



An  
Bord  
Pleanála

## Inspector's Report PL06D.247822

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<b>Development</b>	46 no. dwelling units
<b>Location</b>	Glenamuck Road North, Carrickmines, Dublin 18
<b>Planning Authority</b>	Dún Laoghaire-Rathdown
<b>Planning Authority Reg. Ref.</b>	D16A/0260
<b>Applicant</b>	Moran Park Homebuilders Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant permission
<b>Type of Appeal</b>	First & Third Party
<b>Appellants</b>	(1) Moran Park Homebuilders Ltd. (2) John & Ann Armstrong (3) Robin McGee & Others (4) David Hayes (5) John Martin & Others (6) Paul Cotter
<b>Observers</b>	(1) Cllr. Patricia Stewart (2) Cllr. John Kennedy

- (3) An Taisce
- (4) Cllr. Emma Blain
- (5) Cllr. Ossian Symth
- (6) Mary Mitchell O'Connor TD.

**Date of Site Inspection**

30/3/17

**Inspector**

Siobhan Carroll

## **1.0 Site Location and Description**

- 1.1. The site of the proposed development is located on the eastern side of Glenamuck Road north, Carrickmines, Dublin 18. Glenamuck Road runs from the junction with Brennanstown Road and Brighton Road to the north to Kilternan. The M50 motorway is situated circa 300m to the south. The surrounding area is predominantly residential in nature. Carrickmines Tennis Club is located across the road to the west of the site. The Carrickmines Luas stop is situated approximately 200m to the south.
- 1.2. The site has a stated area of 0.90 hectares. The site comprises 0.74 hectares of development area and 0.16 hectares of a drainage and wayleave area. The site has frontage of 60m along Glenamuck Road and is served by gated vehicular access. The front boundary is formed by a high stone wall. The site extends back for between 140m to the east. The northern boundary of the site adjoins a driveway which serves the property Chigwell. The detached two-storey property Tullybeg is situated to the north of this driveway. The eastern site boundary adjoins the rear gardens of two properties in Brennanstown Vale. The southern site boundary adjoins the site of Stafford Lodge and there is a further detached dwelling to the south-east of Stafford Lodge this is located immediately to the south of the appeal site.

## **2.0 Proposed Development**

- 2.1. Permission is sought for the development of 46 no. dwelling units comprising; 39 no. apartments and 7 no. houses.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

Permission was granted for a revised scheme of 44 no. units. Permission is subject to 30. no conditions.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- Following the submission of further information and clarification of further information the Planning Authority were satisfied that the issues they raised had been fully addressed. The number of units proposed was revised from 46 to 44 and the density of development equivalent to 59.4 units per hectare. They noted that a minimum separation of 11m was provided between apartment Block B and the boundary of Chigwell. It was noted in the Planner's report that there was a deficit in public open space and the matter could be addressed by the attachment of a financial contribution.

#### 3.2.2. Other Technical Reports

Water Services Department: report of 14/11/16 – No objections subject to conditions.

Transportation Planning Section: report of 24/11/16 – No objections subject to conditions.

Parks Department: report of 24/11/16 – No objections subject to conditions.

Housing Department: No objections subject to conditions

#### 3.2.3. External Report

Irish Water: No objections

TII: No objections subject to conditions.

### 3.3. Third Party Observations

The Planning Authority received 28 no. submission/observations. The main issues raised are similar to those detailed in the third party appeals and observations to the appeal.

## 4.0 Planning History

**Reg. Ref. D14A/0649 & PL06D.244272** – Permission was refused for the development of 17 no. dwellings for the following reasons;

- (1) Having regard to the site layout, to policy RES3 of the Dún Laoghaire Rathdown County Development Plan 2010-2016 wherein it is stated that it is council policy to promote higher residential densities in close proximity to public transport, and having regard to the location of the open space proposed to serve the scheme, notwithstanding the site constraints, the Board was not satisfied that the layout proposed was sufficiently innovative to secure an appropriate density for this serviced and valuable land resource in a manner which provided a high quality of open space provision. The proposal would, therefore, seriously injure the residential amenities of the area and of proposed future residents in the proposed scheme.
- (2) Having regard to the repetitive nature of the building designs, together with the proximity of very tall building gables close to the site boundaries, it is considered that the proposal would seriously injure the residential amenities of the area and of properties in the vicinity.

**Reg. Ref. D01A/1079 & PL06D.128378** – Permission was refused for the development of 9 no. two & three storey detached and 2 no. semi-detached houses at the site at Chigwell, Glenamuck Road. Permission was refused for the following reason;

- (1) The proposed development would be out of character with the pattern of development in the area and would contravene materially the AS2 low-density zoning objective for the area as set out in the current Dun Laoghaire-Rathdown Development Plan, which objective is considered reasonable. The proposed development would, therefore, be contrary to the proper planning and development of the area.

## 5.0 Policy Context

### 5.1. Development Plan

The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.

- The site is zoned Objective 'A' with a stated objective 'to protect and/or improve residential amenity'.

- Chapter 8 – Principle of Development
- Section 8.2.3 – refers to Residential Development
- Table 8.2.3 – Residential Land Use - car parking standards

## 5.2. Natural Heritage Designations

- 5.2.1. Ballyglen SAC is 5.3km to the south of the appeal site.
- 5.2.2. Knocksink Wood SAC is 5.4km to the south of the appeal site.
- 5.2.3. Rockabill to Dalkey Island SAC is 5.3km to the east of the appeal site.
- 5.2.4. Dalkey Island SPA is 5.6km to the east of the appeal site.
- 5.2.5. Wicklow Mountains SAC and Wicklow Mountains SPA are 7km to the south-west of the appeal site.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The Board has received 5 no. third party appeals and a first party appeal.

### 6.2. Third party appeals

The Board has received third party appeals from the following;

- (1) John & Ann Armstrong
- (2) Robin McGee & Others
- (3) David Hayes
- (4) John Martin & Others
- (5) Paul Cotter

### **(1) John & Ann Armstrong**

- The appellants live at no. 6 Brennanstown Road Vale. Their property adjoins the eastern boundary of the application site. They have submitted an observation to Planning Authority in relation to the proposed scheme. They have stated that some of their concerns have been addressed following the request by the Planning Authority for further information and clarification of further information.
- The density of the proposed scheme is in accordance with the Planning Authority's requirements however there is insufficient private open space to serve the apartments. A deficient standard of design has been provided.
- The proposed development would set a precedent for similar development.
- The proposed development specifically house type B would be located a minimum distance of 1.3m from the party boundary with the appellant's property.
- The revised roof design to the terrace of dwellings features a high roof with a flat section which is considered oppressive. Details of the material proposed to the roof finish are unclear.
- The appellants request that the bathroom windows in House Type B be glazed with obscure glass to prevent overlooking.
- The appellants have a mature landscaped rear garden which includes a pond. The garden is visited by a variety of local wildlife. The appellants are concerned that dust and noise generated during the construction phase would impact the garden and the wildlife. They have requested that a boundary wall be provided in place of the existing fence and that the wall be built along the full extent of their boundary with the applicant's lands. They request that a 3m high wall be provided and that it be faced with granite on their side.
- The appellants would like to explore the possibility of having a pedestrian gate provided between their rear garden with access from their property to the pedestrian path indicated to the rear of town houses 1-6.

## **(2) Robin McGee & Others**

- The density and scale of the proposed development is wholly out of character with the surrounding dwellings.
- The proposed scheme is contrary to the provisions of the Development Plan in terms of the requirement to 'respect the height and massing of existing residential units'.
- The proposed development would negatively impact upon Foxrock Architectural Conservation Area.
- The appellants question the details contained in the traffic modelling submitted by the applicant.
- The proposed public open space provision is inadequate and unsuitable.

## **(3) David Hayes**

- The appellant and his family live at 'Tullybeg', Glenamuck Road North, Carrickmines. The appellant states that he supports the appropriate development of the site for residential use.
- It is considered that the proposed development does not address the previous refusal on the site under PL06D.244727 (Reg. Ref. D14A/0649). The concerns in relation to the height of development previously proposed on site were held by the Planning Authority, the Inspector and the Board in determining that proposal.
- The current scheme would seriously injure the residential amenities of 'Tullybeg' having regard to distance between the house and the closest apartment block of 18.7m. The two apartment blocks have a height of 15.5m and not all elevations addressing the north are set back.
- The application did not include an appropriate assessment of the suburban character of the receiving environment and no landscape or visual assessment was provided. The siting of the proposed apartment blocks would have significant impacts upon the closest residential properties to the north.



- It is estimated that the basement car park would be located 20cm from the site boundary. The works would impact upon the existing hedge along the northern site boundary which is outside the applicant's ownership.
- The proposed densities for Cherrywood approved in the SDZ Scheme do not justify the proposed density of 60 dwellings per hectare.
- It is noted that the further information issued by the Planning Authority advised the applicant that the height and limited separation distance of the apartment blocks would have an unacceptable impact on the residential amenity of the neighbouring properties. In response the applicant stated that 11m separation had been provided. It is noted that a 4.4m separation distance is provided at ground and first floor level. This is of significant concern to the appellant.
- The appellant is of the opinion that the Planning Authority did not satisfactorily assess the proposed development.
- The crux of the appeal concerns the impact the proposed development would have on the residential amenities of 'Tullybeg' in terms of overlooking, loss of visual amenity, loss of privacy, wind tunnelling and adverse noise.
- In relation to the matter of loss of visual amenity the appeal submission includes a number of photomontages to illustrate the proposed development when viewed from 'Tullybeg'.
- Windows and balconies to the north facing side of the apartment blocks will cause overlooking of the appellant's property and rear garden.
- The proximity of the proposed apartment blocks would result a noise impact from residents using the balconies.
- Policy RES3 requires that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas. Policy RES4 states that it is Council policy to densify existing built-up areas having due regard to the amenities of existing established residential communities and retain and improve residential amenities in established residential communities.
- The proposed development would be contrary to Policies RES3 and RES4 of the Development Plan as the proposed scheme disregards the established

character of the area in terms of density, plot ratio and built form. The proposed development is contrary to Section 8.2.3.2 which states that higher residential densities should have regard to surrounding dwellings and Section 8.2.3.3 of the Development Plan which requires a minimum separation distance of 22m between opposing windows.

- The proposed development is contrary to the Building Height Strategy - Appendix 9 of the Development Plan. It is recommended in the strategy that for residual suburban areas that a height of two storeys will apply.
- The proposed scheme is significantly deficient in terms of public open space provision. The amended scheme also is deficient in public open space. The Planning Authority considered that a total of 739sq m of usable open space had been provided. The requirement was 1,650sq m. A deficiency of 911sq m as stated by the Planning Officer represents an unacceptable amount. The closest public park is Cabinteely Park which is over 1km from the site.
- There is a lack of capacity on Glenamuck Road to accommodate the additional traffic which the scheme would generate. Residents in the area experience difficulty in making turning manoeuvres onto Glenamuck Road during peak times due to the heavy traffic volumes. This is in part caused by the backup of traffic using the M50.
- It is requested that the Board consider the issues raised in the appeal and refuse permission for the proposed development.

#### **(4) John Martin & Others**

- The density and scale of development is not considered appropriate to the subject site.
- The scale of development would be out of character with the surrounding development.
- The proposal would be contrary to the zoning objective of the site which seeks 'to protect and/or improve residential amenity'.
- The development is contrary to Policy RES3 and Policy RES4 of the Development Plan.

- The height of the proposed apartment blocks at four storeys is excessive and out of character with the adjacent development which is two storey.
- The public open space provision is below the minimum requirement which will negatively impact upon the residential amenity of future occupants.
- Glenamuck Road north currently experiences heavy traffic particularly at peak times due to the proximity of the M50. The appellants have concerns that the existing traffic volumes would cause difficulties in accommodating traffic turning movements into and out of the proposed development.
- The proposed development is inappropriate to site and out of character with the area and it would have an undue impact upon the residential amenity of the area.

#### **(5) Paul Cotter**

- The proposed development represents a significant departure from the established character of the area due to the density, building mass and scale, height, orientation and proximity to neighbouring property boundaries.
- A density of 84.4 dwellings per hectare based on the development of two apartment blocks on a site of 0.45 hectares is an unjustifiable departure from the established character of the area and would cause an unacceptable loss of amenity to appellant and his family.
- The proposed development does not accord with the building height strategy set out in the Development Plan.
- The Planner's report highlighted the proposed separation distance between apartment block b and the boundary of Chigwell of between 3.8m and 7.7m. As part of the further information the applicant was required to address this.
- The applicant increased the separation distance between the eastern elevation of Block B to the boundary of Chigwell to 11m. It is stated in the Planner's report that this is acceptable. It is contended that a separation distance of 11m should only apply to first floor level with increased separation for upper floor levels.
- The third and fourth storey balconies are within 9m-9.5m of the boundary of Chigwell. This would result in an unacceptable loss of privacy. It is noted that

the boundary of Chigwell at the location of Block B does not include mature trees, therefore tree screening is not provided.

- The proposed development would have a significant negative impact upon the appellant's property in terms of loss of outlook, overbearing impact and overshadowing.
- The proximity of the proposed three-storey houses to the boundary with Chigwell would also unduly impact upon the residential amenity of the property.
- In relation the landscape and boundary treatment proposed due to the proximity of the proposed apartment blocks to the boundary it is considered that it will be difficult for the trees and planting along the northern and eastern site boundaries to be maintained particularly having regard to the location of the proposed basement car park. The appellant considers that the location of the basement car park would encroach on hedge along the northern boundary which is within the appellant's ownership.
- The appellant notes that the width of the driveway serving Chigwell has not been correctly indicated and that it has a width of 4.7m from fence to fence and not 3.599m as indicated on the section submitted with the further information.
- The proposed development including the construction of the basement could cause damage to the appellant's driveway.
- The Planning Authority has failed to adequately consider the visual impact the proposed development would have on Chigwell. The overbearing impact would be very significant and the apartment blocks would be visually obtrusive when viewed from Chigwell.
- The proposed apartment blocks will cause significant overshadowing and loss of daylight.
- There will be overlooking from the second, third and fourth floors of the apartments including the balconies.
- The proposed development would significantly increase the traffic volumes onto Glenamuck Road North which is a heavily trafficked road. The increase traffic generated would negatively impact the amenity enjoyed by Chigwell House.
- The additional traffic generated would causing queuing at the signalised junction with Brighton Road and Brennanstown Road.

- The proposed development would be contrary to policy RES3 and RES4 of the Development Plan.
- The proposed development would result in a devaluation of the appellant's property.
- The public open space provision is inadequate.
- The proposed basement car park would be located only 40cm from the boundary with Chigwell. The proposed car parking spaces to serve the dwellings have insufficient width.
- The proposed swale drain would be located within 2m-3m from the boundary with Stafford Lodge any failure of the drainage could result in flash flooding of that property.
- The appellant considers that there is a precedent for refusal on the site based on the previous refusal issued under PL06D.244272. An appeal case at Brennanstown Road PL06D.227976 is cited as an example of development refused on the basis of overdevelopment and overbearing impact and where the density of development was considered out of character with the surrounding area. An appeal case at Church Road, Killiney PL06D.247005 is also cited where the Inspector considered that although the density did not meet the minimum default density it was acceptable.
- The appellant respectfully requests that the Board refuse permission.

### 6.3. First party appeal

- A first party appeal is made against condition no. 21 of the permission granted under Reg. Ref. D16A/0260.
- Condition no. 21 states;
 

*“That the applicant shall make a payment of €48,000.00 (€2,000.00 per residential unit for 24 no. units - calculated on units deficient in open space), in addition to the Development Levy Contribution, as a special contribution, as per Section 48.2(c) of the Planning & Development Act, 2000, in lieu of the provision of public open space. This contribution is to cover specific*

*exceptional costs in respect of the provision of open space and landscaping works which benefit the proposed development. The contribution will be used to fund improvements to Cabinteely Park which is within walking distance to this proposed development.*

*REASON: In accordance with policy 8.2.8.2 of the CDP 2016 – 2022 and in the interests of ensuring adequate public open space facilities for future residents.”*

- The payment of €48,000.00 is considered excessive.
- Permission was granted for 44 units. Comprising 3 no. one bed units; 19 no. two bed units, 16 no. three bed units and 6 no. four bed units.
- Section 8.2.8.2 of the Development Plan requires 15-20sq m of open space per person in a scheme with over 5 no. units. The occupancy rate is presumed at 3.5 persons in the case of units with three or more bedroom and 1.5 persons per unit for units of less than three bedrooms.
- Therefore, in relation to the 22 units of one and two bedrooms an occupancy rate of 33 persons is presumed and in relation to the 22 units with three bedrooms an occupancy rate of 77 persons is presumed.
- Therefore, an occupancy of 110 persons with the requirement of 15sq m of public open space would generate the requirement for 1,650sq m.
- The Parks Department maintained that only 739sq m of open space provided in the scheme is usable and that there is a deficit of 911sq m. This would equate to a deficit for 60 persons or 24 units. With a charge of €2,000.00 per unit this results in a total of €48,000.00.

- The appellants contend that the total provision of public open space on site is circa 1,525.40sq m. Of this area 70.1sq m at the entrance gate and 91.6sq m opposite the surface car park is considered incidental open space.
- The Parks Department only consider that the large areas of open space of 605.2sq m and 134sq m are usable. The first party appellant disagrees with this and contends that they have provided 1,363.7sq m of usable open space and therefore there is a deficit of 286sq m. This would equate to 19 persons or 8 no. units based on a provision of 15sq m per person with an occupancy of 2.5 persons per unit.
- It is concluded by the first party appellant that the scheme is deficient in public open space by 286sq m and not 911sq m. They request that the Board amend condition no. 21 and find that a special contribution be levied for €16,000.00.

#### 6.4. Applicants Response to third party appeals

A response to the 5 no. third party appeals has been submitted by Brock Mc Clure Planning and Development Consultants on behalf of the applicant Moran Park Homebuilders on the 9<sup>th</sup> of February 2017. The main issues raised are as follows;

- In relation to the matter of density it is considered that the site is underutilised and presents a significant opportunity to achieve higher density and greater mix of dwelling types.
- Having regard to the proximity of the Luas stop 200m from the site the density of 59.6 units per hectare is considered appropriate. Development Plan policy requires the delivery of scheme in excess of 50 units per hectare close to public transport.
- The proposed development has provided an appropriate balance between the need to provide higher density close to public transport and maintain, enhance and protect the character of the area.

- Regarding the height and scale of the scheme, the Building Height Strategy for the County recommends that heights of 3-4 storeys may be permitted in appropriate locations on large sites providing there is no detrimental effect on the existing character of the area.
- The surrounding development is single and two-storey, however it is considered that the existing pattern of development is not a suitable model for future sustainable development and that higher density development should be provided on site.
- The Planning Authority in their assessment of the development required in the further information that the height of the apartment blocks be tapered back at 2<sup>nd</sup> and 3<sup>rd</sup> floor level to reduce the impact on neighbouring properties. These amendments have been proposed and were accepted by the Planning Authority.
- Daylight and Sunlight assessments were submitted which indicate no undue impact on the third parties in terms of overshadowing.
- At second floor level the closest point of the apartment block from the boundary of Tullybeg is between 10.6m-11m and closest distance to the boundary of Chigwell is 11m.
- At third floor level the closest point of the apartment block from the boundary of Tullybeg is between 11.2m-14.8m and closest distance to the boundary of Chigwell is 12.3m. Tullybeg faces directly onto a proposed open space area and therefore there would be no direct overlooking. A separation distance of 18.7m is provided between the dwelling at Tullybeg and apartment block A.
- The scale and bulk of the houses and the proposed roof design has been revised to provide a more appropriate design.
- A more appropriate mix of unit types has been proposed.
- It is submitted that the proposed development as amended protects the residential amenity of the area.
- It is considered that the previous reasons for refusal of PL06D.244272 (Reg. Ref. D14A/0649) have now been overcome.



- A number of the third parties have raised the issue of inadequate public open space. The Development Plan requires as an absolute minimum 10% of the overall site for private open space which equates to 738sq m based on the site area of 7,385sq m. This has been provided within the scheme. The Parks Department were satisfied with the proposed scheme subject to the attachment of a number of conditions.
- In relation to the appeal of John & Ann Armstrong the applicant states that no agreement was reached with those third party appellants regarding boundary treatment. The request regarding a boundary gate is considered unreasonable and inappropriate as it would impact upon the future residential amenity of occupants.
- The proposed development was designed having regard to the Board decision under PL06D.244272 (Reg. Ref. D14A/0649) in relation to density and residential amenity.

#### 6.5. Planning Authority Response

A response to the first party appeal and third party appeals was submitted by the Planning Authority on the 30<sup>th</sup> of January. It can be summarised as follows;

- The open space provision was calculated by the Parks Department. The minimum open space required is 3 one bedroom units and 19 two bedroom units (total 22 units) requirement 495sq m which is 22sq m per unit.
- 16 three bedroom units and 6 four bedroom units (total 22 units) requirement is 1,155sq m which is 52.5 per unit.
- The total area of open space provided is 739sq m and there is a deficiency of 911sq m.  $911\text{sq m} \div (22.5+52.5)/2 = 37.5$  which equals 24.3. The contribution of €2,000 per unit on 24 units of €48,000 was charged.
- The open space which is identified as being in excess of 739sq m is not considered to be useable open space.
- The issues raised in the third party appeals were also raised in the submissions and observations to the application. These were addressed in detail in the Planner's report.

- The proposed development is in accordance with the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022. The site is located close to the LUAS and new residential development is required to achieve a minimum density of 50 units per hectare. Following the response to the further information and clarification the density is 59.4 units per hectare.
- The scale of the two apartment buildings was reduced in order to minimise the impact on residential amenity of neighbouring properties.

## 6.6. Observations

### (1) Cllr. Patricia Stewart

- The proposed density is considered excessive. The proposed scheme would be out of character with the design and scale of surrounding housing.
- The height of the proposed apartment blocks would cause the development to be visually overbearing and out of character with the area. It would seriously impact upon the visual amenities of the area.
- The proposed development due to its mass, design and scale would seriously impact upon the residential amenities of the area.

### (2) Cllr. John Kennedy

- The proposed development would have a serious impact upon the residential amenities of the adjacent properties 'Chigwell' and 'Tullybeg'.
- The proposed density of the scheme would have an impact upon traffic volumes at the Claremont Road/Brighton Road/Brennanstown Road/Glenamuck Road North junction.

### (3) An Taisce

- The design, scale and density is out of character with the surrounding development.
- The proposed open space provision is inadequate and would be overshadowed from the eastern apartment block.

- There is a reasonable mix of apartment size proposed in the scheme however the scheme does not have adequate regard for provision for different socio-economic groups.

(4) Cllr. Emma Blain

- Cllr. Blain supports the objections raised in the appeal lodged by Paul Cotter.

(5) Cllr. Ossian Symth

- The proposed four-storey apartment block would be located 3.8m from the curtilage of the property Chigwell. This would result in an oppressive sense of enclosure and overshadowing to that dwelling which would have a serious impact upon the residential amenities.
- Stafford Lodge a dwelling to the west of the site would be similarly impacted by the proposed development.
- The design of the scheme is poor and does not reflect the character of the surrounding development. Overall the proposal would negatively impact upon the residential amenities of the area and would set an undesirable precedent for similar development.

(6) Mary Mitchell O'Connor TD.

- The density of the proposed scheme is equivalent to 80 dwellings per hectare while the surrounding density is 3.7 units per hectare.
- The majority of dwelling units will be located in the two apartment blocks. These apartment blocks are completely out of character with the adjacent housing.
- The proposed scheme is contrary to Section 8 of the Development Plan which states in relation to infill development "New infill development shall respect the height and massing of existing residential units."
- The height and design of the proposed townhouses is of concern.
- The proposed height, design and scale of the apartment blocks is out of character with surrounding development. The apartment blocks would be visually obtrusive when viewed from the property Chigwell.

- The proposed basement car park would be located circa 42cm from the boundary with the property Chigwell. The apartment blocks would be located 3.8m from the rear garden of Chigwell and 4.4m from the driveway.

## 6.7. Further Responses

A submission was received from Hughes Planning & Development Consultants on behalf of the third party appellant Paul Cotter in response to the first party appeal and 4 no. other third party appeals. The main issues raised are as follows;

- It is acknowledged in the first party appeal that there is a shortfall in public open space on site which is contrary to the minimum requirements set out in the Development Plan. It is considered that the concerns of the Planning Department and the Parks Department in relation to the lack of public open space have not been addressed.
- The proposed scheme represents overdevelopment and would result in an unacceptable standard of residential amenity provided for future residents.
- The appellant concurs fully with the issues raised in the 4 no. other third party appeals lodged by John & Ann Armstrong, Robin McGee and Others, John Martin and Others and David Hynes.

A submission was received from Cunnane Stratton Reynolds on behalf of the third party appellant David Hynes in response to the first party appeal and 4 no. other third party appeals. The main issues raised are as follows;

- In relation to the first party appeal which states that 1,363.7sq m of public open space is provided on site the third party appellant refutes that statement. A report submitted from Declan O'Leary, Landscape Architect states that a total area of 739sq m can only be considered useable open space. Therefore, the calculation made by the Local Authority is considered correct.
- The appeal lodged by John & Ann Armstrong request the removal of one house, the use of obscure glazing and the construction of 3m high wall.

None of these amendments address the deficiencies in the overall scheme. However, the appellant would concur with the other matters addressed in that third party appeal.

- The appellant concurs with the matters addressed in the other third party appeals.

## 7.0 Assessment

Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. Issues to be considered in the assessment of this case are as follows:

- Development Plan policy
- Design and layout
- Impact upon residential amenity
- Access and Traffic
- Appropriate Assessment
- Development Contributions

### 7.1. Development Plan policy

7.1.1. This appeal relates to the development of a residential scheme comprising 46 no. residential units on a site with a development area of 0.74 hectares on Glenamuck Road North, Carrickmines, Co. Dublin. The site is zoned Zoned Objective A 'to protect and/or improve residential amenity'.

7.1.2. In relation to density, on the basis of 46 no. units, this gives a density of 62.3 dwellings units per hectare. The Planning Authority granted permission for 44 no. units, which gives a density of 59.5 dwellings units per hectare. The subject site at Glenamuck Road North, Carrickmines is situated roughly 200m from Carrickmines Luas stop. The site is also served by the 63 bus route which runs between Dun Laoghaire and Kilternan. The site is located within a catchment of 1km from a Luas Stop and therefore does warrant the consideration of a higher density of 50 units per hectare.

7.1.3. Under Reg. Ref. D14A/0649 & PL06D.244272 permission was refused for 17 no. townhouses on the site. The first refusal reason referred to the proposed density and stated that the *'Board was not satisfied that the layout proposed was sufficiently innovative to secure an appropriate density'*. The applicant in response to the third party appeals stated that the proposed scheme was designed having regard to the Board decision under PL06D.244272 in relation to density and residential amenity.

7.1.4. The third party appellants have raised concern that the proposed density of the scheme is out of character with that of the surrounding area and therefore not appropriate to the site. Policy RES3 and Policy RES4 of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 refers to residential density and densification.

7.1.5. Policy RES3 states;

“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 Adaptation Framework - Building Resilience to Climate Change’ (DoECLG, 2013).”

7.1.6. Policy RES4 of the Development Plan refers to densification and states;

“It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.”

7.1.7. Both these policies required that residential development is carried out in a sustainable manner to maximise the appropriate use of residential zoned lands

however I note that these policies also advise that development have regard to existing residential amenities and the established character of areas. The surrounding residential development particularly on the southern side of Glenamuck Road is low density. Therefore, an appropriate balance should be struck.

7.1.8. Having regard to the site context in close proximity to Carrickmines LUAS stop and the previous refusal of development on the site on the basis that an appropriate density was not provided, I am of the opinion that a density of circa 60 dwellings per hectare does warrant consideration subject to the proposed design and layout not unduly impacting upon the residential amenities of the area and that all other relevant planning considerations being satisfactorily addressed.

## 7.2. Design and layout

7.2.1. The proposal provides for the construction of 46 no. dwelling units comprising 39 no. apartments within 2 no. four-storey blocks and 7 no. townhouses. The proposed scheme was amended and the number of units was reduced to 44 with the omission of one apartment and one townhouse.

7.2.2. Section 8.2.8.2 of the Development Plan refers to public open space and requires “for all developments with a residential component – 5+ units - the requirement of 15sq m - 20sq m of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms (1.5 persons for two bed or less)”. It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space “the default minimum 10% open space requirement must be provided on site”.

7.2.3. Overall two main areas of public open space which are usable open space are the central landscaped gardens located between the two apartment blocks and the corner open space area adjoining Block B which includes a play area. The total area of public open space proposed is 1,525.40sq m and of that 739sq m is usable with the remaining areas being incidental areas with landscaping and planting around the site. The provision of high quality public open space is particularly important in higher density developments and in schemes with apartments.

- 7.2.4. On the basis of the requirements of the Development Plan the proposal requires 1,650sq m based on 3.5 persons per three bed or more dwelling and 1.5 per two bed or less dwelling. The scheme provides 22 no. one bedroom and two bedroom units with an occupancy rate of 33 persons and with the 22 units with three bedrooms or more with an occupancy rate of 77 persons. This provides an occupancy of 110 persons with the minimum requirement of 15sq m of public open space and would generate the requirement for 1,650sq m.
- 7.2.5. On the basis of a default minimum requirement of 10% of the site area provided for public open space this would equate to 740sq m, while this default minimum has been provided in order to provide a high standard of amenity for future residents it is preferable that 15sq m of space is provided per occupant. Accordingly, having regard to the locations within the scheme, the quality and overall amount proposed, I consider that there is an under provision of usable public open space.
- 7.2.6. Regarding private open space within the scheme Section 8.2.8.4(i) of the Development Plan refers to private open space standards for new residential developments. It is required that for 3 bedroom houses a minimum of 60sq m is required and for 4 bedroom or larger houses a minimum of 75sq m is required. The proposed townhouses are all served by rear gardens which achieve these requirements. In relation to rear garden depths all the proposed townhouses have rear garden depths of 11 metres or more.
- 7.2.7. Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement for apartment being 1 space per one bed unit and 1.5 spaces per two bed unit, in the case of the dwellings the requirement is 1 space per one and two bed units and 2 spaces per three bed plus units. All new dwellings (no's 1 to 6) have dedicated off street car parking for two cars in keeping with Development Plan policy. In relation to the proposed apartments 64 spaces are required to serve the original 39 no. proposed. A total of 73 no. spaces are proposed within the basement car park which is in excess of the requirement. Two visitor car parking space are also proposed at ground level. The basement also contains an area for 35 no. cycle parking spaces. Accordingly, the proposal is therefore compliant with the car parking standards set out under the Development Plan.



- 7.3. Impact upon Amenity
- 7.3.1. In relation to the proposed height of development on site, the two apartment buildings are four-storey. In relation to the matter of the proposed building height the Building Height Strategy - Appendix 9 of the Development Plan provides guidance. Section 3.4 of the Strategy refers to 'Suburban Infill' and states that that are many examples of this form of development are located on prominent corner sites, or on sites with frontage onto a wide road. The general approach in terms of building heights in these sites has been to taper height from a high point in the centre of the site down to the site boundaries where the height of adjacent buildings can often be lower.
- 7.3.2. Section 4.8 of the Strategy refers to 'Policy for Residual Suburban Areas not included within Cumulative Areas of Control' and the site at Glenamuck Road North is included as an area covered by this policy. In relation to residual suburban areas it is stated that a general recommended height of two storeys will apply. However, the policy provides for situations where a minor modification up or down in height could be considered. The factors that may allow for this are known as 'Upward or Downward Modifiers'.
- 7.3.3. Section 4.8.1 refers to 'Upward Modifiers' and sets out the circumstances where the upward modifiers can be applied. These include where the development would create urban design benefits, the built environment or topography would permit higher development without damaging the appearance or character of the area, a development would contribute to the promotion of higher densities in areas with exceptional public transport accessibility and where the size of a site, e.g. 0.5ha or more, could set its own context for development and may have potential for greater building height away from boundaries with existing residential development. The appeal site achieves the upward modifier in terms of proximity to public transport and the site size which is over 0.5 hectares. Accordingly, the proposed building height of four-storeys can be considered subject to it being acceptable having regard to the existing residential amenities of the area.
- 7.3.4. In relation to the potential impact upon surrounding properties the dwellings Tullybeg and Chigwell are located to the north and Stafford Lodge is located to the south. The rear gardens of a number of properties in Brennanstown Vale adjoin the eastern

south boundary. To the south-western side of the site there is an unoccupied dwelling.

- 7.3.5. The dwelling Tullybeg at the closes point is situated 14m from the northern site boundary. The driveway serving Chigwell adjoins the northern site boundary. The dwelling Chigwell is located 19m from the site at the closest point. The proposed townhouses would be located a minimum distance of 47m from the dwelling Chigwell. This is an acceptable separation distance. Apartment Block B is proposed to the north-eastern corner of the site. Block B would be located a minimum distance of 28m from the closest point of the dwelling. The basement would be slightly closer at 23m. Following the request for further information and clarification of further information the design of the apartment blocks was revised to address the Planning Authorities concerns in relation to the proximity of the apartment blocks to the properties Tullybeg and Chigwell. In relation to Block B a separation distance of 11m is provided between Block B and the eastern boundary of Chigwell from the second floor and 12.3m from the third floor. The tapering of the apartment block at these floor levels provides an acceptable separation distance between the closest point of Block B and the boundary of Chigwell.
- 7.3.6. In relation to the separation distance between the apartment blocks and Tullybeg I note that the scheme has been designed having regard to the location of that dwelling. The south facing elevation of Tullybeg would directly address the proposed open space area between Block A and Block B. At the closest point the dwelling Tullybeg would be located 18m from Block A and 19m from Block B.
- 7.3.7. In relation to the property Stafford Lodge to the south, the side elevation of the dwelling would be located 20m from Block A and 15m from Block B.
- 7.3.8. Accordingly, having reviewed the proposed site layout of the scheme including the revised proposals relative to the existing surrounding properties, I consider having regard to the proposed siting and design of the apartment buildings the relative separation distances to the existing dwellings to the north and south of the site that the proposed scheme would not result in any undue overlooking of residential properties.
- 7.3.9. As part of the further information and clarification of further information response the applicant submitted Shadow Analyses prepared by Digital Dimensions to address

the matter of overshadowing. Having regard to the separation distances provided the proposed apartment blocks would not result in undue overshadowing of the two neighbouring dwellings to the north. There would be overshadowing of the western section of the garden of Chigwell on the 21<sup>st</sup> of March/September at 4pm. The revisions to the design of apartment Block B has reduced this shadowing. There would also be some shadowing of the gardens of Tullybeg and Chigwell on the 21<sup>st</sup> of December. Having reviewed the relevant shadow drawings, I am satisfied that while the proposed development would result in some limited new shadowing of the rear gardens of the properties to the north there would be no direct shadowing of the dwellings and the limited additional shadowing is considered acceptable.

7.3.10. The third party appellant's who are the occupants of Tullybeg and Chigwell have also raised concern in relation to the visual impact of the proposed apartments. Overall in terms of the visual impact of the proposed scheme I consider that the revision of the design of the blocks with the tapering in of the second and third floor levels of the buildings has served to reduce the visual impact in terms of the mass and bulk of the blocks. Accordingly, I am satisfied that development would satisfactorily integrate into the site.

7.3.11. I note that the Planning Authority attached a condition requiring that the balcony serving apartment no. 17 in Block B be reduced in size so that it does not extend beyond the northern elevation and that the balcony serving apartment no. 14 be omitted. Having regard to the separation distance provided to closest dwellings I do not consider these are necessary measures.

#### 7.4. Access and traffic

7.4.1. A number of the third party appellants have raised concern regarding the additional vehicular traffic the scheme would generate and the proposed vehicular access arrangements. It is proposed to develop a new vehicular entrance from Glenamuck Road North. The Glenamuck Road North is a heavily trafficked distributor road. There are a number of site entrances into single properties and also shared access points in the vicinity of the site. On the opposite side of the road there is an entrance into the residential scheme Pavillion Gate and this also serves the Carrickmines Tennis Club. There is a right turning lane serving this access located on the roadway outside the appeal site.

- 7.4.2. A Traffic Impact Assessment was prepared by Waterman Moylan. It was concluded in the TIA that the proposed development would generate an additional 20 no. vehicular movements in the AM and PM peak times to and from the site.
- 7.4.3. The report of the Transportation Planning Section dated the 1<sup>st</sup> of June 2016 states that Glenamuck Road North has capacity to accommodate the traffic movements which would be generated by the proposed development. The main issue of concern related to right turning movements into the proposed scheme particularly as there is no provision for a right turning lane into the site. The information provided in the TIA indicates that the majority of right turning manoeuvres into the site would take place in the PM peak period.
- 7.4.4. Transportation Planning Section were satisfied that there would be approximately 1 no. right turning vehicular movement into the site every six minutes during the PM peak period. It is also stated in the report from Transportation Planning Section that it would not be possible to provide a right turning lane to serve the site having regard to the current width of the roadway at this location.
- 7.4.5. The Planning Authority sought further information and clarification of further information as part of their determination of the application. A number of matters concerning roads and traffic issues were raised including the provision of sightline distance of 49m at the proposed entrance, the provision of traffic calming within the scheme and the submission of a Quality Audit including Road Safety Audit, Access Audit and Walking Audit. Following the submission of such required plans and details the Transportation Planning Section were overall satisfied with the proposed development.
- 7.4.6. Having regard to the details contain on file including the reports of the Transportation Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.

## 7.5. Appropriate Assessment

- 7.5.1. The appeal site is situated circa 5.3km from Ballyglen SAC and 5.4km from Knocksink Wood SAC. Rockabill to Dalkey SAC is located 5.3km to the east and Dalkey Island SPA is situated circa 5.6km to the east. These are the closest

European sites to the appeal site. Wicklow Mountains SAC and Wicklow Mountains SPA are located 7km to the west of the appeal site. Having regard to the separation distance to the nearest European sites it is considered that no appropriate assessment issues arise.

- 7.5.2. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Knocksink Wood SAC, Ballyglen SAC, Rockabill to Dalkey Island SAC, Dalkey Island SPA, Wicklow Mountains SAC and Wicklow Mountains SPA or any other European sites, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

#### 7.6. Development Contributions

- 7.6.1. The first party lodged an appeal against condition no. 21 which requires the payment of a special contribution of €48,000.00 for the shortfall of public open space provision on site. The appellant contends that this amount is excessive and that more of the open space on site should be considered useable open space. They submit that of the total area of open space provided on site of 1,525.40sq m that 1,363.7sq m should be considered usable public open space and that there would only be a shortfall of 286sq m.
- 7.6.2. The Planning Authority considered that of the public open space provided on site only 739sq m was usable and that there was a shortfall of 911sq m. Having regard to the location, design and layout of the open space areas I would concur with the Planning Authority that the two large open space areas are the sections which should be considered usable with the remaining areas being incidental open space. The 911sq m shortfall would equate to a public open space provision for 24 no. residential units based on a minimum requirement of 15sq m per person as set out in Section 8.2.8.2 of the Development Plan and based on an average household size of 2.5 within the scheme. The levy per residential unit is €2,000 and the total would be €48,000.00. Therefore, should the Board decide to grant permission for the proposed development I would recommend that attachment of a condition requiring the payment of a special contribution of €48,000.00 for the shortfall of public open space

7.6.3. The site is located within the area to which The Dun Laoghaire Rathdown Supplementary Development Contribution Scheme for Extension of the Luas Line B1-Sandyford to Cherrywood applies. Given that there is no exemption for the proposed development under the Supplementary Contribution Scheme, I would recommend that should the Board decide to grant permission that a Supplementary Contribution Scheme condition should be applied.

## **8.0 Recommendation**

8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In the light of this and the assessment above, I recommend that permission be granted for the reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the pattern of existing development in the area and the design, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by the further plans and particulars received by the Planning Authority on the 25th day of August, 2016 and the 7<sup>th</sup> day of November 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 site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs and the basement car park shall be in accordance with the detailed standards of the planning authority for such works and the requirements of the Transportation Planning Section shall be agreed in writing with the planning authority in respect of the site entrance and basement car park.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

3. 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.

4. Details of the proposed site boundary treatment shall be submitted to, and agree in writing with, the planning authority prior to commencement of development.

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

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

**Reason:** In the interest of visual amenity.

6.
  - (a) The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
  - (b) The applicant shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the Planning Authority in consultation with the Parks and Landscape Services Department; and in accordance with the permitted landscape proposals.

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

7. The proposed development shall be undertaken under the supervision of a qualified arborist, in accordance with details, including details of all reporting and certification requirements, to be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.



**Reason:** In the interest of the protection of existing trees proposed to be retained.

8. Prior to commencement of development or any related construction or tree felling, the applicant shall –
  - (a) lodge a tree bond to a minimum value of €5,000 with the planning authority to ensure the protection of trees on the site and to make good any damage caused during the construction period. The bond lodgement shall be coupled with an arboricultural agreement, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on or adjoining the site, or the appropriate and reasonable 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. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.
  - (b) After the period three years post practical completion, the developer shall submit an arboricultural assessment report and certificate signed by a qualified arborist to the planning authority. Any remedial tree surgery, tree felling works recommended in that report shall be undertaken by the developer at his/her expense, under the supervision of the arborist. The tree bond shall not be released as and until the report, certificate and any remedial works have been fully undertaken, to the satisfaction of the planning authority.

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

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

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

10. Public lighting shall be provided in accordance with a scheme, 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 unit.

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

11. Prior to commencement of development, proposals for an estate name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority.

**Reason:** In the interest of orderly development.

12. 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 commencement of development.

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

13. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

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. This plan shall provide details of intended construction practice for the development, including hours of working and noise management measures.

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

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 96(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

**Reason:** To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.

16. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

18. The developer shall pay the sum of € 48,000.00 (forty eight thousand euro) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of the shortfall in public open space. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

19. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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Siobhan Carroll  
Planning Inspector

13<sup>th</sup> April 2017