



An
Bord
Pleanála

Inspector's Report PL06D.248265

Development

Demolition of the former Green Acres Convent and the construction of 120 apartments in 2 blocks ranging in height from two to five storeys with all associated site works.

Location

Green Acres, Kilmacud Road Upper, Dublin 14.

Planning Authority

Dun Laoghaire-Rathdown County Council

Planning Authority Reg. Ref.

D16A/0818

Applicant(s)

Crekav Trading GP Limited

Type of Application

Permission

Planning Authority Decision

Grant, subject to 32 conditions

Type of Appeal

Third Parties -v- Decision

Appellant(s)

David & Anne Davison
Herbert & Pamela Mitchell
Bernard & Deirdre Stuart
Holywell Residents Association
Airfield Estate

Observer(s)	Tony Devlin & Others Carmel Leahy Jun Liong Chin Catherine Martin TD Brendan & Marie-Helene Brohan Paul Cahill An Taisce Daniel & Claire Kiely
Date of Site Inspection	21 st June 2017
Inspector	Hugh D. Morrison

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decision	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	6
3.4. Consultees.....	6
3.5 Third Party Observations.....	6
4.0 Planning History.....	7
5.0 Policy Context.....	7
5.1. Development Plan.....	7
5.2. Natural Heritage Designations	7
6.0 The Appeal	7
6.1. Grounds of Appeal	7
6.2. Applicant Response	16
6.3. Planning Authority Response	19
6.4. Observations	20
6.5. Further Responses.....	21
7.0 Assessment.....	21
8.0 Recommendation.....	35
9.0 Reasons and Considerations.....	36
10.0 Conditions	37

1.0 Site Location and Description

- 1.1. The site is located 0.6 km to the east of the Dundrum Shopping Centre and immediately to the east of the Airfield Estate. This site lies, variously, to the east and the north west of the Balally and Kilmacud Luas Stops and it is situated within an established residential area of predominantly two storey dwelling houses on either side of Kilmacud Road Upper and the more recently developed housing estate known as Holywell. Residential properties on the southern side of this Road especially and the public open space in this housing estate are characterised by considerable mature tree cover.
- 1.2. The site itself is of regular shape and it is subject to gentle downward slopes in a southerly direction over its southern portion. This site extends over an area of 1.23 hectares. Vehicular and pedestrian access is from the Kilmacud Road and the site presently accommodates a two/two-and-a-half storey house, known as “Green Acres”, set within extensive grounds. Historically, this house was used as a convent and it appears to currently be in residential use. The grounds are somewhat overgrown and they include considerable numbers of mature and semi-mature, predominantly deciduous, trees. Within the vicinity of the house, these trees include specimen ones. Elsewhere, the majority congregate along the site’s boundaries.
- 1.3. The site is bound to the north by Kilmacud Road Upper. To the east, this site is bound by a narrow strip of land, which accompanies its northern portion, before widening alongside the central and southern portions. The former portion corresponds with the depth of the grounds to the established dwelling house known as Drumahill and the latter portions correspond with a row of nine more recent dwelling houses, also known as Drumahill, which lie within the Holywell housing estate. The southern and western portions of the site are bound by the Airfield Estate, in the former case by the farm yard and in the latter case by an access road for service vehicles and the grounds of a bungalow. The initial portion of this road, which is accessed off Kilmacud Road Upper, is accompanied on its western side by the grounds of the most easterly of a row of established dwelling houses.

2.0 Proposed Development

- 2.1. The proposed development consists of:

- The demolition of the former Green Acres Convent (425 sqm).
- The construction of 120 apartments in 2 blocks ranging in height from two to five storeys (total floorspace 12,093 sqm: 23 one-bed, 65 two-bed, and 32 three-bed).

2.2. The development will comprise:

- Block A: Two to five storey building with penthouse communal room at roof level, with a total area of c. 8,026 sqm, over basement parking, comprising 74 apartments, i.e. 18 one-bed, 33 two-bed, and 23 three-bed, including balconies in all elevations.
- Block B: Two to five storey building, with a total are of c. 4,877 sqm, part over basement parking, comprising 46 apartments, i.e. 5 one-bed, 32 two-bed, and 9 three-bed, including balconies on all elevations.
- Car parking is provided on site with basement parking for 120 spaces, surface parking set down area/parking bay, and 124 bicycle spaces, in addition to 20 bicycle spaces at ground level.
- Vehicular access is provided via a relocated new entrance off Kilmacud Road Upper, immediately north west of the existing and involving the removal of the existing piers and gates.
- Site development and landscape works, including a sub-station and switch room (33.9 sqm), provision of bin stores at basement level, boundary treatment, hard and soft landscaping, provision of green roofs, and provision of foul, surface water, and water services on site with connections to existing.

3.0 Planning Authority Decision

3.1. Decision

Following receipt of further information, permission was granted subject to 32 conditions.

3.2. **Planning Authority Reports**

3.2.1. Planning Reports

The application was the subject of a request for further information, which pertained to housing quality standards, drainage matters (primarily the specification of a communal pumping facility for waste water), road layout matters, and landscaping matters. The Planning Authority accepted the applicant's responses to the items raised as further information.

3.2.2. Other Technical Reports

- Surface Water Drainage: Following receipt of further information, no objection subject to conditions.
- Transportation Planning: Following receipt of further information, no objection subject to conditions.
- Public Lighting: Following receipt of further information, no objection subject to a minor amendment.
- Parks and Landscape Services: Following receipt of further information, no objection subject to conditions.

3.3. **Prescribed Bodies**

- Irish Water: No objection, subject to conditions.

3.4. **Consultees**

- Dun Laoghaire-Rathdown County Childcare Committee: In the absence of a crèche the proposal is non-compliant with the Childcare Guidelines.

3.5. **Third Party Observations**

See appellants' grounds of appeal and observers' comments.

4.0 Planning History

- D15A/0660: Demolition of Green Acres Convent and two outbuildings and construction of 130 apartments in 4 detached blocks ranging from five to six storeys with basement parking and all associated works above and below ground: Refused at appeal PL06D.246030 on the grounds that (a), due to their height, the blocks would be overbearing and, due to the proximity of windows and balconies to nearby boundaries, they would lead to overlooking, and (b), due to their design and layout, these blocks would provide a poor standard of residential amenity.
- PAC/381/16: Pre-application consultation occurred on 8th September 2016.

5.0 Policy Context

5.1. Development Plan

The Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 (CDP) shows the site as lying within an area that is the subject of Zoning Objective A: “To protect and/or improve residential amenity.” The adjoining Airfield Estate to the south and west is the subject of Zoning Objective F: “To preserve and provide for open space with ancillary active recreational amenities.” The common boundary between the site and this Estate marks the extremity of the proposed Dundrum Town Centre Local Area Plan (LAP). The Airfield Estate is also the subject of the Clonskeagh/Dundrum Specific Local Objective 4, which states “To encourage the retention and development of the Airfield Estate for educational, recreational, and cultural uses.”

5.2. Natural Heritage Designations

None

6.0 The Appeal

6.1. Grounds of Appeal

(i) **David & Anne Davison** of 277 Upper Kilmacud Road

- The site is at a high point on Upper Kilmacud Road and the proposal is for up to five storeys, whereas existing buildings are of two storeys with two recent additions being of three storeys and three storeys with a recessed penthouse. This proposal would thus be out of scale and out of character with existing buildings in the area.
- Traffic generated by the proposal would exacerbate existing congestion.
- Block A would be sited in a position that would fail to respect the front building line and to leave sufficient room for a cycle path. Dwelling houses on the north side of Upper Kilmacud Road would be overshadowed.
- Draft condition 21 pertains to provision for children's play area. Scope within the site for such provision may not exist and an access route to adjacent public open space may be unobtainable.
- Concern is expressed that anti-social behaviour may ensue.

(ii) Herbert & Pamela Mitchell of 281 Upper Kilmacud Road + 12 other residents of Upper Kilmacud Road

- The proposal would be contrary to zoning Objective A for the site.
- The height of the proposal would be excessive and so the CDP, which envisages two storeys or three/four storeys at junctions, would be contravened. The front building line would be contravened, too.
- The proposal would provide insufficient recreational space on site.
- The proposal would provide insufficient car parking spaces, i.e. whereas 120 are proposed, under CDP standards 184 should be provided. The underground car park would be required to be monitored and it would be susceptible to flooding.
- Up to 90% of the existing tree cover would be lost from the site with adverse implications for visual amenity and biodiversity. The retained 10% may be damaged/undermined during the construction phase.
- Block A would be sited 7m back from the northern boundary of the site and a mere 22m from the nearest two storey dwelling houses to the north.

Consequently, these dwelling houses would be overshadowed and overlooked.

- Traffic generated by the proposal would exacerbate existing congestion.
- The proposal would adversely impact upon the amenities of Airfield Farm, an important visitor attraction to the south and west of the site.
- The proposed use of pumps to remove waste water from the site would be unsatisfactory as such pumps have a relatively short life expectancy and they are an on-going maintenance liability. Similarly, in the event that surface water pumps fail, off-site flooding could arise.
- The design and appearance of the proposal would militate against its integration with the surrounding area.
- The rock underlying the site is granite, which would not only pose permeability challenges but safe practice excavation ones.

(iii) Bernard & Deirdre Stuart of Drumahill

- The proposal would effectively be a single five storey apartment block, the scale and massing of which would be without precedent in the area.

Policy RES3 only encourages higher densities, they are not mandatory. The site would not lend itself to a high density and so the proposal is misconstrued.

Attention is drawn to the contextual elevations on drawing no. PP-22 revision A and exception is taken to the choice of viewing points for the photomontages.

- The CDP's building height strategy has not been followed. Thus, ordinarily two storeys should not be exceeded. While one upward modifier does apply, i.e. the site is greater than 0.5 hectares, one downward modifier applies, too, i.e. overlooking, overshadowing or excessive bulk and scale. Consequently, one additional storey only would be applicable.
- The proposal would be sited 7425 mm from the nearest boundary at Drumahill. Overlooking would occur from day time habitable room windows and the balcony which would accompany unit A108 and from the balconies

that would accompany units A207 and A208. Overlooking would also occur from other units on the eastern elevation.

The removal of trees from along the eastern boundary of the site would open up views into the rear garden of the said property.

- Attention is drawn to the projected extent of overshadowing at 7 pm on the Summer Solstice, which would affect Drumahill and 5 of the 9 adjacent dwelling houses to the south.
- Consequently, the zoning objective “To protect and or improve residential amenity” would be materially contravened.
- The proposal would contravene Policy OSR7 of the CDP, insofar as 75% of the 175 trees on the site would be felled, amongst which 45% would be felled solely to facilitate the development. The majority of these trees are on the site’s boundaries, where they afford shelter and screening to neighbouring properties.

Under further information, the applicant was requested to retain a greater number of trees. This it refused to do. Exception should have been taken to this stance.

Under further information, while drainage proposals for the north eastern corner of the site have been revised, the adverse implications for trees that were proposed for retention has not been worked through.

- Traffic generated by the proposal would exacerbate existing congestion on Kilmacud Road Upper. No right hand turning lane is proposed for this Road and yet such provision has been made for smaller schemes elsewhere in the area.

The 120-unit proposal would entail the provision of only 120 car parking spaces, well below the 184.5 spaces that the CDP requires.

- Attention is drawn to the proposed underground car park and the prevalence of granite in the area, the removal of which would adversely affect the amenities of local residents. Mitigation should be insisted upon by way of a conditioned rock removal strategy.

- Without prejudice to the above cited grounds, if the Board is minded to grant, then the second and fourth floors should be omitted from Block A and the second floor from Block B in the interest of amenity.

(iv) Holywell Residents Association (incorporating Drumahill and The Beeches)

The proposal would contravene the CDP's zoning Objective A for the following reasons:

- Following receipt of further information, the number of trees proposed for removal eased slightly from 136 to 129 out of the existing 175. Over development would thus ensue with the loss of a Cedar of Lebanon (no. 405) being particularly retrograde.
- Within its context, the proposal would be a high rise development, which would be up to six storeys in height once a proposed penthouse/communal room is included. While the Board's inspector on the preceding proposal for the site considered that a certain increase over existing heights could be entertained, six storeys would be excessive and it would adversely impact upon the amenities of housing areas in the vicinity and Airfield Farm.
- The CDP envisages a density of 50 dwellings per hectare for the site. However, the proposal would exceed this figure by 93%. Services to provide this density are not included within the proposal.
- Under the CDP, where 75 or more apartments are proposed, they should be accompanied by a crèche. The proposal would be 60% over this threshold and yet no crèche is proposed.
- The proposed use of pumps to remove waste water from the site would be the responsibility of a Management Company. Such an arrangement for a key piece of infrastructure would be inherently risky from governance, financial, and public health perspectives, and thus unsatisfactory.
- Only 65% of the car parking revision required under the CDP would be provided. Thus, 65 cars would go un-provided for and so overspill parking on neighbouring housing estates is anticipated.

(v) Airfield Estate

- Failure to adequately/appropriately address the first reason for refusing the previous proposal for the site:
 - The height of the proposal would be excessive for its suburban context and this aspect would be accentuated by the envisaged loss of trees.
 - The only appreciable reduction in the height of the proposal occurs in Block B, which would now be five storeys instead of six storeys.
 - The proposal would be sited in a position closer to its common boundaries to the east and to the west than its predecessor, again accentuating its height when viewed from adjacent and adjoining lands. Likewise, to the south, where the impact of the reduction in height would be negated by the increased proximity.
 - While the applicant has sought to address overlooking, the bulk/scale of the proposal, which was not reduced under further information, would be overbearing.
 - The proposal would be visually obtrusive. This aspect is not properly illustrated by the submitted Architectural Visual Assessment, which fails both to fully omit trees that would be felled and to include views from within the Airfield Estate.
- Failure to adequately/appropriately address the second reason for refusing the previous proposal for the site:
 - The blocks previously proposed would have been sited with greater separation distances between them than that which is now envisaged. Consequently, they would appear to be a continuous block.
 - Likewise, the said proximity would result in instances of overlooking and overshadowing of corresponding adjacent units. Overshadowing of the laneway between the two Blocks and of open space to the east would also occur, thereby undermining their attractiveness.
 - The proximity of Block B to farm buildings to the south would result in residential amenity being adversely affected by malodorous and noisy farm yard activities.

- Excessive residential density
 - The proposal would exhibit a density of 97.56 units per hectare, far in excess of the minimum of 50 units per hectare set out in national and local planning policies for sites within 1 km of a light rail station.
 - The said policies also seek to strike a balance between sustainable residential amenities and the protection of established character and the maintenance of existing amenities. The applicant's over prioritisation of quantum has distorted the balance thus required.
 - If density was the only issue to be resolved, then the removal of floors would be an option, e.g. by either removing the first and fourth floors of Block A and the first and third floors of Block B or the third and fourth floors of Block A and the second and third floors of Block B. (Resulting densities would be variously 62 or 73 units per hectare).
- Material contravention of the Dun Laoghaire-Rathdown CDP:
 - The site lies in an area where ordinarily new build development should be no more than two storeys in height. The CDP's building height strategy does allow this threshold to be exceeded where upward modifiers apply. However, none do so in this case. Specifically, while two of these modifiers could be applicable, i.e. within 500m of a Luas Corridor and sizeable sites where there is scope to go higher with buildings away from boundaries, in practise they would not apply.
 - Under the said strategy, residential buildings are restricted to three/four storeys on sites, which again do not fit the description of the application site. Thus, there is no justification for the height of the proposal.
 - The previous inspector stated that "an increase in height should not unreasonably impact on the residential or visual amenity of other development in the area". He judged and the Board held that a five storey proposal would do so.
 - Attention is drawn to the zoning objectives for the site (residential) and the adjoining Airfield Estate (amenity). (The latter lands are also the subject of a specific local objective). Given these two adjoining zones, the site is a

transitional zonal area and so any proposal should not be detrimental to the more environmentally sensitive zone. The current proposal would fail in this respect.

- Attention is drawn to the proposed triangular court yards, which are critiqued on the basis that they would provide, for the most part, only incidental open space that would be adversely affected by overshadowing and overlooking.
- Attention is also drawn to the proposed triangular shaped balconies and the usability of the tapered ends of the same is questioned.
- Failure to adequately respond to the further information requested:
 - Attention is drawn to the fifth item in the further information request, which sought the greater incorporation of existing trees into the proposal, including a Cedar of Lebanon. The applicant did not respond by amending the proposal.
 - Attention is also drawn to the eighth item in the further information request, which challenged the communal foul water pumping facility for the garden level units. The applicant did not opt to omit these units and thereby negate the need for this facility.
- Failure to protect Airfield Estate from negative impacts:
 - The elevated position of the site and the height and proximity of the Blocks to the site boundaries would cause the proposal to be particularly dominant with respect to the Airfield Estate, e.g. the corners of the Blocks exhibiting the greatest height would be adjacent to the western boundary with this Estate. This dominance is illustrated by a photomontage, submitted by the appellant and taken from within the Estate.
 - The Airfield Estate is an increasingly popular award winning visitor attraction, which offers many of the things/experiences that tourists report as being of importance to them.
 - The CDP's Specific Local Objective 4 relates to the retention and development of the Airfield Estate. The proposal would diminish the prospect of such development and so it would materially contravene this Objective.
 - Attention is drawn to two aerial photographs that illustrate the importance of existing tree cover on the site to the setting of Airfield Estate.

The appellant's grounds of appeal are accompanied by detailed critiques of the visual impact of the proposal, the proposed tree loss and tree retention measures, and proposed drainage arrangements.

(vi) Tony Devlin & Others of 3 Drumahill + 9 other residents of Drumahill

- The proposal would fail to protect and/or improve residential amenity, as required by the CDP.
- Attention is drawn to the loss of trees that would be entailed in the proposal, notwithstanding the Planning Authority's further information request that more trees along the site's boundaries be retained and a Cedar of Lebanon, which is considered to be of very high amenity value. The singular failure of the applicant to incorporate the retention of more trees into the proposed site layout is contrary to the amenities of the area.
- The height of the proposal would be excessive and out of character with the surrounding area. While the height of this proposal represents a modification on that of its predecessor, it is still not satisfactory.

The Board previously stated that "a certain increase in building height over and above two storeys would be acceptable". This statement cannot be reasonably construed as sanctioning increase of three/four storeys. In this respect, the Planning Authority has emphasised the relevant upward modifier of its building height strategy to the exclusion of the relevant downward modifier.

Attention is drawn to the nearby Hazelwood House development, where a lower form of residential development has been permitted on a lower lying site than that of the current application site.

Exception is taken to the comparison of trees with the proposal in the submitted shadow analysis, i.e. the wispy nature of the former contrasts with the solid form of the latter.

- The proposed under provision of car parking spaces would lead to overspill parking in neighbouring housing estates where parking is already at a premium.

- Seven of the proposed units would be at lower ground floor level. These units would be served by a communal pumped foul drainage system, which would be the responsibility in the future of the management company for the scheme as a whole. The vesting of responsibility in such a company is considered to be unsatisfactory in terms of the serious obligations, financial exposure, and public health issues that it would entail.

If the said seven units were to be omitted, then the proposal could rely solely on the public sewerage system. Additionally, more trees could be retained, more car parking spaces could be provided, and the separation distance from the Airfield Farm could be increased.

The site adjoins Airfield Farm, which the CDP recognises as having been developed to provide educational, recreational, and cultural uses of value to visitors from far and near. The proposal, as a high-rise scheme, would have a negative visual impact upon this Farm and thus a blighting effect upon its rural character. It would also be overbearing and its proximity would lead to overlooking.

6.2. Applicant Response

The applicant begins by insisting that the zoning objective for the site would not be materially contravened by the proposal. Rather this proposal entails a design-led response to the critique of the previous proposal for the site.

The applicant responds to the specific grounds of appeal as follows:

- Zoning:
 - While the site is zoned residential its extensive rear garden gives it a greenfield site character.
- Height:
 - Unlike the previous proposal, the current one steps up to its maximum height in both Blocks at their slenderest points and so its gradated form ensures that this height is limited in its extent and hence impact. It is c. 3m lower than its predecessor, too.
 - The CDP's building height strategy cites upwards modifiers, a number of which would be applicable to the site/proposal. Thus, its importance would

derive from the renowned architectural practice behind its design and its proximity to two Luas stations (between 0.5 and 1 km away) are of relevance.

- Existing residential amenity:
 - The impact of the proposal upon residential amenity would be reduced in the light of the foregoing commentary on height. Overlooking is eased by the specification of balconies that would be incorporated within facades and by amendments to separation distances between windows and site boundaries that were forthcoming under further information.
 - Attention is drawn to the case planner's report wherein any overbearing or overshadowing impacts are not considered to be significant.
- Relationship with Airfield:
 - Attention is drawn to the absence of any reference to the impact of the previous proposal upon the Airfield Estate from the reasons for refusal that it attracted. As the current proposal has less of an impact than its predecessor, no objection should now be raised.
 - Attention is also drawn to the planning history of the Airfield Estate and a question is raised over the full authorisation of one of the sheds adjacent to the site.
- Traffic and transport:
 - No objection was raised previously to the larger proposal for the site, on traffic grounds. Accordingly, no objection now would be warranted.
 - Sufficient land would be available along the northern boundary of the site to facilitate the construction of a future cycle lane along Kilmacud Road Upper.
 - Car parking provision would be appropriate, as the CDP's standards are expressed as maximums and other modes of transport would be promoted/are readily available. Additional provision would entail departing from the innovative design of the basement car park which follows the footprint of the Blocks, thereby minimising the need for excavation and tree felling.

- Density:
 - No objection was raised to density *per se* under the previous application for the site. CDP density standards are expressed as a minimum and the proposed density would be appropriate in view of the proximity of Dundrum town centre, Sandyford Business Park and two Luas stations.
- Tree retention and removal:
 - The applicant's tree survey indicates that there are 174 trees on the site. Fifty require to be felled as they are poor or unsafe and a further 16 are deemed to be unsuitable. Of the remaining 108 trees, 63 would be removed to facilitate the development alone and 45 would be retained along the site's boundaries.
 - Following the submission of further information, no objection was raised to the proposal on the grounds of tree loss and conditions 18 and 22 of the draft permission, variously, address replacement planting and payment of a tree bond.
- Drainage:
 - Under further information the communal foul water pumping facility for the 7 garden level units was reviewed and confirmed as the best available option for these units, as alternative measures would result in blank facades and they would entail an increase in the height of their host Block.
 - Draft condition 16(b) addresses the future maintenance of the said facility.
- Landscaping and open space:
 - CDP quantitative standard would be exceeded by the proposed open space that would serve the proposal. Qualitatively, too, it would be of a high order with active and passive spaces designed for different age groups.
- Crèche:
 - The Planning Authority and the Board in its adjudication of the previous proposal accepted the applicant's continuing rationale for not proposing a crèche.

- Granite and underground car park:
 - Site excavations for basements are standard construction site activities, which can be controlled for planning purposes via conditions.

The applicant's response is accompanied by a more detailed response from its engineer to geological, drainage, and traffic items raised by appellants.

6.3. Planning Authority Response

- While the current proposal was assessed on its merits, comparison was made with its predecessor from which it differs significantly.
- Under the CDP, the Planning Authority is obliged to seek a minimum, not a maximum, of 50 dwellings per hectare on the application site, due to its proximity to Dundrum town centre and two Luas stops.
- The proposal would be lower than its predecessor, which was not refused on the grounds of contravention of the CDP's building height strategy.
- Overlooking was satisfactorily addressed under further information.
- Under the CDP, trees on the site are not protected. Under draft condition 18, the size of replacement trees is to be increased. No objection was raised to proposed public open space provision.
- No objection is raised to the traffic and parking aspects of the proposal.
- Following receipt of further information, the Drainage Planning Section accepted that the applicant's proposed communal foul water pumping facility would be the most feasible of the available options.
- With respect to upward modifiers, the Planning Authority acknowledges that, while (e) relating to public transport is not applicable (although RES3 has a bearing on this question, too), (f) relating to size is applicable.
- The question of crèche provision was addressed by the applicant in its submitted document "Assessment of Childcare Services".
- Airfield Estate has not demonstrated how the proposal would irrevocably damage the operation and viability of what is an urban farm. Future residents

would, presumably, be aware of this. The question of a transitional zone is addressed in the case planner's report.

- The proposal would comprise sufficient public open space without needing to rely upon that which exists at Drumahill/Holywell.
- The concerns with respect to excessive overshadowing of residential properties on the northern side of Kilmacud Road Upper are misplaced.

6.4. **Observations**

The observers are as follows:

- (i) Carmel Leahy** of 6 Drumahill
- (ii) Jun Liong Chin** of 9 Drumahill
- (iii) Catherine Martin TD**
- (iv) Brendan & Marie-Helene Brohan** of 198 Holywell
- (v) Paul Cahill** of 208 Holywell
- (vi) An Taisce**
- (vii) Daniel & Claire Kiely** of 4 Drumahill

These observers raise the following issues:

- Architectural heritage/streetscape/replacement of like-with-like + low rise development to the rear
- Scale/massing/height/visually dominant/overbearing/out of character
- Visual depiction of the proposal
- Density/Policy RES3/Specific Local Objective 4
- Zoning Objective A/Transitional Zonal Area/comparable application reg. no. D17A/0077
- Loss of trees/sylvan character
- Loss of sunlight/overshadowing
- Overlooking/loss of privacy

- Light pollution
- Shortage of school places
- Pressure on public open space
- Crèche
- Blasting and implications for existing services
- Traffic/road safety/access/parking
- Enforceability of mobility manager/travel co-ordinators annual reports
- Independence of arborist

6.5. Further Responses

None

7.0 Assessment

I have reviewed the proposal in the light of national planning guidelines, the CDP, relevant planning history, the submissions of the parties and the observers, and my site visit. Accordingly, I consider that this application/appeal should be assessed under the following headings:

- (i) Land use,
- (ii) Density,
- (iii) Height,
- (iv) Visual and residential amenity,
- (v) Development standards,
- (vi) Traffic, access, and parking,
- (vii) Miscellaneous,
- (viii) Water, and
- (ix) AA.

(i) Land use

- 1.1 Under the CDP, the site is subject to Zoning Objective A, “To protect and/or improve residential amenity.” This Objective applies to adjoining lands to the north and east and to the residential properties to the west along the southern side of Kilmacud Road Upper. The Airfield Estate, which adjoins the site to the west and to the south is subject to Zoning Objective F, “To preserve and provide for open space with ancillary active recreational amenities.” This Objective is augmented by the Clonskeagh/Dundrum Specific Local Objective 4, which states “To encourage the retention and development of the Airfield Estate for educational, recreational, and cultural uses.” Under Zoning Objective A, the redevelopment of the site for residential use would, from a land use perspective, be permissible in principle.
- 1.2 Appellants and observers to this application/appeal have drawn attention to the juxtaposition of the site with the Airfield Estate and the differing Zoning Objectives that are applicable to these adjoining lands. They contend that the site is thus a Transitional Zonal Area and so the provisions of Section 8.3.2 of the CDP are relevant. These provisions advise against an abrupt change in scale, density, and use, in order to protect the amenities of the environmentally sensitive zone, which, in the examples cited, is the residential one.
- 1.3 Appellants and observers contend that the proposal would entail just such an abrupt change. Observer (vi) critiques how the Planning Authority and the Board before it, in its assessment of PL06D.246030, addressed this question of a Transitional Zonal Area. A contrast is made between the Planning Authority’s decision on this proposal and an analogous one (D17A/0077), which was refused.
- 1.4 The Planning Authority and the applicant have responded by relying upon the absence of objection by the Board to the previous proposal, on the basis that it would be contrary to the provisions of Section 8.3.2.
- 1.5 I consider that the site is a Transitional Zonal Area and that, unusually, the more environmentally sensitive zone is not the residential one but the open space one. As noted above, there is no in principle land use objection to the redevelopment of the site for residential use. However, questions of scale and density are of

relevance and they will be discussed below under the following three headings. Such questions will need to be weighed in the context of the Airfield Estate's existing setting, which includes established two storey dwelling houses on Kilmacud Road Upper adjacent to its northern boundary and multi-storey apartment blocks adjacent to its south western corner.

1.6 I conclude that the proposed residential use of the site would accord with its zoning objective. I conclude, too, that the site is a Transitional Zonal Area and so the scale and density of the proposal are of relevance.

(ii) Density

2.1 Policy RES3 of the CDP addresses residential density. Under this Policy, the Planning Authority undertakes to promote "higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of residential areas, with the need to provide for sustainable residential development." It also cites several Governmental documents, including the Sustainable Residential Development in Urban Areas Guidelines (SRDUA). These Guidelines state that minimum net densities of 50 dwellings per hectare should be applied within public transport corridors, which are defined as including sites within 1 km of a light rail stop. They also imply that higher densities should be encouraged on sites that exceed 0.5 hectares in area.

2.2 The site lies within 1 km of Balally and Kilmacud Luas stops and it has an area of 1.23 hectares. Consequently, under the aforementioned Guidelines, this site is a candidate for a minimum net density of 50 dwellings per hectare.

2.3 The current proposal is for 120 dwellings, which would represent a net density of 97.56 dwellings per hectare, whereas its predecessor was for 130 dwellings, which would have represented 105.69 dwellings per hectare.

2.4 Appellants and observers contend that the density exhibited by the proposal would be too high within the receiving context of existing residential areas, which comprise typically two storey detached or semi-detached, either established or new-build, dwelling houses.

2.5 The Planning Authority and the applicant respond by drawing attention to, in addition to the two Luas stops, the proximity of Dundrum, which the CDP

categorises as a major town centre, to the site. The applicant adds that density *per se* was not a reason for the previous refusal on this site and so, arguing from the greater to the lesser, it should not be a cause of objection now.

2.6 I conclude that the density exhibited by the proposal would accord with the aspirations of national and local planning policies in this respect. Whether it would accord with Policy RES3 is a question that I will return to following my discussion under the following two headings.

(iii) Height

3.1 Under Policy UD6 of the CDP, the Planning Authority's Building Height Strategy (BHS) is set out under Appendix 9. Under this Strategy, the site is located outside the cumulative areas of control and in the residual suburban area of Kilmacud. Within this area, a general recommended height of two storeys will apply. A maximum of three/four storeys will apply to apartment developments in established commercial cores within these areas. In certain circumstances, a modification upwards or downwards by one or two storeys may be appropriate. Upward and downward modifiers are thus cited. Sometimes these modifiers clash and so the Strategy advises that in such instances, proposals be considered on their merits.

3.2 The previous proposal for the site would have entailed the construction of 4 blocks, 2 of which would have been of five storey form and 2 of which would have been of six storey form. This proposal was refused by the Board for two reasons, the first of which explicitly critiqued its height and the proximity of windows and balconies to nearby boundaries.

3.3 The applicant, under the current proposal, has sought to address the aforementioned height critique by lowering the maximum height by c. 3m. Two blocks are now proposed, i.e. Block A with a maximum height of five storeys, excluding the small penthouse level, and Block B with a maximum height of four storeys, excluding the lower garden level. All parties to this application/appeal have expressed views as to whether or not any of the said modifiers is applicable to this proposal.

3.4 Turning to the upward modifiers set out under Section 4.8.1, I consider that items (d)(ii), (e), and (f) would be potentially applicable. Thus,

- Under (d)(ii), the site is largely screened by trees and under the proposal some of these trees would be retained,
- Under (e), the site should be 500m walking distance of the Luas corridor (which I understand to be the physical line of the Luas as distinct from a Luas stop). However, from the east this distance would be 630m and from the west this distance would be 750m. By contrast and as cited under my second heading, the SRDUA Guidelines cite a walking distance of 1 km from Luas stops, which would be achievable in the case of this site. In these circumstances, I consider there is a potential tension between the density and height criterion, insofar as the former may depend on the latter.
- Under (f), the site should have an area of at least 0.5 hectares and height should be sited away from residential boundaries. The site and the proposal would largely adhere to these criteria.

3.5 Turning to the downward modifiers set out under Section 4.8.2, I consider that item 1 is potentially applicable, i.e. the proposal would adversely affect residential living conditions through overlooking, overshadowing or excessive bulk and scale.

3.6 In the light of the above, I consider that the applicability of the upward and downward modifiers cited hinges on the discussion under the following heading. I will thus return to the question of height below and address whether or not the proposal would comply with the CDP's BHS.

(iv) Visual and residential amenity

4.1 The applicant has submitted an Architectural Design Statement, which elucidates in a series of Figures, denoted as 3.1 – 3.9, the approach adopted to the scale and massing of the proposal. Thus, this approach differs from that adopted under the previous proposal, insofar as, instead of 4 blocks of rectangular form on a regular layout with orientations directly onto the site boundaries, it would entail 2 blocks of stepped form on a zig-zag layout with diagonal orientations onto these boundaries.

4.2 The applicant has also submitted a Landscape and Visual Assessment Report. This Report examines the visual impact of the proposal on neighbouring

properties. It acknowledges that significant changes to views available from these properties would occur, i.e. the established dwelling house known as Drumahill adjacent to the north east corner of the site, the row of new build dwelling houses at Nos. 1 – 9 Drumahill to the east, and the Airfield Estate to the south and west. The Report also acknowledges that slight to moderate impacts would affect the views of dwelling houses on the northern side of Kilmacud Road Upper from the site.

4.3 The proposal would entail a radical change in the character of the site, which is strongly sylvan at present. The majority of the trees on this site would be removed. While increased tree retention along the eastern boundary is envisaged than under the preceding proposal, Drumahill and the Airfield Estate to the west would benefit less from such retention and so inevitably an interval in time would elapse before replacement planting would become sufficiently established to afford mitigation. In the former case, the stepped form of Block A would ease its presence and, in the latter case, the proposal is considered to represent a continuation of the urbanisation of the setting of Airfield Estate that is evident in its south westerly corner.

4.4 I accept the applicant's contention with respect to Drumahill. However, with respect to Airfield Estate, I consider that the multi-storey apartments to the south west, which lie beside the Balally Luas Stop, are located more within the recognisable centre of Dundrum, whereas the current site lies within a suburban setting. Thus, these apartments are not directly comparable with those that are now proposed.

4.5 The Planning Authority challenges appellant (v) to demonstrate the basis for its concern that the proposed changed setting to the Airfield Estate would lead to irrevocable damage to the operation and viability of the urban farm at this location. In the absence of such demonstration, I consider that the said change would be unlikely to have such a dramatic effect and so I judge that the CDP's Clonskeagh/Dundrum Specific Local Objective 4 would not be frustrated by the proposal. While I consider that the relationship between any proposal for the site and Airfield Estate is of importance, I note that the Board in its refusal of the previous proposal made a point of critiquing the height of the proposed five/six storey blocks in relation to properties to the east more so than to the west.

- 4.6 The applicant considers that the visual impact of the proposal from Kilmacud Road Upper would be only slight to moderate. Reliance is thereby placed upon the mitigation that would be afforded by retained trees along the site's frontage. Appellants and observers have drawn attention to revised drainage plans (drawing no. N246-H02 revision P2) for the site, which were submitted as further information and which are not self-evidently compatible with the retention of trees in the north eastern corner of the site. If some or all of these trees were not to be retained, in practise, then the proposal would become more visible. There is thus a need for the applicant to address any incompatibility by means of adjustments to the drainage proposals to ensure that the proposed retention would, in practise, be achievable. This matter could be conditioned.
- 4.7 Appellants and observers also express concern that the proposal would break the front building line along the southern side of Kilmacud Road Upper. While the most northerly corner of proposed Block A would project forward of this line, insofar as it extends to the west, the north eastern elevation of this Block would effectively span the gap between the said line and that evident at Drumahill to the east. However, in practise, this would not be especially evident as tree cover beyond the site does and would continue to obscure the variable front building lines in question.
- 4.8 The aforementioned northern corner of Block A would be 30m to the south of the nearest dwelling house on the northern side of Kilmacud Road Upper. Notwithstanding the mitigation afforded by retained and, in time, replacement tree planting the discrepancy across this Road between two (c. 4.75m high to its eaves) and five storey (15.90m high to its parapet) buildings would be evident. I, therefore, consider that this relationship should be eased by the omission of the top storey (fourth floor) from the northern portion of this Block to give a height of 12.75m to its parapet. This matter could be conditioned.
- 4.9 Appellants and observers express concern with respect to overlooking and overshadowing. With respect to the former, appellant (iii) draws particular attention to overlooking that would arise from upper floor apartments and their balconies in the north eastern corner of Block A.

- 4.10 Generally, I consider that a combination of the design of the proposed elevations, wherein balconies would be incorporated within the same, the diagonal orientations of these elevations with respect to the site's boundaries, the stepped down form of the Blocks with respect to the residentially more sensitive eastern boundary, and the intervening strip of land between the site and the nearest rear gardens would all serve to mitigate the overlooking that would occur. Specifically, in relation to Block A and Drumahill, I observed during my site visit that both the intervening strip of land and the rear garden to this dwelling house have existing tree cover, which, if retained, would serve to mitigate the overlooking that would arise.
- 4.11 The applicant has submitted a Sunlight and Daylight Access Analysis for the site in its existing and proposed states. These states are tracked under three scenarios, i.e. without tree cover, with evergreen tree cover between the site and Drumahill, and with existing and retained evergreen and deciduous tree cover, and representative zones are examined within residential properties in the vicinity of the site. Under BRE advice the identified loss of sunlight within the representative zones would be well within the relevant recommendations for sunlight and the applicant judges that, when tree cover is allowed for, impacts would range from imperceptible to slight.
- 4.12 Appellant (iv) takes exception to the comparison in the aforementioned Analysis between the solid shadows of buildings and the wispy shadows of trees. While I acknowledge the validity of this distinction, I note that a further distinction can be made between evergreen and deciduous trees, with the shadows of the former being less wispy than the latter. Evergreens are concentrated along the northern portion of the eastern boundary of the site and so the more pronounced wispy shadows of deciduous trees would occur elsewhere along the remaining boundaries.
- 4.13 I will now return to my consideration of the outstanding question as to whether the height of the proposal would accord with the CDP's BHS. In the light of my above discussion of the visual and residential amenity, I consider that the proposal would be compatible with such amenity from the perspective of dwelling houses in the vicinity of the site, provided the fourth floor over the northern portion of Block A is omitted. On this basis the downward modifier of

the BHS can be set aside. The upward modifiers (d)(ii) and (f) are, given the limited proposed tree retention, partially and wholly satisfied. In relation to the upward modifier (e), I consider that, provided the net density of the proposal is above 50 dwellings per hectare, the SRDUA Guidelines would be satisfied. Given the density headroom in the proposal, I do not anticipate that this will be an issue.

- 4.14 Given the foregoing paragraph, I consider that there is scope to exceed the normal cap of two storeys on the site. The BHS does not envisage more than four storeys on sites outside the cumulative areas of control. In this case, I have already indicated that the fourth storey of Block A should be partially removed. The remaining portion of fourth storey on this Block would project towards the sensitive western boundary of the site with the Airfield Estate. It would come to within 9.940m of this boundary and, excluding the small penthouse, it would rise to the same height as the fourth floor over the northern portion of the Block. The omission of this portion of fourth floor, too, would ease the relationship with the Estate at a point where Block A would form the backdrop to a focal point/presentation area within the urban farm. I consider that such omission would ensure that the setting of the Airfield Estate is not unduly affected by the proposal.
- 4.15 The omission of the fourth floors from Block A would ensure that this Block along with Block B would be no more than four storeys in height, provided the presence of the penthouse from the former and the garden level from the latter are disregarded. The effect of this omission would be the loss of 6 apartments, i.e. 1 one-bed, 1 two-bed, and 4 three-bed. The density of the proposal would decline slightly to 92.68 dwellings per hectare. Aesthetically, the logic of the stepped format of the proposal would be constrained thereby. However, the integrated design of the elevations of the retained floors would not be interrupted and the slight difference in height between the two Blocks in favour of B rather than A would be eased when viewed from the Airfield Estate, where comparisons would be available, by the greater set back of Block B from the western boundary.

4.16 I, therefore, conclude that subject to the removal of the fourth floor from Block A, the proposal would comply with the CDP's BHS and it would be compatible with the visual and residential amenities of the area.

(v) Development standards

5.1 The Sustainable Urban Housing: Design Standards for New Apartments Guidelines take precedence over the CDP apartment standards. The applicant has submitted a Housing Quality Assessment (HQA) of the proposal, which seeks to demonstrate compliance with these Guidelines. The Planning Authority raised several issues with the applicant, under further information, pertaining to such compliance. The applicant resolved the issues raised to ensure a more thorough going compliance.

5.2 Under the aforementioned Guidelines, a minimum of 858 sqm of communal open space would be required. The site has an area of 12,300 sqm, of which 6,291 sqm would be communal open space. The applicant has submitted a Landscape Design Rationale Report and Outline Specification, in which its proposals for this space are set out. Thus, the sense of enclosure that would arise from the zig zag layout of Blocks A and B would be capitalised upon to provide 7 court yards, which would be linked by a continuous footpath. Passive and active recreation for different age groups would be provided for. This Report and the accompanying drawing no. 300 revision 01 show indicatively the hard and soft landscaping of these courtyards, too.

5.3 Appellants and observers express concern over the quality of the proposed communal open space. The applicant has submitted a Sunlight and Daylight Access Analysis, which illustrates that the courtyards would receive above the recommended levels of sunlight for communal areas set out in the BRE's "Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice." This Analysis also examines representative apartments within the two Blocks and illustrates how they would be compliant with the advice set out in this Guide, too.

5.4 I, therefore, conclude that the proposal would accord with relevant development standards and so it would afford a satisfactory standard of amenity to future residents as envisaged by these standards.

(vi) Traffic, access, and parking

- 6.1 The proposal would generate vehicular traffic, during its construction and operational phases, which would use Kilmacud Road Upper. The applicant has submitted an Engineering Services Report, which includes under Appendix D a copy of the TIA prepared for the previous, larger, proposal for the site. This TIA concluded that traffic generated by the proposal would have a negligible impact upon the local road network. Queuing is not anticipated and so there would be no need for a right hand turning lane into the site. Arguing from the greater to the lesser, the applicant contends that the findings of this TIA hold good for the current smaller proposal.
- 6.2 The proposal would entail the re-siting of the existing vehicular and pedestrian access to the site to a position closer to its north western corner. Kilmacud Road Upper is of straight alignment and both sides of the carriageway are accompanied by footpaths. Consequently, sightlines and forward visibility are good and would continue to be good at the re-sited access.
- 6.3 Sufficient land would be available along the frontage of the site for a future cycle path to be added to the south side of Kilmacud Road Upper. At present the cycle path on this side of the Road runs along the frontage to the Holywell housing estate, where it terminates next to the frontage to Drumahill.
- 6.4 The proposal shows indicatively a secondary pedestrian access point on the eastern boundary of the site. This point would potentially connect with a link through to publicly accessible open space comprised in the Holywell housing estate further to the east. Its provision would depend on the agreement of a third party.
- 6.5 The proposal would entail the provision of 120 residents' car parking spaces, including 6 mobility impaired ones, 10 motor bike spaces, and 124 cycle stands in the basement. (The proposed car parking spaces would be wired to facilitate their future use by electric cars). Ten surface level visitor car parking spaces and a further 20 cycle stands would be sited in positions adjacent to Block A. The resulting level of provision would approximate to a car parking and a cycle stand space for each of the proposed 120 apartments.

6.6 Under CDP standards, depending on design and location, for each one-bed, two-bed, and three-bed of more apartments, 1, 1.5, and 2 car parking spaces would normally be required. However, these standards can be relaxed, where circumstances outlined in Section 8.2.4.5 of the CDP apply. Of these circumstances, the following are applicable to the site (I have contextualised them):

- Proximity to Dundrum town centre and Sandford Business Park,
- Proximity to the Luas Green Line and Dublin Bus routes along Kilmacud Road Upper and Drummartin Link Road (R133), and
- The applicant has prepared a Mobility Management Plan, which promotes the use of public transport and other sustainable modes of transportation.

Given these circumstances, I consider that the proposed level of car parking provision would be appropriate.

6.7 The CDP is not prescriptive as to the level of cycle stand provision. I consider that the proposed level would be appropriate.

6.8 Under further information, the applicant submitted an Outdoor Lighting Report for the proposal, which species lighting for the on-site access road and the grounds to the site. The County Council's Public Lighting Section raises no objection to this Report, provided the lighting column proposed for a position adjacent to the site entrance is either brought closer to this entrance or an additional lighting column at this point is introduced. This concern is echoed in the applicant's Quality Audit. It is a matter that could be conditioned.

6.9 I conclude that the traffic, access, and parking aspects of the proposal would be satisfactory.

(vii) Miscellaneous

7.1 Appellants and observers raise several points that can be grouped together under the headings of social and enforcement.

7.2 Under the first heading, concern is expressed that the proposal would place pressure on public open space within the locality, there is already a shortage of school places in the locality, and, notwithstanding that more than 75 apartments are proposed, no crèche would be provided.

- The reference to public open space may have the publically accessible open space in the Holywell housing estate in view. During my site visit, I observed this attractive space, which did not at that time appear to be being overused. The accessibility of this space to the site would be affected by the secondary pedestrian access that is discussed above under the sixth heading to my assessment.
- Under Section 4.4 of the SRDUA Guidelines, where applicants propose 200 or more dwellings they are required to address school provision. The current proposal would not cross this threshold.
- The absence of a crèche from the proposal is addressed by the applicant in its report dated 4th November 2016 prepared by New Generation Homes. This report draws attention to the Irish experience of a low incidence of households with children residing in apartments and the generous provision of child care facilities in the Dundrum/Kilmacud area. Concern is expressed that to insist on the provision of a crèche would attract mainly off-site custom, which the design and layout of the proposal would not be well placed to handle. Such insistence did not arise under the recent previous proposal for the site.

I note the above summary of the applicant's report. I note, too, that the appeal stage consultee, Dun Laoghaire-Rathdown County Childcare Committee simply states that the proposal would be non-compliant with the Guidelines rather than setting out any shortfall in local provision that would require to be met by the proposal. In these circumstances, I do not propose to raise objection to the non-provision of a crèche.

7.3 Under the second heading, the need to address how the likely incidence of granite underneath the site would be addressed, as is the enforceability of the Mobility Management Plan (MMP). The impartiality of the applicant's arborist is also questioned.

- The applicant states that standard construction site activities would be employed to handle the excavation of any granite and that this could be the subject of a condition. I acknowledge and concur with this comment.
- MMPs are recognised as promotional/persuasive documents rather than ones that are attended by sanctions. I anticipate that the limited supply of car

parking spaces and the absence of convenient off-street alternatives would lead to a measure of self-selection amongst future residents of the proposal.

- The applicant's arborist would be expected to operate on a professional basis and in accordance with any relevant code of conduct that comes with professional membership.

7.4 I conclude that the miscellaneous matters are susceptible to satisfactory responses.

(viii) Water

8.1 The proposal would be served by the existing public water mains underneath Kilmacud Road Upper.

8.2 The proposal would be served by a comprehensive SuDS, which would comprise attenuation storage, limited discharges, infiltration, green roofs, permeable paving, and a by-pass separator. Greenfield run-off rates would thus be capable of being reproduced.

8.3 The proposal would be served by a new foul water sewer, which would be laid underneath Kilmacud Road Upper and which would connect with the existing public foul water sewer underneath Eden Park Avenue. The 7 apartments at garden level in Block B would be drained by means of a communal pumping station below the basement car park, while the remaining apartments would be drained by gravity through the on-site drainage system.

8.4 The pumping station was the subject of review under further information. The applicant thus set out 4 options and offered to change to from its preferred option of a communal pumping station to individual pumps for each of the 7 apartments. Faced with these two options, the County Council's Drainage Planning Section expressed a preference for the originally proposed communal pumping station.

8.5 Appellants and observers express concern over the future oversight of the said communal pumping station, as it would not be taken in charge but would remain the responsibility of the management company for the overall development. The aforementioned Section has set out a series of requirements which may allay concerns in this respect. Thus, it requests that the design of the proposed communal pumping station be submitted and that this design should incorporate

a tank with a 24-hour capacity, 2 pumps to be used alternatively, and a warning system to alert to any malfunction.

8.6 The applicant has submitted a Site-Specific Flood Risk Assessment, which concludes that the site is outside areas of potential fluvial and tidal flood risk and so it is in Flood Zone C and thus suitable for residential use. Overland flows would lead surface water east along Kilmacud Road Upper and the on-site surface water drainage system would be designed to handle 1 in 100 year flood events.

8.7 I conclude that the proposed water supply and drainage arrangements for the proposal on the site would be satisfactory.

(ix) AA

9.1 The applicant has submitted a Stage 1 Screening Report for AA. This Report accompanied the previous proposal for the site and it remains relevant to the current proposal. I have drawn upon it in the screening exercise, which I conduct below.

9.2 The site is a serviced urban site, which neither lies in or near a Natura 2000 site. The nearest such sites are at a considerable remove from it and there are no direct connections between them and this site. The aforementioned Report notes that, whereas one of these sites is the South Dublin Bay and River Tolka Estuary SPA (site code IE004024), the bird species that form the qualifying interest for this SPA have not been observed using the site.

9.3 Having regard to the nature and scale of the proposed development, the nature of the receiving environment, and the proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

That this proposal be permitted.

9.0 Reasons and Considerations

Having regard to:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns, and Villages),
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities,
- Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, and
- The planning history of the site,

it is considered that, subject to conditions, the proposal would accord with Zoning Objective A for the site in the County Development Plan. Subject to the omission of the fourth floors from Block A, this proposal would accord with this Plan's Building Height Strategy, too, and it would thus be compatible with the visual and residential amenities of the area. It would itself accord with relevant development standards, thereby affording a satisfactory standard of amenity to future residents of the apartments. Traffic generated by the proposal would be capable of being accommodated on the local road network, the proposed revised access arrangements for the site would be consistent with road safety, and the proposed level of parking provision would be appropriate for the site's location. Water supply and drainage arrangements would be satisfactory and no Appropriate Assessment issues would arise. The proposal would thus accord with the proper planning and sustainable development of the area.

10.0 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 13th day of February 2017, 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 proposed development shall be amended as follows:
 - (a) The fourth floors shall be omitted from Block A.
 - (b) The proposed drainage arrangements for the north eastern corner of the site shall be amended, as appropriate, to ensure their compatibility with the proposed retention of trees for this corner of the site.
 - (c) Details of and specifications for the lighting proposed for the new vehicular and pedestrian entrances to the site shall be prepared.
 - (d) Details of and specifications for the communal pumping station for the 7 apartments at garden level in Block B shall be prepared. These details and specifications shall include the following:
 - (i) Emergency alert and overflow arrangements,
 - (ii) A storage tank with a 24-hour capacity, and
 - (iii) Two pumps.
 - (e) Details of the wiring of car parking spaces in the basement for electric cars shall be prepared.
 - (f) The circular footpath which would encircle the proposed apartment blocks shall be extended by way of a spur to the proposed site of a pedestrian gate in the eastern boundary of the site.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To safeguard the visual amenity of the area and comply with

the relevant Building Height Strategy, in the interest of public safety, in the interest of public health, in order to facilitate the use of electric cars, and in order to promote future permeability.

3. Prior to the commencement of the development, the developer shall submit a scheme to the Planning Authority, within which the working methodology for the excavation of rock within the site is set out. This scheme shall include a justification for the methodology selected and it shall outline any measures needed to mitigate the impact of the works thus envisaged.

Reason: In order to safeguard the amenities of the area.

4. 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:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

- 5. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

- 6. 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. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

- (i) The existing trees which have already been proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs.
- (iv) Details of screen planting.
- (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment, and finished levels.

(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. The areas of communal open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the apartments are made available for occupation.

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

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

9. (a) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(b) No works shall take place on site until a construction management plan specifying measures to be taken for the protection and retention of the trees, together with proposals to prevent compaction of the ground over the roots of the trees, has been submitted to, and been agreed in writing with, the planning authority. Any excavation within the tree protection areas designated in condition number 9(a) of this order shall be carried out using non-mechanised hand tools only.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

10. The developer shall appoint a professionally qualified arborist to supervise the measures outlined in conditions 8 and 9 and to ensure that they remain in place during the construction phase.

Reason: To ensure that the trees are not damaged or otherwise adversely affected by building operations.

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

Reason: In the interest of visual amenity.

12. 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.

13. 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 interest of visual and residential amenity.

14. Proposals for a street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter,

street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

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 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

16. The management and maintenance of the proposed development, including the communal pumping station, following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, the access road 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.

17. Each apartment shall be allocated one car parking space. These car parking spaces shall be clearly marked as attached to a particular apartment and they shall not be sold or let independently. The visitor car parking spaces shall be delineated as visitor car parking spaces only.

Reason: In order to ensure the efficient use of available car parking spaces.

18. The specific measures set out in the Mobility Management Plan shall be implemented and an annual report of the Mobility Manager's activities, as set out on Page 19 of this Plan, shall be submitted to the Planning Authority. The first such annual report shall be submitted one year on from the commencement of occupation of the development.

Reason: In order to promote the use of sustainable modes of transportation.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

20. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, water mains, drains, car parks, open spaces 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 security to be lodged shall be as follows -

(a) An approved insurance company bond in the sum of €467,500 euro,
or

(b) A cash sum of € 284,700 euro to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or

(c) Such other security as may be accepted in writing by the planning authority.

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

21. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to 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.

Hugh D. Morrison
Planning Inspector

30th June 2017