to the impact on number 8 Springfield Park the proposed unit closest to it is a D type apartment which is 11m off the boundary. I consider that this is adequate to protect residential amenity I do not recommend amendments in relation to this unit. Proposed house number 25 is between 2 and 6m off the boundary at ground floor level widening to 8m at first floor off the boundary with 16 Springfield Park. The development on the adjoining site granted permission under PL06D.246699 is set back between 14m and 16m off the common boundary with this application site and I conclude on that basis that no negative impacts will arise for that development from this application.

11.39 The appeal makes the case that the proposed development is too high, is not in keeping with the Development Plan policy in relation to building height and does not have sufficient regard to the adjoining bungalows.

11.40 House type A on the southern end of the site has a maximum ridge height of 8.99m and is set back 11m off the boundary with the rear of houses on Springfield Park at first floor level. I consider that this separation distance is adequate and the height of units A will not impact on the amenity of these houses. It would not be a reasonable interpretation of the Building Height Strategy set out in the Development Plan to require the replication of a pattern of bungalow development where residential amenity is being protected. Having regard to the shadow analysis submitted with the application and the orientation of the proposed development relative to Springfield Park I consider that the proposed development will not overshadow these houses.

11.41 The three storey apartment buildings (types C and D) are a minimum of 11m off the boundary at first floor level (see the FI layout drawing AI-pS(SC)-01) and with a maximum height of about 9m. I consider that this is sufficient to protect residential amenity of adjoining property. The separation distances off the eastern boundary with Westminster Grove are 11m also.

11.42 Housing Quality.

11.43 The planning authority were dissatisfied with the original application as it did not provide an appropriate mix of house types (it proposed 75% three bed units). The revisions submitted with the further information response provides for 3 one bed units, 12 two bed units, 3 three bed units and 7 five bed units for a total of 25 units.

11.44 House type A have a rear garden and first floor terrace. The revised apartments (house type E submitted with the revisions on 31st May 2016) provide adequate storage and private open space in accordance with the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments (DOECLG 2015). They have internal storage for larger items. The duplex units (unit types C on the ground floor and unit type D on first and second floors) provide adequate ground floor terrace space and internal storage for the ground floor units (type C) and adequate internal storage and a first floor terrace for type D.

11.45 I conclude that the proposed development provides adequate residential amenity for future residents.

11.46 Appropriate Assessment (AA).

11.47 The application included an AA screening assessment (see Reid Associates Planning Report received on the 1st October 2015). The screening assessment concludes that the proposed development would not have significant effects on any Natura 2000 site. The planning authority reviewed this screening assessment and agreed with this conclusion.

11.48 Having regard to the location of the site in a suburban location where public piped services are available and have capacity, to the pattern of development in the area and its relative remoteness from any European site, to the material submitted with the application and appeal I recommend that it is reasonable to conclude that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site and that a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

12. RECOMMENDATION

Having regard to the foregoing I recommend a grant of permission as set out below.

Reasons and Considerations

Having regard to the nature and scale of the proposed development, the residential zoning of the site in the Dun Laoghaire-Rathdown County Development Plan 2016-2022, and to the established character and pattern of development within the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or other amenities of the area, would be acceptable in terms of traffic safety and convenience and would 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, as amended by the further plans and particulars submitted on the 31st May 2016, 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. The flat roofs proposed within the development shall not be used or converted for use as private open space.

Reason: In the interests of amenity and public safety.

3. 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.

4. 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.

5. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.

Reason: To comply with Development Plan requirements as set out in the DunLaoghaire-Rathdown County Development Plan 2016-2022 and in the interests of the proper planning and sustainable development of the area.

7. Proposals for an estate/street name, house and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

8. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

Reason: In order to ensure the development of the public open space areas, and their continued use for this purpose.

9. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. All rear garden boundaries shall be enclosed by 1.8m high block walls capped and rendered.

Reason: In the interest of residential amenity.

11. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

12. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

13. 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 interests of sustainable waste management.

14. 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.

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

15. (a) Prior to the commencement of development, the developer shall engage the services of a qualified Arborist as an Arboricultural Consultant, for the entire period of construction activity. The applicant 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 on a monthly basis, to ensure the implementation of all of the recommendations in the submitted tree report.

(b) After the period of three years post practical completion, the developer shall submit an Arboricultural Assessment Report and Certificate, signed by a qualified Arborist, to the planning authority's Parks and Landscape Services. Any remedial tree surgery, tree felling works recommended in that Report shall be undertaken by the developer at their own expense, under the supervision of the Arborist.

Reason: To ensure the protection and long term viability of trees to be retained on site.

16. 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 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.

17. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that 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,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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 site and to secure the preservation and protection of any remains that may exist within the site.

18. 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.

19. 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.

Hugh Mannion
Planning Inspector
27th October 2016