



An
Bord
Pleanála

Inspector's Report PL06D.249144

Development	Demolition of existing dwelling and construction of 15 no. 3 storey houses, new access, connection to drainage and new boundary.
Location	Drumkeen, Glenamuck Road, Carrickmines, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/0520
Applicant(s)	Victoria Homes Ltd.
Type of Application	Permission
Planning Authority Decision	To Refuse Permission
Type of Appeal	First Party
Appellant(s)	Victoria Homes Ltd.
Observer(s)	No observers
Date of Site Inspection	4 th December 2017
Inspector	Erika Casey

1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.425 ha is located on the Glenamuck Road, Carrickmines. It is approximately 700 metres south of the M50 Carrickmines Interchange and c. 400 metres south of the Carrickmines Retail Park. The site is rectangular in shape and currently accommodates a detached dwelling known as Drumkeen with an area of 293 sq. metres. The dwelling has an established garden with a number of mature trees along its boundaries and to the rear. There is an existing vehicular access to the site from the Glenamuck Road. An existing stream is located to the north east of the site.
- 1.2. To the northeast, the site is bound by a further detached property known as Dunluce House. To the south west, Springfield Lane runs along the site boundary and there is a further dwelling known as Mulberry House located on the opposite side of this lane. Glenamuck Road is located to the north west of the site. The Cairnbrook Estate is located to the east of the site and accommodates a residential development comprising three to five storey apartment buildings and detached, semi-detached and terraced houses.

2.0 Proposed Development

- 2.1. Permission is sought for a development comprising:
- The demolition of the existing dwelling known as Drumkeen.
 - The construction of 15 no. 3 bed, three storey dwellings comprising 8 no. end of terrace units and 7 no. mid terrace units. The floor area of the dwellings is 146 sq. metres. Three different house types are proposed. The dwellings have a maximum height of c.10.4 metres.
 - Materials and finishes comprise natural stone and selected brick on the front elevation on house type 3 and selected brick and self coloured render on the front elevations of house type 1 and 2. Self coloured render to the rear is proposed on all dwellings.
 - Each dwelling is served by a private rear garden with areas generally ranging from 60.1 sq. metres to 94.4 sq. metres. A total of 30 no. car parking spaces are proposed. A bicycle and bin store are proposed to the north east of the site.

- Hedgerows along the east, west and southern boundaries are to be retained. The hedgerow to Glenamuck Road is to be removed and replaced with new stone piers and metal railing with new beech hedge behind.
- Public open space is to be provided in the form of a landscaped area to the front of the site with an area of 440 sq. metres. In addition, a buffer zone strip is provided along the northern boundary.
- The development also proposes all ancillary site development works including connection to the public drainage system and watermain and the formation of a new vehicular and pedestrian entrance from the public road.

3.0 Planning Authority Decision

3.1. Decision

3.1.1 Permission refused for 4 no. reasons:

1. *The proposed development, at a density of thirty three (33) units per hectare is not considered to be of a sufficiently high density as envisaged by the Kiltiernan/Glenamuck Local Area Plan 2013 and the 2016-2022 Dun Laoghaire Rathdown County Development Plan at this location. The proposed development would therefore materially contravene Section 4.2 'Residential Density' of the Kiltiernan Glenamuck Local Area Plan and Policy RES3 'Residential Density' of the 2016-2022 Dun Laoghaire Rathdown County Development Plan and would therefore be contrary to the proper planning and sustainable development of the area.*
2. *The proposed public open space provided for the residential development is considered to be substandard and unacceptable by reason of its design, usability and location and would, therefore, not provide an acceptable level of open space for the future occupants of the development. The proposed development therefore fails to comply with policy SR5 (Public Open Space Standards) and Section 8.2.8.2 (Public/Communal Open Space – Quantity (i) Residential/Housing Developments of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The proposed development would, therefore,*

seriously injure the amenities of future occupants and is contrary to the proper planning and sustainable development of the area.

3. *The proposed development fails to demonstrate a high level of architectural quality and urban design and the layout of the proposed development is substandard and inefficient in layout and is also considered piecemeal as no regard was had to the permitted development on adjoining sites. The design of the proposed development is considered to be suburban in character and is unsympathetic to the special character of Kiltiernan/Glenamuck and its rural character. The proposed development therefore contravenes Objectives BF01 and BF04 of the Kiltiernan Glenamuck Plan 2016-2022 and also fails to comply with the recommendations of both Sustainable Residential Development in Urban Areas (2009), and the Urban Design Manual – A Best Practice Guide (2009). The proposed development would, therefore be contrary to the proper planning and development of the area.*
4. *The design of the proposed development has not demonstrated an adequate response to the site constraints that exist in the terms of the trees and stream on the site. The proposal is therefore contrary to Policy LHB25: Rivers and Waterways, Policy SR7: Trees and Woodland and Section 8.2.8.6: Trees and Hedgerows of the Dun Laoghaire Rathdown County Development Plan, 2016-2022. The proposed development, therefore, would be contrary to the proper planning and sustainable development of the area.*

3.2. Planning Authority Reports

3.2.1. Planning Report (01.08.2017)

- No objection to the principle of demolishing the existing dwelling on the site.
- The Kiltiernan/Glenamuck LAP identifies that site as being within land parcel 31b with a requirement for densities in the order of 45-55 dwellings per hectare. The site is less than 1 km from the Ballyogan Luas stop and therefore a minimum density of 50 units per hectare applies. Density is calculated on a site with an area of 0.4505ha which results in a density of 33 units per hectare. This is below the minimum requirements.

- The development fails to provide an acceptable standard of open space by reason of its design, location and usability.
- The site is heavily wooded and has a sylvan character. There has been little attempt to retain these trees and thus the development is not compliant with the County Development Plan and the tree protection objective pertaining to the site.
- An ecological survey and archaeological assessment should have been submitted with the application.
- The submitted site plan fails to indicate any possible pedestrian/cyclist or vehicular connectivity to adjoining sites and in particular, the adjoining site permitted under Reg. Ref. D15A/0406, the site to the north east (Dunluce House) which has potential for future development and also pedestrian/cycle connectivity to Springfield Lane.
- It is considered that the layout does not respond to the existing site conditions and restrictions including the existing trees and stream on the site and the adjacent site to the north east permitted under D15A/0406. It is considered that the proposal is generic in style and does not provide an appropriate design response which relates to the characteristics of the subject site.

3.2.2. Other Technical Reports

Drainage Planning (28.07.2017): Recommends Further Information regarding:

- Applicant to provide details of the location of the existing stream and extent of riparian corridor.
- Surface water calculations and proposed attenuation measures.
- Details of on-site infiltration for storm events.
- Site specific flood risk assessment and details of areas to be taken in charge.

Parks and Landscape Services (28.07.2017): Recommend Refusal:

- The applicant has not taken existing trees into consideration and has made little attempt to retain existing trees.

- The public open space is poorly located, considered incidental and does not meet the size requirements in the County Development Plan 2016-2022.
- The layout does not respond well to the existing site conditions and restrictions. The applicant should consider a small scheme (with apartments) at the front of the site and the existing heavily wooded area to the rear can be considered Public Open Space.

Transportation Planning (05.07.2010): Recommends 12 points of Further Information including:

- Quality audit including road safety, access, cycle and walking audits to be undertaken.
- Provision of permeable cycle and pedestrian link to Springfield Lane.
- Detailed drawing of the proposed ramped entry treatment for pedestrian priority at the vehicular entrance to the development on Glenamuck Road.
- Indicate how proposed internal access roadways can be extended to the northeast to facilitate access to adjoining lands for potential future development, in order to minimise the number of accesses onto the Glenamuck Road.

Housing Department (22.06.2017): No objection subject to condition.

3.3. Prescribed Bodies

An Taisce (13.07.2017)

- Notes the objective of the Development Plan to “*Protect and Preserve Trees and Woodlands*”. States that having regard to the extent of existing tree cover, that only between 10 and 12 dwellings should be permitted.
- Cognisance of the recorded monument in the vicinity of the site should be considered in the application.

Irish Water (30.06.2017): Recommends Further Information with respect to detail of water supply to each dwelling.

3.4. **Third Party Observations**

- No observations.

4.0 **Planning History**

Subject Site

Planning Authority Reference D17A/0116

- 4.1 Permission refused in April 2017 for a development comprising 15 no. 3 storey dwellings. The development was refused for similar reasons to the current proposal.

Site to the Northwest Carrickmines Manor

- 4.2 The parent permission relating to this development is D02A/1061/ABP PL06D.203058 under which permission was granted in September 2003 for 332 residential units. There were a number of subsequent applications for amendments to the permission including D05A/1631, D06A/0740 and D07A/1654.

- 4.3 Under application reference D15A/0406 permission granted for the demolition of 36 no. incomplete terraced dwellings and the construction of 75 no. detached, semi-detached and terraced houses and all associated site works.

Site to the North – Dunluce House

Planning Authority Reference D07A/1294/Appeal Reference PL06D.226712:

- 4.4 Permission refused in May 2008 for a development comprising 73 no. apartments. Reasons for refusal related to excessive density, scale and layout, impact on adjoining residential amenity, traffic impact and prematurity.

Site to the Southwest

Planning Authority Reference D14A/0765/Appeal Reference PL06D.244520

- 4.5 Permission granted by An Bord Pleanála in July 2015 for a development comprising 28 no. residential units consisting of 16 dwellings and 12 apartments. It should be noted that this application was refused by the Planning Authority on the basis that the development did not have an appropriate density. This matter was given detailed consideration at appeal stage, and the density was deemed appropriate.

5.0 Policy Context

5.1. Development Plan

5.1.1 The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is zoned A – “*To Protect and/or Improve Residential Amenity.*” There is an objective on the appeal site “*To Protect and Preserve Trees and Woodland*”. There is a recorded monument (RMP No. 026-135) to the north west of the site.

5.1.2 There is Specific Local Objective (SLO40) pertaining to the lands which states “*To implement and develop the lands at Kiltiernan/Glenamuck in accordance with the Kiltiernan/Glenamuck Local Area Plan*”. There is a 6 year road improvement proposal for the Glenamuck Road and a proposed Quality Bus route.

5.1.3 Relevant policies include:

RES 3: *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.*

5.1.4 The plan states:

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

5.1.5 Section 8.2.3 of the Plan sets out specific guidance for Residential Development. Guidance is set out regarding design as well as various qualitative and quantitative standards.

5.2 Local Area Plan for Kiltiernan Glenamuck 2013

5.2.1 The subject site is also located within the boundary of the Kiltiernan/Glenamuck LAP. The LAP sets out objectives for the future development of the area and identifies specific objectives for a number of development parcels. The subject site is located within Parcel 31b which is designated for infill development/higher density development with a density range of 45-55 units per hectare. It notes that heights should be in the range of 2 to 4 storeys.

5.2.2 Section 4 of the plan sets out guidance regarding residential development. Table 4.1 of the plan sets out the area and extent of residential development that can be accommodated in each land parcel. The projected number of units is based on the net site area of each parcel. Section 4.8 addresses housing design issues.

5.3 Other Policy

5.3.1 Relevant national guidance includes Quality Housing for Sustainable Communities – Best Practice Guidelines (2007), Sustainable Residential Development in Urban Areas (2008) and Design Manual for Urban Roads and Streets (2013).

5.4 Natural Heritage Designations

- None applicable.

6.0 The Appeal

6.1. Grounds of Appeal

- Notes reason for refusal no. 1 and states that the development is not a material contravention of the development plan. The use of such wording is inappropriate and should not be used as a tool to preclude An Bord Pleanála in making decision against a refusal of permission.
- The developable site area of the site is 0.425 ha not including the Glenamuck Road. The density of development proposed therefore is 35.29 units per hectare. This is above the minimum acceptable density and therefore does not contravene the objectives of the Development Plan.

- The residential densities proposed under the Kiltiernan Glenamuck LAP are based on the net site area. In the case of parcel 31B, the projected number of units for this area is based on 75% of the total site area. Based on the net site area of the subject site (0.3187 ha), the density of development proposed provides for 47 units per ha which is within the range stated under Table 4.1 of the LAP. The Planning Authority has made an error in its calculations of density.
- Section 8.2.8.2 of the County Development Plan refers to public/communal open space and notes that the Council will employ a flexible approach to the delivery of such space. There are a number of significant open space areas in proximity to the subject site including Jamestown, Tully and Ticknock parks. Furthermore, the LAP has identified a number of larger open space areas to serve the needs of the new community. There are also a number of existing recreational areas in close proximity to the site including playing fields, an equestrian centre and Carrickmines golf club.
- An area of open space that equates to 10.3% of the site has been provided. An additional buffer strip is also provided along the north eastern boundary. The on-site open space in conjunction with existing and planned parks in the area will adequately serve the needs of residents of the development. Furthermore, each dwelling will have its own area of private open space.
- The layout of the development and provision of open space is a significant improvement from that previously proposed and refused by Dun Laoghaire Rathdown County Council under Reg. Ref. D17A/0116.
- With reference to reasons for refusal no. 3 and the view that the development would be unsympathetic to the rural character of the area, it is submitted that Kiltiernan/Glenamuck is designated as a new urban area and thus it can no longer be considered to be rural in character.
- Objective BF04 of the LAP encourages the incorporation of granite features in into the design of residential buildings. It is proposed to have a mix of granite and brick on the front facades of the houses. It is noted that there is little evidence of granite being use on existing building stock in the area. The proposed dwellings are similar in design and character to schemes permitted

and constructed in the vicinity. It is considered that the development is well designed and has superior external finishes to adjacent developments.

- An arborist report was submitted with the application which highlights a number of trees to be retained. These trees along with the perimeter hedging will provide a mature setting for the development. It is not possible to develop the site and achieve the requisite density without removing trees from the site.
- The development also proposes a buffer zone along the north eastern boundary adjacent to the existing stream. An attenuation tank is also proposed. A revised drawing is submitted with the appeal submission indicating that a pedestrian access to Carrickmines Manor can be facilitated.
- With regard to the concerns raised in the Planner's Report regarding ecological and archaeological assessment, a full Ecology Report is appended to the appeal submission. This concludes that the development will not cause any significant negative impacts on any feature of ecological importance. An Archaeology Report is also provided and notes that the recorded monument is incorrectly mapped in the Development Plan and that the feature is c. 950m further north.
- It is considered that matters raised by the Transportation and Drainage Departments can be addressed by way of condition.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

- No observations.

7.0 Assessment

7.1. The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Density
- Open Space
- Design and Layout
- Other Issues
- Appropriate Assessment

7.2 Density

7.2.1 The proposed development comprises the construction of 15 no. dwellings on a site that is zoned objective A under the Dun Laoghaire Rathdown County Development Plan 2016-2022. The site is also located within the Kiltiernan Glenamuck LAP and is identified as part of land parcel 31b which is designated for medium/higher density development. In this context, the principle of residential development at this location is considered acceptable.

7.2.2 Reason for refusal no. 1 set out by the Council states that the density proposed (33 units per hectare) is not sufficiently high and is thus contrary to the LAP, the County Plan and the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas. It is stated that it would materially contravene section 4.2 of the LAP and policy RES 3 of the County Plan.

7.2.3 With regard to density, the Local Area Plan sets out density targets for each future development parcel. For parcel 31b within which the site is located, the density range is 45 to 55 units per hectare. Under Table 4.1 of the plan, parcels 31 a and b are identified as having a gross site area of 8ha. The plan notes however, that only 70% of this area (less 10% open space and 20% road/services) is developable and calculates the net site area as 6ha. It is this reduced site area that is used to calculate the development yield of the lands. In terms of the County Plan, policy RES 3 states that sites within 1 km of a rail station and/or Luas line should have higher densities at a minimum of 50 units per hectare.

- 7.2.4 It is stated in the Planning Authority's Planner's report that the area of the application site has been measured and is estimated to be 0.4505 ha. This is contested by the applicant who states that the site area is 0.425ha. Based on these two different gross site areas, the density of the development is between 33 and 35 units per ha.
- 7.2.5 However, as noted above, the density range for the site as set out in the LAP is based on the net site which is 30% less than the gross area. The use of net density as opposed to gross density in calculating development yield is advocated in National Guidance under the *Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas*. This notes that a net site density measure is a more refined estimate than a gross site density measure and is the most commonly used approach in allocating housing land within Local Area Plans and is appropriate for development on infill sites where the boundaries of the site are clearly defined and where only residential uses are proposed.
- 7.2.6 Applying this approach, the net area of the site is either 0.31 ha or 0.2975ha (based on the two differing gross site areas) which results in a density of either 48 units per ha or 50 units per ha. The net density of the development proposed is therefore in compliance with the density range as set out in the LAP. It is evident that in their determination of the application, the Planning Authority used a different approach to density and considered the site in its entirety. This approach resulted in a lower density per ha for the site and is inconsistent with the LAP.
- 7.2.7 It is noted that this issue was previously considered by the Board under Appeal Reference PL06D.244520. This application was for an adjacent site at Saxaroon and Inglenook which was also refused permission by the Council on the basis that the density was too low. In this instance, the Planning Authority had used the gross site area as opposed to the net site area to calculate the density. Using the net density calculation, the density proposed was 49 units per ha. The Inspector's report noted that utilising this alternative approach in planning applications throughout the LAP area may result in a significantly different total number of units achievable to that stated in the plan which in turn would have consequences for the Core Strategy. It was also considered that the approach taken by the Planning Authority may result in inconsistency and uncertainty among landowners/developers as to what constitutes the correct method of density calculation for lands in the LAP area. On this basis, the Board overturned the decision of the Planning Authority.

7.2.8 Having regard to the foregoing and the specific density targets set out in Table 4.1 of the Kiltiernan Glenamuck LAP which are based on net site area, I am satisfied that the density of the development is appropriate. It is also consistent with the County Development Plan and national guidance which recommends that increased densities generally in the order 50 units per ha (based on net site area) should be promoted within 1km of a light rail stop. The development is thus considered to be in accordance with the proper planning and sustainable development of the area in terms of density.

Material Contravention

7.2.9 Reason for refusal one of the Planning Authority's decision states that the proposed development would be a material contravention of section 4.2 of the Glenamuck Kiltiernan Local Area Plan and policy RES 3 of the County Plan. Section 37(2)(b) of the Planning Act 2000 sets out that where a planning authority refuses permission on the grounds that the development materially contravenes the development plan, the Board may only grant permission under certain circumstances.

7.2.10 It is noted however, in this instance, the proposed development accords with the zoning objective for the site and the density proposed is in accordance with the specific guidance set out in the LAP and County Plan. The development provides an appropriate balance between the protection of existing residential amenities with the need to provide a sustainable residential development on accordance with the zoning objective. I am satisfied that the Council made an error in their determination of the appropriate density for the site based on the gross site area as opposed to the net area. In this regard, I am of the view that the proposed development is not a material contravention of the plan and in this context, I am satisfied that the Board is not restricted in its assessment of the development to the criteria specified in Section 37(2)(b).

7.3 Open Space

7.3.1 The second reason for refusal relates to the provision of public open space. It is the opinion of the Planning Authority that open space provision is substandard by reason of its design, location and usability. The current development plan sets out guidance regarding public open space. Under policy OSR5 reference is made to the *Sustainable Residential Development in Urban Areas – Guidelines for Planning*

Authorities which advocates that Local Area Plans should identify preferred locations for larger open spaces that would allow playing pitches and larger recreational facilities to be concentrated away from housing areas but still accessible from them. The guidelines recommend that public open space should constitute between 10 and 15% of the site depending on circumstances. The guidelines also state that where residential developments are in proximity to public parks or coastal and other natural amenities, a relaxation of standards could be considered.

7.3.2 Section 8.2.8.2 of the County Plan provides guidance regarding Public/Communal open space and notes that the Council will employ a flexible approach to the delivery of public open/communal open space. The plan sets out a quantitative standard for developments of 5 or more houses of 15 – 20 sq. metres of open space per person. It is stated for calculation purposes, open space requirements shall be on a presumed occupancy of 3.5 persons for 3 bed dwellings. To comply with this policy requirement, a minimum public open space area of 787 sq. metres (15*3.5*15) would be required on the subject site. The plan goes on to state that the Planning Authority shall require an absolute default minimum of 10% of the overall site area to be reserved for use as public open and/or communal space (my emphasis).

7.3.3 The proposed development provides for one area of public open space located to the front of the site with an area of 440 sq. metres. Based on a site area of 0.425ha, this equates to approximately 10.3% of the site area. This complies with the minimum standard set out in the development plan and the quantum is considered sufficient having regard to the specific objective pertaining to the site set out in the LAP that these lands should be developed for medium/higher density residential development. Given the relatively small infill nature of the site, the provision of public open space in accordance with the 15-20 sq. metre requirement would compromise the ability to achieve a sufficient density and design of development that would assimilate with the existing character of the area.

7.3.4 As per the recommendations of the Guidelines on Sustainable Residential Development in Urban Areas, it is also noted that the LAP identifies a number of strategic green areas within the plan boundary, to which the residents will have access to in the future. The LAP specifically notes that a centrally located parcel of land was acquired by the Council (Parcel 27a and 27c) for the purposes of providing a public open space at the heart of the LAP area. Furthermore, there are several

large public parks and recreational facilities in the vicinity of the site. In this context, I am satisfied that having regard to the scale of the site, and the extent of recreational facilities and amenities existing and proposed in the vicinity, that the proposed provision of communal open space is adequate and no negative impacts on the amenities of future occupants is likely to arise.

7.3.5 In terms of the design, location and usability of the open space, it is located to the front of the site where it is overlooked by 5 of the dwellings. Whilst the open space area is undoubtedly compact, it is provided in one coherent block and is easily accessible by residents. I do not consider it to be incidental or poorly located and it is adequate for informal recreation and play. It is noted that the open space provision has significantly improved from that proposed under Reg. Ref D17A/0116 where the open space was much more fragmented and poorly laid out. The proposed landscaping of the public open space however, is lacking in detail. It is considered that this issue can be addressed by way of condition.

7.4 Design and Layout

7.4.1 Reasons 3 and 4 of the Councils decision primarily relate to the design of the development. The Planning Authority raise a number of concerns regarding the quality of the layout and are of the view that the proposal is generic in style and does not provide a design response that relates to the characteristics of the site. Specific reference is made to the rural character of the area; the lack of connectivity to adjoining lands; and that the development has not taken cognisance of the existing trees on the site and the stream located on the north eastern boundary.

7.4.2 Firstly, in relation to the rural character of the Glenamuck area, I would concur with the submission of the applicants, that the Kiltiernan Glenamuck area has clearly been identified as a new development area. The objectives of the LAP clearly set out that this area will be developed as a significant new housing area in the county with additional investment in social and physical infrastructure to facilitate this. Whilst the area currently may have a rural ambience as a number of development parcels have not yet come forward, it is clear that this character will change over the plan period. The subject site has been designated for medium to high density residential development and it is considered that the development achieves this objective whilst assimilating with the general pattern and character of development that has been

permitted in the vicinity which primarily comprises of semi-detached suburban housing.

7.4.3 In terms of the design of the development, it is a traditional suburban estate. Having regard to the pattern of development in the vicinity including the development at Carrickmines Manor and Cairnbrook, the proposed development is consistent with the prevailing architectural character and style. I am satisfied that the development provides a sufficient level of architectural quality.

7.4.4 I would concur with the view of the Planning Authority that the development as proposed did not provide sufficient levels of permeability and connectivity to adjoining sites. It is noted however, as part of their appeal submission the applicant has submitted a revised site layout plan (drawing AP-103 rev B) which provides a new pedestrian connection to the south east of the site which will link to the public open space area of the adjacent Carrickmines Manor Estate. This is considered acceptable but should be amended to also provide for appropriate cycle access. It is noted that there is no pedestrian or cycle access to Springfield Lane to the west of the site. This could be facilitated via one of the internal roads that abut this boundary. It is considered that this can be addressed by way of condition. I am satisfied, having regard to these amendments, that a sufficient level of permeability through the site can be achieved.

7.4.5 Concerns are raised by the Parks Department regarding the extent of tree loss across the site. A detailed arborist report is submitted with the application which details the trees to be retained and removed. The perimeter hedge along the north-eastern boundary is to be retained. The removal of trees and shrubs within the site is generally acceptable in the context of the LAP policy to develop the subject lands for a medium to high density scheme and with regard to the relatively poor quality of the trees involved. It is not feasible to achieve a high density of development across the site and retain extensive tree coverage. The arborist report notes that the site has been poorly maintained and as a result many of the trees are of poor quality. The site layout plan indicates that many the better quality trees will be retained. Most of the trees to be removed are classed as either C - low quality (48 no.) or U - unsustainable (6 no.).

7.4.6 There is an existing stream located along the north-eastern boundary. The drainage department sought further information regarding the extent of the riparian strip along the stream. It is noted that a buffer strip is proposed along this boundary and there is an existing embankment abutting the stream. This is considered adequate. Concerns regarding potential flooding can be addressed through appropriate attenuation, the detail of which can be agreed with the Planning Authority.

7.4.7 In conclusion, I am satisfied that the development provides an appropriate design response to the site. The scale, character and design of the dwellings will assimilate with the existing pattern and character of development in the vicinity. Sufficient measures have been taken to incorporate the existing stream and trees into the design and layout of the development. Permeability and connectivity will be enhanced through appropriate design revisions.

7.5 **Other Issues**

7.5.1 It is noted that the Planning Authority also raised concerns regarding the lack of archaeological and ecological appraisals as part of the application documentation. These reports have been submitted as part of the appeal response. The Ecology Report concludes that the development will not cause any significant negative impacts on designated sites, habitats, or any other features of ecological importance.

7.5.2 The Archaeology Report notes that recorded monument (DU026-135) was erroneously indicated on the SMR of the National Monument Services/Archaeological survey of Ireland and is actually located 950 metres to the north east of the site. The report concluded that it is not considered that the development will have any direct impact to any identified archaeological monuments. It also notes that the site has been subject to extensive ground investigation works associated with the existing house, driveway and tree planting and that there is a very low potential for the discovery of any subsurface archaeological remains and that no further archaeological interventions are required.

7.6 **Appropriate Assessment**

7.6.1 Having regard to the nature and scale of the proposed development, comprising an infill residential development within an established urban area on zoned and serviced land, and the 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.

8.0 Recommendation

- 8.1. It is recommended that permission be granted subject to conditions for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1 Having regard to the residential zoning objective for the site, the specific objectives for these lands set out under the Glenamuck Kiltiernan LAP, the existing pattern of development in the vicinity, and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of its density and public open space provision and would not contravene materially the Development Plan, is of an acceptable standard of design and would not seriously injure the residential or visual amenities of the area. The proposed development 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 amended by the further plans and particulars submitted to An Bord Pleanála on the 29th day of August 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. 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. All surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority details of proposed surface water disposal arrangements.

Reason: In the interest of public health and to ensure a proper standard of development.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

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

4. 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.

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. 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 species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
 - (iii) Details of roadside/street planting.
 - (iv) Hard landscaping works including specification of surfacing materials.
- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.
- (d) 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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

7. Prior to the commencement of development that applicant shall submit for the written approval of the Planning Authority a revised site layout plan indicating a pedestrian and cycle connection from the proposed development to both Carrickmines Manor and Springfield Lane. The revised plan shall also provide for the relocation of the proposed bin store from the area of public/communal open space to the front of the site to an alternative location.

Reason: In the interest of visual amenity and enhanced pedestrian permeability.

8. A plan containing details for the management of waste and recyclable materials within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and recyclable materials, in the interest of protecting the environment.

9. (a) 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 noise management measures and off-site disposal of construction/demolition waste.

(b) Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

10. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to the commencement of development. The agreed lighting system shall be implemented and operational, before the proposed development is made available for occupation.

Reason: In the interests of amenity and public safety.

11. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. 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. 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.

13. 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.

14. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

15. 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.

16. 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.

17. The developer shall pay to the planning authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme 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.

Erika Casey
Senior Planning Inspector

5th December 2017