



An  
Bord  
Pleanála

## Inspector's Report PL248343.

---

<b>Development</b>	Amendments to permitted residential scheme to provide a new 7 <sup>th</sup> floor level and 7 no. additional apartments
<b>Location</b>	Herbert Hill, Sandyford Road, Dundrum, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown
<b>Planning Authority Reg. Ref.</b>	D17A/0071
<b>Applicant</b>	Targeted Investment Opportunities ICAV
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refuse permission
<b>Type of Appeal</b>	First Party
<b>Appellants</b>	Targeted Investment Opportunities ICAV
<b>Observers</b>	(1) Andrew & A Delyth Parks & Others
<b>Date of Site Inspection</b>	26/7/17
<b>Inspector</b>	Siobhan Carroll

## 1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the eastern side of Sandyford Road at Dundrum. Dundrum Shopping Centre is situated to the western side of Sandyford Road. The M50 motorway is situated circa 2km to the south. The surrounding area is characterised by a mix of residential, office, retail and commercial uses. The Balally Luas stop is situated approximately 115m to the south.
- 1.2. The site has a stated area of 1.07 hectares. The site has frontage of circa 130m along Sandyford Road. The site extends back for circa 75m to the east. The Luas line runs along the eastern site boundary. The residential road Sydenham Villas lies on the opposite side of the Luas line.
- 1.3. The northern boundary of the site adjoins the grounds of Dom Marmion House a care centre and Rockville apartment scheme. The southern site boundary adjoins the site of apartment buildings the Linden, the Birch and the Blackthorn which are up to seven storeys. On the opposite side of Sandyford lies the Ridgeford apartment building which is a three-storey L-shaped building.
- 1.4. The detached two-storey Victorian property Herbert Hill located on site is a Protected Structure. The property is served by a number of buildings including a coach house/outbuildings, greenhouse, and a single-storey gate lodge which remain in situ. The area of the site to the north of the Protected Structure containing the former garden and tennis court has been cleared for construction activity.

## 2.0 Proposed Development

- 2.1. Permission is sought for amendments to permitted residential scheme to provide a new 7th floor level and 7no. additional apartments to Apartment building Block A. Features of the scheme include;
  - 4 no. new apartments to the proposed new 7th floor (comprising 2 no. two bedroom units and 2 no. three bedroom units)
  - Alterations to all previously permitted floors (ground to 6<sup>th</sup> floor) to provide for an additional 3 no. new apartments

- The proposed modifications resulting in a total of 7 no. new apartments to the previously approved 84 no. units to provide 91 no. units.
- Alterations to the basement to provide 91 no. car parking space (increase of 5 no. spaces) and 91 no. bicycle parking spaces.
- External elevational changes.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was refused for the following reason;

- (1) It is considered that the proposed increase in height, scale, bulk and massing of the permitted apartment building within the curtilage of Herbert Hill, and in close proximity to that protected structure, would materially and adversely contravene Policies RES 3 and AR 1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would be contrary to the proper planning and sustainable development of the area.

#### **3.2. Planning Authority Reports**

- 3.2.1. Planning Report: The proposed eighth storey to the building was not considered appropriate by the Planning Authority under Reg. Ref. D15A/0405 and by the Board on appeal under PL06D.245456. It was concluded that the proposal for eight storeys would have an adverse impact upon the adjoining protected structure. It was recommended that permission be refused on that basis.
- 3.2.2. Other Technical Reports
- 3.2.3. Transportation Section: No objections subject to conditions.
- 3.2.4. Drainage Planning: No objections subject to conditions.
- 3.2.5. Parks & Landscape Service Section: No objections subject to conditions.
- 3.2.6. Housing Section: No objections subject to conditions.
- 3.2.7. Conservation Officer: Concern raised in relation to the provision of the proposed 8<sup>th</sup> storey penthouse level and the impact upon the Protected Structure.

3.2.8. Public Lighting Section: No objections subject to conditions.

### 3.3. **Third Party Observations**

The Planning Authority received 2 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the observations to the appeal.

## 4.0 **Planning History**

**Reg. Ref. D15A/0405 & PL06D.245456** – Permission granted for residential scheme at Herbert Hill. Applicant sought 114 no. units consisting of 111 no. apartments within the grounds of Herbert Hill and conversion of Herbert Hill into 2 no. houses and Gate Lodge into 1 no. house (protected structure). Permission was refused by the Planning Authority.

A modified scheme was submitted with the first party appeal comprising a total of 89 no. residential units with 84 no. apartments in Block A, 7 storey over basement block containing 89 car parking spaces, bicycle parking and service areas, Block B – 2no. apartments in a 2-storey block and conversion of Herbert Hill Protected Structure into 2 no. residential units, refurbishment and extension of the gate lodge to provide 1 no. dwelling.

The Board granted permission for the proposed modified scheme with the omission of Block B.

**Reg. Ref. D16A/0298 & PL06D.246950** – Permission was sought for the modifications to approved plans to increase the number of units from 87 to 93 at Herbert Hill, scheme included internal modifications and external changes to the façades resulting from the proposed development comprising modifications to a permitted development of 87 number residential units (comprising conversion of Herbert Hill Protected Structure into 2 no. residential units, refurbishment and extension of the gate lodge to provide 1 no. dwelling and 84 no. apartments to Block A) to provide an additional six number units to amend the development permitted under An Bord Pleanála appeal reference number PL06D.245456.

## 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 6 – Built Heritage Strategy
- Herbert House is a Protected Structure (RPS No. 1362)
- Chapter 8 – Principle of Development
- Section 8.2.3 – refers to Residential Development

### 5.2. Natural Heritage Designations

- 5.2.1. Dublin Bay SAC is 3.8km to the east of the appeal site.
- 5.2.2. South Dublin Bay and River Tolka SPA is 3.6km to the east of the appeal site.
- 5.2.3. Rockabill to Dalkey Island SAC is 10km to the east of the appeal site.
- 5.2.4. Dalkey Island SPA is 9.7km to the east of the appeal site.
- 5.2.5. Wicklow Mountains SAC is 6km to the south.
- 5.2.6. Wicklow Mountains SPA is 6.5km to the south.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

A first party appeal was submitted by Stephen Little & Associates on behalf of the applicant Targeted Investment Opportunities ICAV on the 18<sup>th</sup> of April 2017. The contents of the appeal can be summarised as follows;

- In response to the refusal of permission issued by the Planning Authority the applicant has submitted a modified scheme.

- The current proposal seeks to amend the permitted Block A under Reg. Ref. D15A/0405 & ABP Ref. PL06D.245456.
- A previous application was made under Reg. Ref. D16A/0298 & ABP Ref. PL06D.246950 however the new application does not seek to amend that permission. It only seeks to make amendments to the permission granted under PL06D.245456.
- The applicant states that they have decided not to proceed with the scheme permitted under PL06D.246950 on the basis that the dwelling sizes provided were the minimum sized units feasible under the provision of the Apartment Guidelines issued in December 2015. The applicant considers the units are no longer appropriate for the demands of the market.
- Regarding the refusal of the Planning Authority it is considered that the refusal can be understood to refer to the proposed 8<sup>th</sup> storey component only.
- O'Mahony Pike Architects have taken into consideration the concerns of the Planning Authority and particularly the issues raised by the Conservation Section.
- The amended proposal omits the proposed 8<sup>th</sup> storey and proposes 3 no. new additional apartment units above the 84 no. units granted in Block A as per PL06D.245456 the parent permission.
- 17 no. one bedroom units, 60 no. two bedroom units and 10 no. three bedroom units are proposed. It is proposed to increase the area of the basement by 21sq m. 91 no. car parking spaces are proposed and 97 no bicycle parking spaces are proposed.
- Minor changes to the internal layout of the apartments within the building at ground to 4<sup>th</sup> floor inclusive are proposed.
- At 5<sup>th</sup> floor 2 no. additional units are proposed and also changes to the layout to provide 10 no. apartments at that floor level.
- At 6<sup>th</sup> floor 1 no. additional unit is proposed with internal layout changes.
- Changes to the external elevations, particularly the eastern elevation are proposed.

- No changes to Herbert Hill House or the Gate Lodge as per previously permitted are proposed.
- The specific design changes proposed under the modifications submitted with the appeal comprise;
- The omission of the 8<sup>th</sup> storey,
- Changes to internal layout arising from compliance with Building Regulations and Apartment Design Guidelines,
- Modifications to the south-east portion of Block A to retain features permitted under D15A/0405.
- Alterations to entrance foyer
- Modifications to internal layout of basement.
- No studio apartments are proposed and all apartments exceed the minimum requirements of 'Design Standards for New Apartments', December 2015.
- All room sizes including living, kitchen/dining, bedrooms and storage areas are in compliance with the revised 'Design Standards for New Apartments'.
- Only 22% of the apartments are single aspect.
- Minimum floor areas for private amenity space have been provided.
- Communal amenity space and a children's play space is proposed within the scheme.
- In relation to Sydenham Villas Architectural Conservation Area (ACA) it is stated that the ACA report clearly identifies that the area of merit is only along the street itself.
- It is noted that the Sydenham Villas ACA report prepared for the Council by Mr. Rob Goodbody states that the area of merit in relation to the ACA is only along the street itself.
- It is also noted that the ACA is terminated by the Rockfield Apartment Scheme and that all features of architectural heritage significance at Sydenham Villas are within the private spaces associated with the private houses.

- Sydenham Villas is designed an ACA on the basis of architectural interest. The architectural interest particularly relates to 4 no. properties and the interest can be seen exclusively when viewed from the public street.
- The Planning Authority in their assessment of extensions to the rear of properties in Sydenham Villas do not consider works to the rear of properties would affect the character of the ACA.
- There is no historical linkage between Herbert Hill and Sydenham Villas.
- The proposed development would have a very minimal impact on the character of the street on Sydenham Villas.
- The streetscape of Sydenham Villas would be unchanged following the proposed development.
- The subject development is located 70m from Sydenham Villas.
- The proposed amended building design of between 5-7 storeys high will not give rise to an undue adverse impact on the character of the ACA.
- In relation to the proposed building height it is noted that permission for a building of 5-7 storeys high has previously been granted twice on the site. The proposal is very similar to the built forms previously granted on site.
- Regarding density, it is considered that an increase in density to 84 units per hectare is consistent with the sustainable planning and development of the area.
- Regarding the provision of a childcare facility, the extant permission on site is for 87 no. units. The Board accepted the arguments previously put forward that no crèche facility was required. The proposed development as amended with 3 no. additional units within permitted Block A would provide 84 no. units within the building. The applicant therefore considers that there is no requirement for a crèche facility.
- The applicant requests that the Board overturn the decision of the Planning Authority in this case and grant permission for the development as modified in the appeal.



## 6.2. Planning Authority Response

- The grounds of appeal do not raise any new matters which would justify a change in attitude of the proposed development.
- The Board is referred to the previous Planner's Report.

## 6.3. Prescribed Bodies

A submission was received from Transport Infrastructure Ireland on the 19<sup>th</sup> of July 2017. The main issues raised are as follows;

- The proposed development is located close to the Luas Line. The applicant should ensure there is no adverse impact on Luas operation and safety.
- The applicant/developer or contractor is required to acquire a permit to carry out works close to the Luas overhead conductor system.
- The proposed works will require the erection of hoarding and scaffolding. The applicant/developer or contractor is required to acquire a permit to carry out such works due to the proximity of the Luas Line.

## 6.4. Observations

An observation to the appeal was submitted by Andrew & A Delyth Parks and Others on the 15<sup>th</sup> of May 2017. The main issues raised are as follows;

- The observation is in response to the modified proposal submitted to the Board by the first party.
- It is considered that there is an error in the fifth floor plan on the modified scheme. To the northern corner the road line which shows the outline of the development as submitted to the Board under PL06D.245456 extends around the perimeter of the proposed projecting units 76E and 77F a comparison with the fifth floor plan as granted with the application indicates the redline set back further. Therefore, there is a discrepancy in the submitted drawings.
- The proposed 8<sup>th</sup> storey has been omitted from the amended plans. This is welcomed by the observers, however the proposed development was refused

by the Planning Authority not only due to an increase in height of the building but also the scale, bulk and mass.

- The modified scheme includes changes to the south eastern elevation these serve to increase the bulk and massing of the building as viewed from the Protected Structure. The observers consider that the applicants have not overcome the Planning Authority's grounds for refusal.
- In relation to the impacts on Sydenham Villas ACA, the observers note that the applicant's agent states that the rear gardens of properties in Sydenham Villas ACA are not included within the ACA boundary. However, this is not the case.
- The boundary of the Sydenham Villas ACA was revised by the Planning Authority before the ACA was adopted and it includes the rear gardens of the properties.
- Therefore, the boundary of the ACA is much closer to Block A than is stated by the applicants.
- The proposed increase in floor area to the fifth floor (6<sup>th</sup> storey) will have a significant impact upon Sydenham Villas as the projecting part of the building to the north-eastern elevation would from the 2<sup>nd</sup> to the 5<sup>th</sup> floor inclusive, with the windows and balconies projecting beyond the building and therefore resulting in Block A being much closer to the rear of properties in Sydenham Villas.
- The proposed top of the 5<sup>th</sup> floor would provide an extended terrace for the 6<sup>th</sup> floor. The use of the terrace would negatively impact upon the residential amenity of Sydenham Villas.
- The observers request that the Board refuse permission on the basis that it would add bulk and overbearing features to the granted apartment building.
- Should the Board decide to grant permission it is requested that all glass balustrades on terraces and balconies at 5<sup>th</sup> and 6<sup>th</sup> floor levels be at least 1.5m high with opaque glass.

## 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:

- Planning context and planning history
- Proposed amended design and layout
- Appropriate Assessment
- Other issues

### 7.1. Planning context and planning history

7.1.1. This appeal relates to residential scheme on a 1.07 hectare site located at Sandyford Road in Dundrum. The site is zoned residential it adjoins the town centre and lies in close proximity to the Balally Luas stop.

7.1.2. Under Reg. Ref. D15A/0405 & ABP Ref. PL06D.245456 the Board granted permission for a residential scheme comprising a seven storey over basement apartment block (Block A) containing 84 no. apartments with 89 no. car parking spaces. The scheme also permitted the renovation and conversion of Herbert Hill House which is a Protected Structure into 2 no. residential units and the refurbishment and extension of the gate lodge to provide 1 no. dwelling.

7.1.3. Under Reg. Ref. D16A/0298 & PL06D.246950 the Board granted permission for modifications to the previous permitted scheme at Herbert Hill (PL06D.245456) for internal modifications to apartment Block A and external changes to the façades. The granted scheme provided a total of 6 no. new apartments to the previously approved 84 no. units within Block A to provide a total of 90 no. apartments. The applicant has confirmed in the appeal that they no longer proposed to implement this permission because the apartment sizes provided under that scheme were the minimum sized units feasible under the provisions of the Design Standards for New Apartments – Guidelines for Planning Authorities issued in December 2015. The applicant stated in the appeal that the apartments of that size are no longer appropriate for the demands of the market.

- 7.1.4. Under the current application Reg. Ref D17A/0071 the applicant is proposing to make amendments to the scheme permitted under PL06D.245456 to provide a new 7th floor level (8<sup>th</sup> storey) and 7 no. additional apartments to the 84 no. units previously permitted in the apartment building providing a total of 91 no. units. The proposed scheme also includes alterations to the layout and floor plans of ground to the 6<sup>th</sup> floor inclusive, external elevational changes and modifications to the permitted basement car park to provide 91 no. car parking space (increase of 5 no. spaces) and 91 no. bicycle parking spaces.
- 7.1.5. The Planning Authority refused permission for the proposed scheme on the basis that the proposal would result in an increase in the height, scale, bulk and massing of the permitted apartment building which is located within the curtilage of Herbert Hill a Protected Structure and that having regard to the close proximity of the apartment building to that protected structure that it would materially and adversely contravene Policies RES 3 and AR 1 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. Policy RES 3 refers to residential density and states that 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. Policy AR 1 refers to Protected Structures and states that it is Council policy to protect structures included on the RPS from any works that would negatively impact their special character and appearance.
- 7.1.6. The Planning Authority deemed the current proposal for an 8<sup>th</sup> storey to Block A unacceptable in terms of the impact it would have on Herbert Hill House. Previously under PL06D.245456 the Board granted permission for a reduced scale of the development on the site. Originally the applicant sought permission for a building ranging in height from 5 to 8 storeys at Block A. However, the height of the building was limited to seven storeys in the permission granted by the Board.
- 7.1.7. In relation to the matter of the proposal for the 8<sup>th</sup> storey to apartment Block A, I would share the opinion of the Planning Authority that the proposal due to its height, scale and bulk and proximity to Herbert Hill House would have a significant adverse impact character and the setting of the Protected Structure. Accordingly, I would not recommend that the Board grant permission for development as originally proposed under this application.

- 7.2. Proposed amended design and layout
- 7.2.1. In the appeal the applicant confirms that O'Mahony Pike Architects have taken into consideration the concerns of the Planning Authority and particularly the issues raised by the Conservation Section. The applicant has submitted amended proposals which omit the proposed 8th storey and proposes 3 no. new additional apartment units above the 84 no. units granted in Block A as per PL06D.245456 the parent permission.
- 7.2.2. The amended plans indicate minor changes to the footprint of the basement in order to simplify the staircase for compliance with Part M of the Building Regulations. An additional area of 21sq m is within the basement.
- 7.2.3. At ground floor the amended plans indicate that the same set back is proposed from the southern side of the building and Herbert Hill. Minor changes to the footprint are proposed involving a change in the design of the staircase to the basement and also a stairwell. There is a minor increase in the floor area of one corner apartment.
- 7.2.4. At first floor there is a minor increase in the floor area of the apartment to the north-eastern corner of the building. Minor changes to the stair core are also proposed. At second floor level similarly the apartment to the north-eastern corner features a minor increase in area. Minor changes to the stair core are also proposed. The same minor amendments to the floor area are proposed to the third floor.
- 7.2.5. At fourth floor the area of the apartment to the north-eastern corner is marginally increased as is the stair core. The floor area of the apartment to the south-western corner features an increase in floor area of circa 8.5sq m. This minor extension to the apartment addresses the central area between the sections of the building and therefore would not impact Herbert Hill.
- 7.2.6. At fifth floor level only a minor increase of 2.5sq m to the north-eastern corner apartment is proposed. With a proposed reconfiguration of the internal layout a total of 10 no. apartments are proposed to the fifth floor which is an increase of two from that permitted under the previous scheme.
- 7.2.7. The sixth floor is located to the northern side of the building and therefore has a greater set back from Herbert Hill than the lower floors. As indicated on Drawing NO:1703-OMP-01-06-DR-A-XX-11006 it is at sixth floor level that the most changes to the previously granted floor area is proposed. A total of 7no. apartments are

proposed to the sixth floor which would provide one additional apartment from the permitted scheme.

- 7.2.8. On the northern side of the sixth floor it is proposed to extend the units out by 2m to be in line with the main building line. A balcony is proposed to serve the north-eastern corner unit which is similar to the fifth floor below. To the western side of the building, it would project out a maximum of 3m from the previously granted floor plan. The increase in footprint of the sixth floor on the western side of the building would be the same as the fifth floor below. To the southern side of the building it is not proposed to extend the section of the sixth floor which lies closest to Herbert Hill. Along the inner section of the southern elevation it is proposed to project out by 1.75m and the balconies along this section would project out to that point. To the eastern side of the sixth floor level it is proposed to increase the area of the kitchen dining room of apartment 86 by projecting out by 2.5m.
- 7.2.9. Terraces are proposed to serve this and the adjoining apartment which would extend to the edge of the fifth floor below. The observers to the appeal have requested that should the Board decide to grant permission that all glass balustrades on terraces and balconies at 5th and 6th floor levels be at least 1.5m high with opaque glass. In relation to the scheme permitted on site I note that the conditions did not require a specific height for glass balustrades on terraces and balconies. Furthermore, having regard to the separation distance of circa 60m to the rear of the properties on Sydenham Villas I consider that there is sufficient separation provided which includes the existing Luas line that runs between them and therefore I do not consider necessary to require the opaque glass balustrades.
- 7.2.10. In relation to the proposed changes to the overall footprint and layout as set out above most changes to the floors are very minor in nature. The most amendments are proposed to the sixth floor. I do not consider that the proposed projections of the sixth floor to the northern and southern side of the building would have an undue impact in terms of the visual and residential amenities of the area.
- 7.2.11. The proposed changes to the northern section of the sixth floor are minimal and I consider the proposed terraces are acceptable.
- 7.2.12. In terms of potential visual impact of the proposed development when viewed from Sydenham Villas ACA, as indicated in the submitted visual impact assessment the

apartment building would be partially visible from the street along Sydenham Villas ACA. Having regard to the fact that the proposed amended scheme results in very limited changes to the elevations of the building and with the omission of the 8<sup>th</sup> storey, I am satisfied that the proposed scheme would not unduly impact upon the character of Sydenham Villas ACA.

7.2.13. Having reviewed the proposed amended elevations, I do not consider that significant changes are proposed from that of the scheme which has been permitted. In relation to the south-east elevation which addresses Herbert Hill Protected Structure, I consider that the proposed changes to the elevation are limited and with the omission of the 8<sup>th</sup> storey the bulk and scale of the building is not altered to a significant extent which would in my opinion warrant a refusal of permission.

7.2.14. In conclusion, I would recommend that permission be granted for the proposed amended scheme for a total of 3 no. additional apartments within Block A.

### 7.3. Appropriate Assessment

7.3.1. The appeal site is situated circa 3.6km and 3.8km respectively to the west of the two closest European sites South Dublin Bay and Tolka River Estuary SPA and South Dublin Bay SAC. Having regard to the nature and scale of the proposal, the nature of the receiving environment, namely a suburban and fully serviced location and the separation distance 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.

### 7.4. Other Issues

7.4.1. 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. Having read the submissions on file, visited the site, had due regard to the provisions of the Development Plan and all other matters arising, I recommend that permission should be granted for the following reasons.

## 9.0 Reasons and Considerations

Having regard to the residential zoning of the site in the Dún Laoghaire–Rathdown County Development Plan 2016 – 2022 and having regard to the pattern of development in the area, the planning history on the site and the revised proposals submitted with the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of properties in the vicinity, would not adversely affect the setting of a protected structure and would, therefore, be in accordance 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 modified by drawings and documents lodged with the appeal on the 18th day of April, 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 internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.



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

3. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

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

4. 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.

5. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

6. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the

planning authority]. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

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

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

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

9. 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.

10. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

11. 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.

12.

- (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the

waste and, in particular, recyclable materials for each apartment unit and house unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

13. 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.

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:

- (a) Location of the site and materials compounds including areas 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; and
- (l) 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.

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 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.

17. 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.

---

Siobhan Carroll  
Planning Inspector

1<sup>st</sup> of August 2017