



An
Bord
Pleanála

Inspector's Report ABP 300006-17.

Development	42 no. residential units.
Location	Loughlinstown Wood (lands part of playing pitches), Loughlinstown, Glenageary, Co Dublin (west of Cois Cualann, Ballybrack, Glenageary, Co. Dublin)
Planning Authority	Dún Laoghaire-Rathdown Co. Council.
Planning Authority Reg. Ref.	Reg. Ref. D17A/0381
Applicant	Cooperative Housing Ireland Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellants	Edwin & Barbara Polley and Others
Observers	(1) Sharon Byrne (2) Luke Martin & Others (3) Rosemary Kevany

Date of Site Inspection

6/3/18

Inspector

Siobhan Carroll

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.84 hectares is located at Loughlinstown in south County Dublin. This is a residential area developed by the Local Authority comprising predominately semi-detached and terrace dwellings built in the 1980's. Loughlinstown is served by St. Columabus National School and a Neighbourhood Centre with shops and Public House. Other community facilities in the area include the HSE clinic and a leisure centre. The leisure centre includes all-weather football pitches and an indoor swimming pool. The immediate area is served by the no. 7a and no. 111 bus routes.
- 1.2. The subject site forms the northern section of the open space which is situated immediately to the south of Loughlinstown Wood. The open space has an area of circa 2 hectares and contains football pitches and changing rooms.
- 1.3. The appeal site is roughly rectangular shaped, it has a length of circa 200m and a width of circa 42m. It is grassed with a footpath running along the centre of the site. The northern boundary is defined by the rear walls of dwellings within Lambay Close and Cromlech Fields. There are mature deciduous trees interspersed along the northern boundary. The south-eastern boundary adjoins Cois Cualann. There is a pedestrian link from Cois Cualann to the open space at Loughlinstown Park.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 42 no. residential units, comprising of (i) 8 no. three-bed terraced two-storey dwelling houses (with shared gated pedestrian access to rear) having rooflights and PV panels to front sloped roof; and (ii) 2 no. three-storey apartment blocks (having PV panels to front sloped roof) consisting of 16 no. three-bed duplex apartments, 12 no. two-bed apartments and 6 no. one-bed apartments. Access is proposed via a new road connection between Loughlinstown Wood and Cois Cualann involving the removal of a portion of existing wall and pedestrian gate at north western end of Cois Cualann where it adjoins the application site. The development also includes private amenity space for all dwelling

units; in-curtilage and shared surface car parking spaces; bin stores; bicycle parking; removal of existing planting to northern boundary; new hard and soft landscaping including tree planting, hedgerows and a replacement public pedestrian footpath connecting Loughlinstown Wood and Cois Cualann; boundary treatments including a painted metal railing along the southern edge of the new roadway; SuDS drainage; and all ancillary works necessary to facilitate the proposed development.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. Permission was granted subject to 27 no. conditions.
- 3.1.2. Condition no. 16 specifies that €2,000.00 per dwelling unit be paid as a special contribution to fund improvements to the adjoining open space at Loughlinstown Wood Park.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Report dated – 15/6/17 – Further information requested in relation to the following matters;

- Detailed Quality Audit requested to demonstrate all relevant aspects of the development is in accordance with the Design Manual for Urban Roads and Street (DMURS).
- Design of footpaths and street furniture to be in accordance with Council's requirements.
- Provision of 86 no. bicycle parking spaces.
- Details of car parking.
- Revised plans indicating that the scheme can accommodate turning manoeuvres of trucks and emergency vehicles.
- Revised drainage details including proposals for attenuation.
- Revised landscaping proposals.

- Site survey and construction management plan.
- Revised design to the proposed blocks to provide a second floor oriel/bay window and other windows to provide passive surveillance to the lane access between the blocks.
- Revised photomontages, drawings indicating plaster, brick and roof tile finishes.

Report dated 26/9/17 – Following the submission of a response to the further information request the Planning Authority were satisfied with the details provided.

3.2.2. Other Technical Reports

Drainage Planning – No objection subject to conditions.

Transportation Planning – No objection subject to conditions.

Housing Section – No objection subject to conditions.

3.3. Prescribed Bodies

Irish Water – No objection

Transport Infrastructure Ireland – No objection

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 23 no. submissions/observations in relation to the application. The main issues raised are similar to those set out in the third party appeal and the observations to the appeals.

4.0 Planning History

Reg. Ref. D16A/0296 – Permission was refused for a scheme of 8 no. two-storey dwellings and new access road on part of the site on an area which adjoins Cromlech Fields and Cois Culainn. Permission was refused for one reason;

1. The proposed development, at a density of thirty-four (34) dwelling units per hectare, and proposing a single residential dwelling type and size and, lacking a combination of features to deliver a high quality residential development, is

not considered to be of a sufficient density and residential quality as envisaged by the Dun Laoghaire-Rathdown County Development Plan, 2016-2022 and Ministerial Guidelines (Sustainable Residential Development in Urban Areas (DoEHLG 2009)) at this location and adjacent to existing residential development and, within walking distance of a Neighbourhood Centre, bus stops, and schools. The proposed development therefore contravenes Policies RES3 and RES4 'Residential Density' and 'Existing Housing Stock and Densification', Policy RES7 'Overall Housing Mix', and Sections 8.1. and 8.2.3.1 'Urban Design' and 'Quality Residential Design' of the Dún Laoghaire-Rathdown County Development Plan, 2016-2022. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. Development Plan

- 5.1.1. The site is governed by the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022.
- 5.1.2. The site is identified as being Zoned Objective A 'to protect and/or improve residential amenity'.
- 5.1.3. Chapter 8 – Principle of Development
- 5.1.4. Section 8.2.3 – refers to Residential Development

5.2. Natural Heritage Designations

- 5.2.1. Rockabill to Dalkey Island SAC is 2.4km to the north-east of the appeal site.
- 5.2.2. Dalkey Island SPA is 3.5km to the north-east of the appeal site.
- 5.2.3. Ballyman Glen SAC lies 4.9km to the south.
- 5.2.4. Bray Head SAC lies 5.8km to the south.
- 5.2.5. Knocksink Wood SAC is 6km to the south.

6.0 The Appeal

6.1. Grounds of Appeal

- The Council in their assessment failed to adequately address the issue of higher residential density.
- The increase in the density has been achieved at the detriment of design quality in the scheme.
- The appellants request that the Board set aside the national housing issue and assess the application on its individual merits.
- The site is currently an open space area which forms part of a football pitch. The proposed development would result in the loss of this area.
- The design of the proposed scheme fails to meet Council policy as set out in Section 8.2.3.1 of the Development Plan.
- The proposed design fails to provide satisfactory visual interest along the new streetscape. The design is not of a high qualitative standard and it fails to create a good layout and design.
- The proposed scheme does not provide a high quality of design in accordance with that required under the provisions of the 'Urban Design Manual' – A best Practice Guide (2009) and the 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (2009).
- The proposal is contrary to policy RES3 and RES4 of the Development Plan. It fails to ensure the protection of existing residential amenities, the established character of the area and the need to provide for sustainable residential development.
- The elevational treatment particularly the fenestration design is repetitious and gives a somewhat institutional appearance when the buildings are viewed from the north-east.
- The height and bulk of the development is considered excessive and out of character with the surrounding development.

- The appellants have raised concerns regarding the quality of private open space. All private open space apart from the terraces at first floor level to the duplex units are proposed to the rear. These gardens have a north-east orientation with a separation distance of between 12-16m from the northern site boundary.
- The proposed height of the blocks at 11.23m would result in overshadowing of the 18 no. ground floor units throughout the year.
- The private open space design for the duplex units with access via a lane to the rear is considered an unsuitable arrangement.
- The scheme would negatively impact the existing amenities of surrounding properties. Vehicular access is proposed via Cois Cualann. This would significantly increase traffic.
- Due to the difference in ground levels between the site and the neighbouring dwellings to the rear the development would appear equivalent to four storeys.
- The proposed scheme would overlook the rear gardens of the neighbouring dwellings to the north-east.
- The proposed density is equivalent to 50 units per hectare or 62 units per hectare if the road area is excluded from the calculation. This is considered excessive for the location. The site is not within 1km catchment of the Luas line and is 1.2km from the nearest QBC on the N11.
- Poor access to public transport will result in higher private car usage, which is contrary to national planning policy. A total of 66 no. car parking spaces are proposed which is below the maximum of 72 no. space which is required. Therefore, it is likely that car parking would occur along the new link road and at Loughlinstown Wood and Cois Cualann.
- The development of the scheme would result in the loss of all trees on site. The trees are an important bat feeding resource.
- It is acknowledged that the open space which forms part of the site is underutilised. The planning officer in their assessment stated that the development will provide passive surveillance of the open space. However,

the appellants note that the houses within Loughlinstown Wood have frontage onto the open space and provide a significant level of passive surveillance.

- The development of the vehicular access at Cois Cualann would negatively impact on the amenities of those properties. On-street parking occurs along Cois Cualann. This reduces the width of the road so that only one vehicle can pass at a time.
- The location of the Neighbourhood Centre 500m from the site would increase the level of through traffic.
- The development would negatively impact the residential amenity of the appellants property and would result in the value of the property being reduced.
- If permission were granted it would set an undesirable precedent for other similar development in the area.
- It is requested that the Board refuse permission for the reasons set out above.

6.2. Applicant Response

- In response to the claim from the appellant that the houses at Lambay Close are a full storey below the ground level of the open space, the applicant confirms that the proposed ground level of the apartments will be 1.4m-1.6m higher than that of the existing houses at Lambay Close.
- Regarding private open space within the scheme, secure gardens are provided for all residents. On the basis of fairness all units were provided with private open space within a garden area. All duplex units are served by first floor terraces to the front. The rear space within the scheme was subdivided to give all apartments private open space.
- The proposed scheme provides a high quality of development in accordance with the requirements set out in Section 8.1 of the Development Plan and the Urban Design Manual. The scheme provides permeability, vitality, variety, legibility and robustness.

- The density of the scheme is circa 50 units per hectare in accordance with Development Plan requirements.
- The proposed landscaping provides amenity, biodiversity and also sustainable urban drainage.
- The proposed design creates a strong and distinct sense place.
- The design and layout provides passive surveillance.
- The privacy and amenity of existing surrounding development is protected. Separation distances of between 28m and 32m are provided between the proposed development and the dwellings to the east in Lambay Close and Cromlech Fields.
- The scheme will densify the area in accordance with policy RES4 of the Development Plan.
- Contrary to the suggestion from the appellant that the proposed three-storey apartment block would appear equivalent to four-storeys, this is not the case as the proposed ground level is circa 1.2m higher than the existing properties to the east.
- The design of the apartments and duplex units with the main living rooms located to the southern elevations reduces the opportunity for overlooking of properties to the north.
- Regarding the matter of the suitability of the scheme and its density to the site, it is noted that the site is 2.3km from Brides Glen Luas stop and 2km from Cherrywood Luas stop. The site is 1.1km from the bus routes operating on Wyattville Road and 300m from the Bus stop at Loughlinstown Neighbourhood centre which is served by the no. 7a and no. 111 bus routes. Therefore, it is considered that public transport links can support the higher density of 50 units per hectare.
- Car parking is provided in accordance with Development Plan standards.
- The suggestion in the appeal that the proposed development will generate parking along road within Cois Cualann is not founded.

- The first party note the appellant's concern regarding the loss of trees. A tree survey was carried out by an arborist which concluded that some trees were in a poor condition due to vandalism.
- The existing open space area is subject to anti-social behaviour including littering, arson and vandalism. The proposed development will eliminate the potential for such behaviour.
- Regarding the impact of the removal of trees and the potential impact on bats. A bat specialist conducted a survey. They concluded that no bats are known to use the trees and therefore there is no requirement to seek a derogation for their removal.
- The proposed road connection between the scheme and Cois Cualann will provide a positive benefit. While the loss of the cul-de-sac environment at Cois Cualann would make it less suitable as a location for children to play, the proposed development will offer surveillance over Loughlinstown playing fields which is more suitable as a play area.
- In conclusion, the proposed development will provide 42 no. dwelling units which are needed to address the current shortfall of housing.

6.3. Planning Authority Response

- The proposed development in terms of its overall design, layout, height and size is acceptable.
- The location is well served by public transport, community facilities and other services.
- The introduction of more varied accommodation types and design would benefit the residential mix and streetscape of the area.
- Issues including the layout, separation distances, height, overlooking and site topography were considered in the Planner's original report and the Further Information report.

6.4. Observations

(1) Sharon Byrne

- The Observer is a resident of the Cois Cualann Estate. Concern is raised that the proposed development will generate a significant increase in traffic volume to Cois Cualann.
- It is considered that the existing road infrastructure cannot accommodate the increase in traffic volume.
- Concern is expressed that increased traffic in the area would endanger children living in Cois Cualann.
- There is no provision in the Dún Laoghaire – Rathdown County Development Plan 2016-2022 for a link road between the two residential estates. The applicant has not provided an adequate traffic assessment.
- The proposed development would result in the loss of open space which is used by local children.
- It is considered that the proposed development is contrary to policy RES4 of the Development Plan.
- The proposed three-storey apartment blocks are a full storey higher than surrounding development. The two blocks would create a 140m long development which would dominate the area. It would represent overdevelopment of a sensitive site adjacent to pNHA at Loughlinstown Forest.
- The Observer requests that permission be refused.

(2) Luke Martin & Others

- The application does not adequately address the proximity of the site to the proposed Natural Heritage Area at Loughlinstown Wood.
- A historical ditch and treeline forms part of the site. The habitat has been in place since 1840's.
- Having regard to the proximity of the site to the pNHA at Loughlinstown Wood an ecological impact statement should have been submitted.

- The proposed development has a density of 50 units per hectare and when the area of the road is subtracted from the overall site area the density would be equivalent to 62 units per hectare.
- The site is approximately 3m higher than the site level of the dwellings at Cromlech Fields and Lambay Close to the north.
- The proposed two-storey units would appear as three-storeys and the three-storey apartment blocks would appear equivalent to four-storeys. The height and scale of the proposed development would result in the loss of visual amenity.
- The proposed development is contrary to policy RES3 and RES4 of the Development Plan.
- The proposed development would cause a loss of privacy to the neighbouring dwellings to the north in Cromlech Fields and Lambay Close.
- The proposed scheme would cause overshadowing and loss of light to the neighbouring dwellings, particularly in the afternoons from September to March.
- The quality of the design of the scheme is questioned. The proposed gardens would be entirely overshadowed.
- It is requested that the Board refuse permission for the proposed development.

(3) Rosemary Kevany

- The subject site is located in close proximity to Loughlinstown Wood pHNA. Concern is raised in relation to potential impacts.
- The use of an area of existing open space for residential development should be adequately considered.
- It is suggested that the proposed housing scheme could be relocated away from the Loughlinstown Wood boundary and that a portion of the green space along this boundary be designated as a protected encirclement of the woods.

- Such an approach is recommended by the National Parks and Wildlife Service. Extending the treeline along the boundary with new planting onto the greenspace would serve to protect and restore the ecology of the area.

7.0 **Assessment**

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

- Development Plan Policy
- Design and layout
- Impact upon residential amenity
- Access and Traffic
- Appropriate Assessment
- Other Issues

7.1. **Development Plan Policy**

- 7.1.1. This appeal relates to the development of a residential scheme comprising 42 no. residential units on a site with a development area of 0.84 hectares. The site is zoned Objective A 'to protect and/or improve residential amenity'.
- 7.1.2. The third party appellants and observers have raised concern that the proposed density of the scheme is out of character with that of the surrounding area and therefore not appropriate to the site. They cited the provision of Policy RES3 and Policy RES4 of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 which refers to residential density and densification.
- 7.1.3. Policy RES3 of the County Development Plan sets out the Council's policy relating to residential density. It notes 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 light rail stops. They also infer that higher densities should be encouraged on sites that exceed 0.5 hectares in area.

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

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

7.1.5. Both these policies required that residential development is carried out in a sustainable manner to maximise the appropriate use of residential zoned lands however I note that these policies also advise that development have regard to existing residential amenities and the established character of areas.

7.1.6. In relation to density, on the basis of 42 no. units, this gives a density of 50 dwellings units per hectare. The subject site at Loughlinstown in south County Dublin is situated roughly 2.2km from Cherrywood Luas Station and 2.4km from Brides Glen Luas Station. The route of the no. 111 bus serves Loughlinstown Park. The stop is circa 300m from the site. Route 111 serves Brides Glen Luas Station it also serves Dun Laoghaire and terminates in Dalkey.

7.1.7. Bus route no. 7a originates at Loughlinstown Park. The stop is 300m from the appeal site. The route serves Dun Laoghaire and Blackrock and the City Centre. Wyattville Road is situated 1km from the site. Bus route no. 7 runs from Brides Glen to Dun Laoghaire and Blackrock and to the City Centre. The closest stop on Wyattville Road is 1.2m from the site. The closest stop on the no. 145 bus route on the N11 QBC lies 1.5km from the site. The site is also served by the 45a bus route which runs between Dun Laoghaire and Kilmacanogue. The closest stop at Shanganagh Road is 200m from the appeal site. This stop is also served by the commuter route no. 7B which runs from Shankill to the City Centre. The 84/a bus route operates between Newcastle and Blackrock. The closest stops to the site on that route are 1.7km north bound and 1.5km south bound. There are eight Dublin bus routes which collectively provide access to Dublin city centre, south County Dublin and North Co. Wicklow. The Luas serves south County Dublin and Dublin city centre

7.1.8. I consider the proposed density would be appropriate having regard to proximity of the site to multiple bus routes and the Luas which provide high quality of public transport to the area. Accordingly, having regard to the site specific considerations the proposed density would in my opinion be appropriate subject to all relevant qualitative development plan standards being achieved and subject to the proposed design and layout not unduly impacting upon the residential amenities of the area and that all other relevant planning considerations being satisfactorily addressed.

7.2. Design and layout

7.2.1. The proposal development provides for the construction of 42 no. dwelling units within 3 no. blocks. The scheme comprises 8 no. three-bed terraced two-storey dwelling houses, 16 no. three-bed duplex apartments, 12 no. two-bed apartments and 6 no. one-bed apartments.

7.2.2. Regarding private open space within the scheme Section 8.2.8.4(i) of the Development Plan refers to private open space standards for new residential developments. It is required that for 3 bedroom houses a minimum of 60sq m is required. The proposed three-bed terraced houses are all served by rear gardens which achieve these requirements. In relation to rear garden depths all the proposed houses have rear garden depths of 11 metres or more. The private open space requirements for apartments are set out in Table 8.2.5 of the Development Plan. A one bed unit requires a minimum of 6sq m, a two bed unit requires a minimum of 8sq m and a three bed unit requires a minimum of 10sq m.

7.2.3. In relation to the design of Block A and Block B, all proposed apartments and duplex are served by private open space to the rear. The duplex units are served by first floor terraces to the front. Having reviewed the site layout plans, I am satisfied that the rear garden areas and the balconies and terraces have been provided in accordance with the required standards set out in Section 8.2.8.4 of the Development Plan which refers to private Open Space Quantity.

7.2.4. The private open space design includes access via lanes to the rear. I considered this is suitable arrangement to provide access for bin storage and movement and also access for bicycle parking within curtilages.

7.2.5. Regarding the visual impact of the proposed scheme on the surrounding area, the surrounding development is two-storey and predominately terrace houses. I note

that the proposed design includes the height of the buildings being stepped down from three storeys to two storeys at the south-eastern end of the site which adjoins Cois Cualann. The linear nature of the site means that the proposed scheme features a relatively long frontage. The development had been broken into three separate blocks with Block C being reduced to two-storey. Furthermore, the scheme directly addresses a large open space area. Therefore, I consider that proposed design and layout is acceptable in this context.

7.3. Impact upon residential amenity

- 7.3.1. The appellants and observers consider that the scheme is inappropriate for the subject site specifically the design of the scale of the development relative to the adjoining site to the south-east.
- 7.3.2. The separation distances provided between the proposed three-storey development of Block A and the rear of the properties at Lambay Close and Cromlech Fields ranges between 28m to 30m. The separation distance between Block B to the rear of the properties at Cromlech Fields ranges between 27m to 30m. The separation distance between Block C a two-storey block and the rear of the properties at Cromlech Fields ranges between 25m to 26m. Therefore, I consider having regard to the proposed siting and design of the scheme and relative separation distances to the existing dwellings to the north-east of the site that the proposed scheme would not result in any undue overlooking of residential properties.
- 7.3.3. As indicated on the cross section CC on drawing no. 3385-P-2.0 there is a difference in ground level of circa 2m from a section of the site and the properties at Cromlech Fields. Where this occurs a separation distance of over 30m is provided. Therefore, I consider that in terms of the visual impact of the proposed scheme on the closest neighbouring properties that the separation distances provided and the two-storey nature of Block C also serves to reduce the visual impact in terms of the mass and bulk.
- 7.3.4. In relation to the matter of overshadowing, having regard to the separation distance of over 27m from the proposed three-storey blocks I am satisfied that the proposed development would not result in any undue overshadowing of the neighbouring properties.

7.4. Access and Traffic

- 7.4.1. The third party appellants and observers have raised concern regarding the additional vehicular traffic the scheme would generate and the proposed vehicular access arrangements.
- 7.4.2. Vehicular access is proposed off Loughlinstown Wood to the north-west and from Cois Cualann to the south-east. Loughlinstown Wood and Cois Cualann are both culs de sac. It is proposed construct a 200m section of road which would link both roads. The proposed road design includes speed cushions to provide for reduced vehicular speed along the local residential road. The proposed design and layout provides permeability and connectivity for pedestrians, cyclists and vehicles in accordance with Section 2.2.7.1 of the Development Plan which seeks to create direct attractive links to adjacent road and public transport networks. Furthermore, the scheme is in accordance with the guidance and best practice as set out in 'Design Manual for Urban Roads and Streets' (DMURS) (2013).
- 7.4.3. Regarding the level of additional traffic which would be generated by the proposed scheme. In terms of overall scale and intensity the proposed development is relatively modest in scale. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site.
- 7.4.4. The report of the Transportation Planning Section dated the 22nd of September 2017 states that they have no objections to the proposed development subject to a number of conditions. Having regard to the details contain on file including the reports of the Transportation Planning Section and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.4.5. Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement for apartments being 1 space per one bed unit and 1.5 spaces per two bed unit, in the case of the dwellings the requirement is 1 space per one and two bed units and 2 spaces per three bed plus units.
- 7.4.6. Block A comprises a total of 17 no. dwelling units with a mix of one bed, two bed and three bed duplex and apartments. A total of 25 no. car parking spaces are proposed

to serve these units. The one bed and three bed units are served by one and two car parking spaces respectively, which is in accordance with requirements of the Development Plan. The 8 no. proposed two bed units are served by one car parking space which is below the Development Plan standard of 1.5 spaces per two bed unit. This is equivalent to a shortfall of 4 no. car parking spaces.

7.4.7. Block B comprises a total of 17 no. dwelling units with a mix of one bed, two bed and three bed duplex and apartments. A total of 25 no. car parking spaces are proposed to serve these units. The one bed and three bed units are served by one and two car parking spaces respectively, which is in accordance with requirements of the Development Plan. The 8 no. proposed two bed units are served by one car parking space which is below the Development Plan standard of 1.5 spaces per two bed unit. This is equivalent to a shortfall of 4 no. car parking spaces.

7.4.8. Block C comprises 8 no. three-bed terraced two-storey dwelling houses. A total of 16 no. car parking spaces to serve these units with 2 spaces per dwelling proposed within the curtilage of each property. This is in accordance with requirements of the Development Plan.

7.4.9. Drawing No. 3385-p-1.11 submitted with the further information indicates the dedicated car parking for each dwelling unit. While, I note that the proposed two bed units are only served by one car parking space each and not 1.5 spaces per unit, the Transportation Planning Section and Planning Authority were satisfied with the overall car parking provision. Drawing No. 3385-p-1.11 also indicates the proposed bicycle parking. In relation to bicycle parking a total of 20 no. off-street spaces are proposed with 70 no. proposed to the front of ground floor units and in private open space areas. A total of 90 no. bicycle spaces is a satisfactory level of provision.

7.4.10. As set out in Section 7.1 of the report above, the proposed scheme is well served by public transport and each dwelling unit has bicycle parking, therefore I consider the shortfall in car parking in terms Development Plan standards would be acceptable.

7.5. **Appropriate Assessment**

7.5.1. The appeal site is situated circa 2.4km from Rockabill to Dalkey Island SAC the closest European site. Dalkey Island SPA is 3.5km to the north-east of the appeal site. Ballyman Glen SAC lies 4.9km to the south. Knocksink Wood SAC is 6km to the south and Bray Head SAC lies 5.8km to the south.

- 7.5.2. Having regard to the separation distance to the nearest European sites and based on the concept of source-pathway-receptor, there is no pathway/linkage between the designated sites and the appeal site. The proposal would not result in any habitat loss or reduction in the quality of the habitat and subsequently the conservation status of these designated sites.
- 7.5.3. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rockabill to Dalkey Island SAC, Dalkey Island SPA, Knocksink Wood SAC, Ballyman Glen SAC, Bray Head SAC or any other European sites, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.6. **Other Issues**

Loughlinstown Wood pNHA and ecology

- 7.6.1. Loughlinstown Wood pNHA is located on the eastern side of the N11. The Loughlinstown River flows through the site. There is a wet Alder woodland along the valley floor. Regenerating woodland occurs on the sloping ground overlooking the Loughlinstown river. The area features Beech, Sycamore, Elm, Holly and Laurel.
- 7.6.2. The appellant and observers raised concerns at the proximity of the proposed development to Loughlinstown Wood pNHA and potential impacts. The appeal site is situated 100m from Loughlinstown Wood pNHA. The proposal does not involve development which would directly impact Loughlinstown Wood pNHA. There are a number of mature trees along the north-eastern site boundary. They are deciduous trees which would be required to be removed to carry out the development.
- 7.6.3. As part of the further information response a Bat Assessment Report was submitted. The study found that bat activity within the site was low, with a maximum of two bats observed during the seasonal period when bat activity is high. The site was considered to be exposed and would not sustain a large number of bats feeding. It was noted that the trees on site have been subject to significant disturbance due to vandalism, fire and littering. It was concluded in the study that the proposed removal of the trees would not result in the loss of bat roosts.

7.6.4. Having regard to the condition of the existing trees on site and the submitted landscaping proposals which include tree planting. I consider the removal of the trees on site acceptable. Furthermore, I note the reports from the Parks and Landscape Services which have no objections to the proposed scheme subject to conditions.

Special Development Contribution

7.6.5. The Planning Authority attached a condition requiring the payment of a special development contribution of €2,000.00 per dwelling unit. The Planning Authority stated that the condition was attached to improve and enhance the adjoining open space at Loughlinstown Wood Park. Having regard to the fact that the proposed development involves the reduction in the area of open space by 0.84 hectares, I consider that it would be appropriate to attach the condition in order that the quality of the remaining open space can be improved and enhance with new planting and landscaping and the improvement of pitches and changing facilities.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire – Rathdown County Development Plan 2016-2022, to the nature and scale of the proposed development of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the provisions of the development plan, would not adversely affect the amenities of the area, would be appropriate within the area and would provide an acceptable standard of amenity for future residents and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

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 received by An Bord Pleanála on the 30th 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.

Reason: In the interest of public health.

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

Reason: In the interests of orderly development and the visual amenities of the area.

4. The developer shall comply with all requirements of the planning authority in relation to landscaping, planting and boundary treatments. The subject landscaping scheme shall be carried within the first planting season following substantial completion of each phase of the external construction works. 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.

5. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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 amenities of property in the vicinity.

6. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

7. The site development works and construction works shall be carried out in such a manner as to ensure that the adjoining street(s) are kept clear of debris, soil and other material and if the need arises for cleaning works to be carried out on the adjoining public roads, the said cleaning works shall be carried out at the developer's expense.

Reason: To ensure that the adjoining roadways are kept in a clean and safe condition during construction works in the interests of orderly development.

8. A plan containing details for the management of waste and, in particular, recyclable materials within the development, including the provision of

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

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

9. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority 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 referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

10. 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.

11. 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.

12. The developer shall pay the sum of € 2,000.00 per dwelling unit (two thousand euro per dwelling unit) (updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office), to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, in respect of improvements and enhancements to Loughlinstown Wood Park, to upgrade the footpath network, tree, bulb and boundary planting, improve changing room facilities and upgrade entrances to the Park. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The application of indexation required by this

condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

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

Siobhan Carroll
Planning Inspector

30th April 2018