



An
Bord
Pleanála

Inspector's Report ABP300999-18

Development	Demolition of 2 cottages and construction of 52 Apartments in two blocks ranging from 4 to 6 storeys in height and all ancillary works.
Location	Nos. 489 and 490, Bluebell Avenue, Bluebell, Dublin 12.
Planning Authority	Dublin City Council.
Planning Authority Reg. Ref.	3468/17.
Applicant	KM Kyle Holdings Limited.
Type of Application	Permission.
Planning Authority Decision	Grant.
Type of Appeal	Third Party -v- Grant.
Appellant	Peter Dempsey.
Observers	None.
Date of Site Inspection	6 th June, 2018.
Inspector	Paul Caprani.

Contents

1.0 Introduction	3
2.0 Site Location and Description	3
3.0 Proposed Development	4
4.0 Planning Authority's Decision	5
5.0 Documentation Submitted with the Planning Application	5
6.0 Planning History.....	8
7.0 Grounds of Appeal.....	9
8.0 Appeal Responses.....	11
9.0 Planning Policy	12
10.0 Planning Assessment.....	13
11.0 Appropriate Assessment	18
12.0 Conclusions and Recommendation.....	19
13.0 Decision	19
14.0 Reasons and Considerations	19
15.0 Conditions	19

1.0 Introduction

ABP300999-18 relates to a third-party appeal against the decision of Dublin City Council to grant planning permission for the construction of 52 apartments at Bluebell Avenue, Dublin 12. The grounds of appeal argue that the proposal is premature pending the adoption of a framework plan for the area, that lands surrounding the site should be subject to a more comprehensive re-development plan and that the proposal will have an unacceptable traffic impact on a surrounding road network which already experiences a high volume of traffic.

2.0 Site Location and Description

- 2.1. The appeal site is located at the junction of Bluebell Avenue and Kylemore Road, west of Inchicore, approximately 6 kilometres west of Dublin City Centre. The subject site is irregularly shaped and occupies an area of 4,549 square metres (0.455 hectares). The site is bounded to the north by the Grand Canal, to the west by the Kylemore Road and to the south by Bluebell Avenue. Lands further south of Bluebell Avenue accommodate the Riverside Industrial Estate and the Bluebell Business Centre both of which accommodate various industrial and commercial units. There are a number of car dealerships in the immediate vicinity of the site. Lands in the immediate vicinity to the east and west of the subject site accommodate small single-storey Victorian cottages which, as in the case of the subject site, front onto Bluebell Avenue and back onto the southern side of the Grand Canal. A single-storey shed is located on lands to the immediate east of the site.
- 2.2. The subject site is irregularly shaped and currently accommodates a pair of derelict semi-detached single-storey cottages (No. 489 and No. 490 Bluebell Avenue) and derelict outbuildings. According to the information contained on file these cottages have been derelict for approximately 20 years. The rear gardens associated with the cottages which form the northern portion of the site are overgrown and vacant. The site also incorporates a triangular area of public open space in the south-western portion of the site near the junction between Bluebell Avenue and the Kylemore Road. Construction work is currently being undertaken on this space associated with

the laying of underground pipes. A small internal road which ends in a cul-de-sac separates the derelict cottages from the area and public open space. This small cul-de-sac road currently accommodates cars associated with a car dealership on neighbouring lands.

- 2.3. The site incorporates a pronounced slope southward with the highest area of the site to the rear adjacent to the canal. Both the Kylemore Road and Bluebell Avenue accommodate relatively heavy volumes of traffic. Kylemore Luas stop is located approximately 500 metres to the south at the junction of the Kylemore Road and Naas Road.

3.0 Proposed Development

- 3.1. Planning permission is sought for the demolition of the existing two derelict cottages and associated outbuildings on the subject site and the construction of 52 apartments. The apartments are to be set out in two blocks, Block A the larger of the two blocks adjacent to Kylemore Road and Block B which is to be located on the eastern side of Block A in the northern portion of the site adjacent to the Grand Canal. Block A is the larger of the two blocks and is 4 to 6 storeys in height. The 6 storey element is located at the northern end of the block adjacent to the Grand Canal and is to incorporate a monopitched roof rising to a maximum height of 22 metres above ground level. The remainder of the building to the south incorporates a flat roof and rises to a maximum height of 16.575 metres. Block A is to accommodate a total of 36 one, two and three bedroomed apartments.
- 3.2. Block B, the smaller block, is located to the immediate east and comprises of a four storey block accommodating 16 one and two bedroomed units. The schedule of accommodation of each of the apartments (including gross floor area), bedroom sizes, storage space and private amenity space is contained on pages 29 and 30 of the Planning Report submitted with the application.
- 3.3. Both blocks are to be located over an underground basement car park accommodating 48 spaces together with cycle spaces. 6 additional spaces are located at surface level near the entrance into the proposal.

- 3.4. The apartments are to incorporate balcony areas fitted with glass balustrades. The external elevations are to incorporate a selection of dark and light brickwork finish with zinc cladding around the main external stairwell areas.
- 3.5. One vehicular access is proposed along the southern boundary of the site. Access is onto the small cul-de-sac which links up to Bluebell Avenue to the east. The existing area of open space which is incorporated into the southern area of the site (and currently the subject of construction works) is to be retained as open space to serve the development. Additional areas of open space are provided to the south of Block B and also along the perimeter areas surrounding the blocks. A landscape pedestrian walkway is to be provided between the blocks and additional landscaping is to be provided around the perimeter.

4.0 **Planning Authority's Decision**

4.1. **Decision**

Dublin City Council issued notification to grant planning permission subject to 18 conditions.

5.0 **Documentation Submitted with the Planning Application**

- 5.1. The application was lodged on the 20th July, 2017. It was accompanied by the following report.
- A **Planning Report** prepared by Thornton O'Connor, Town Planning. This report sets out an overview of the following:
 - Site Location and Description (see above).
 - The Planning History associated with the Site (see below).
 - The Pre-Planning Consultations which were undertaken with Dublin City Council.
 - A detailed Development Description.
 - Planning Policy which makes specific reference to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and how the proposed development accords with the key criteria

set out in the Guidelines for Assessing a Residential Scheme. It also assesses the proposal in the context of the Development Management Guidelines set out in the Dublin City Development Plan. It concludes that the proposal fully accords with the proper planning and sustainable development of the area and will transform the subject site from being an eyesore to providing a place of high quality contemporary design residential development.

- A *Civil Engineering Infrastructure Report* was also submitted providing details of the foul and surface water drainage layout and details of the surface water drainage design and its compliance with the Principles of Sustainable Urban Drainage Systems.
- A *Site-Specific Flood Risk Assessment* was also carried out in respect of the proposal. It assesses the potential for flooding under a 1% AEP event for both fluvial and pluvial flooding. It notes that neither the OPW Flood Maps nor the CFRAMS indicate the site being affected by a 1% AEP event. The proposed development incorporates car parking located at the lower ground floor level and the car park level is above Zone C and ensures that no habitable space will be flooded even in the case of a 0.1% AEP event. In relation to pluvial flood risk assessment, the source-pathway-receptor model identified that there could be potential for pluvial flooding where the proposal is not designed in accordance with the GDSDS. However, the proposed drainage system is designed in accordance with the current requirements of the GDSDS.
- A separate report detailing the *Structural and Civil Engineering Specification* associated with the development is also submitted.
- A *Traffic and Transportation Report* was also submitted. It states that the internal layout has been designed in accordance with DMURS with shared surface paving and minimal corner radii. It is stated that a controlled pedestrian/cyclist access gate is to be provided at the site boundary. It is stated that the volume of trips that would be generated by the proposed development is not significant. The proposal states that under a worst-case scenario, the impact on the Kylemore Road would be in the order of 0.9% in terms of the increase in traffic generated by the proposed development during

the AM peak hour. It is considered that this low level of traffic is acceptable and will not give rise to any significant impacts in terms of traffic or road user safety.

- A *Screening Report for Appropriate Assessment* was also submitted where it is concluded that significant effects are not likely to arise either alone or in combination with other plans and projects.
- Finally, a *Set of Photomontages* are also submitted depicting the proposed development from three key vantage points from (i) the Canal, (ii) from the Kylemore Road and (iii) from the bridge over the Grand Canal to the immediate north of the subject site.

5.2. Initial Assessment by the Planning Authority

- 5.2.1. A number of letters of objection were submitted raising concerns in relation to traffic, and scale of the proposed development as well as the demolition of cottages.
- 5.2.2. A report from the **Roads, Streets and Traffic Department** stated that there is no objection to the proposed development subject to standard conditions.
- 5.2.3. A report from the **Drainage Division** recommends that additional information be sought as there is a lack of adequate drainage information which would ensure that satisfactory drainage can be provided for this development.
- 5.2.4. The **Planner's Report** assesses the proposed development and notes that the development accords with the zoning objective as it relates to the site and also states that the 52 units meet the residential standards set out in the development plan. The proposed pedestrian link to the canal to the north is also welcomed and it is also considered that the proposed development will not have a significant impact on surrounding residential amenity. In terms of traffic considerations, reference is made to the internal report contained on file where no objections were raised in respect of traffic. The concerns of the Drainage Department are however noted and on this basis, the Planning Authority recommends that **additional information** be requested in respect of:
 - Drainage issues including revised surface water management plans, drainage layout revisions and a revised site-specific flood risk assessment.

- The applicant is also requested to submit further photomontages depicting the visual impact of the proposed development from other vantage points in the area.

- 5.2.5. **Further information** was submitted on 22nd December, 2017. Further photomontages are submitted where it is submitted that the images demonstrate that there is a substantial distance between the existing dwellings on Bluebell Avenue and the proposed scheme.
- 5.2.6. Two separate reports are also submitted in respect of drainage issues. In respect of surface water management, it is stated that the proposed development will have no adverse effect on canal drainage as it is not proposed to change existing drainage arrangements.
- 5.2.7. A separate site-specific flood risk report was submitted. The revised assessment concludes that no risk of flooding to residential accommodation will occur because of the proposed development and it is stated that there will be a minimal risk to the basement car park.
- 5.2.8. A further report from the **Drainage Division** stated that there is no objection to the proposed development subject to conditions.
- 5.2.9. A further **Planner's Report** also concludes that the response to the additional information request is adequate and therefore recommends that planning permission be granted for the proposed development.
- 5.2.10. Dublin City Council granted planning permission for the proposed development on 26th January, 2018.

6.0 Planning History

- 6.1. One history file is attached.

Under PL29S.255564 An Bord Pleanála upheld Dublin City Council's decision to refuse planning permission for the demolition of the two derelict cottages on site and the construction of an L-shaped building accommodating a total of 80 residential units (10 one-bed, 59 two-bed and 11 three-bed units) together with a crèche and 80 car parking spaces at basement level on the subject site. Permission was refused for two reasons which are set out in full below.

1. *It is considered that development of the kind proposed would be premature pending the preparation of a framework plan for the area identifying the site as a suitable landmark building and the formulation of a plan for the safe and efficient movement of traffic in the vicinity of the site. In addition, it would compromise the comprehensive redevelopment of this and adjoining backland sites to allow for the creation of linkages through the canal bank. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the location of the site adjacent to the Grand Canal which is a designated Conservation Area and the proximity of the site to adjacent single-storey cottages, it is considered that the proposed development would be visually dominant by reason of its design, height, bulk, scale and massing. Furthermore, the proposed development would be out of character with the pattern of development in the area and would contravene the zoning objective of the current development plan for the area which seeks to protect or improve residential amenity. The proposed development would, therefore, be in conflict with the development plan and would seriously injure the visual and residential amenities of the area and would be contrary to the proper planning and sustainable development of the area. The decision of the Board was dated 27th March, 2008.*

7.0 Grounds of Appeal

A third-party appeal was lodged on behalf of Mr. Peter Dempsey by Doyle Kent Planning Partnership. The grounds of appeal are outlined below:

- It is argued that the proposed development would be premature pending the preparation of a framework plan for the area identifying the site as being suitable for a quantum of residential development proposed. In this regard reference is made to the planning history where the Board, under Reg. Ref. 29S.225564 (see above), refused permission for the construction of 80 units. One of the grounds of which related to the absence of a framework plan for the site and the surrounding area. It is argued that other lands in the vicinity of

the site will be seriously compromised if this development proceeds in the absence of a framework plan.

- The amalgamation of adjoining backland sites would allow for a more comprehensive redevelopment of the area providing a better plan-led redevelopment opportunity. It is argued that the redevelopment of the appellant's lands would be seriously compromised if the development proceeds as proposed.
- The proposal will result in overlooking of the appellant's lands which are located adjacent to the site and will seriously compromise redevelopment opportunities for the appellant's site.
- It is argued that a higher density of development could be achieved if the proposed development was developed in tandem with the appellant's lands and thus the development as proposed would result in an inefficient use of serviced lands.
- The proposed development does not evaluate the impact of traffic movements on future development of adjoining land, in particular the commercial developments to the south-east. It is argued that the proposed access will seriously compromise the appellant's ability to redevelop the adjoining lands to the east.
- The proposed works incorporate a turning head which results in amendments to public open space provision, together with a new pedestrian path across the open space, have not been subject to public consultation with local residents.
- Finally, the grounds of appeal argue that the site is situated in a sensitive location having regard to the proximity to a heavily trafficked road network in the area. Traffic movements onto the Kylemore Road junction are at capacity particularly in the morning and evening peak, as the site is located in the vicinity of a large industrial estate which generates a lot of traffic. The proposal therefore, in conjunction with existing traffic movements, would result in traffic congestion and a traffic hazard.

8.0 Appeal Responses

8.1. Applicant's Response to the Grounds of Appeal

- 8.1.1. Regarding the prematurity of the development pending the preparation of a framework plan, the response notes that no plan has been prepared by Dublin City Council in the past 10 years. When the previous application was being prepared in 2007, the applicant advised that the scheme was designed in accordance with the principles of a draft urban framework plan for Bluebell. However, such a plan was never adopted in the intervening 10 years between the previous refusal and the current application. It is argued that the applicant cannot be reasonably expected to wait any longer to develop the site. Furthermore, there is no provision in the current development plan for such a framework plan and the city development plan has another four years prior to expiration.
- 8.1.2. It is argued that the corner site in question can be developed without impacting on the development potential of adjoining sites. Furthermore, the proposed development is fully in accordance with current government guidance in relation to increasing housing provision. The proposal will also provide social housing units. It is stated that the scheme has been specifically designed to protect neighbouring residential amenity on adjoining sites. Block B has been designed to ensure that no overlooking exists.
- 8.1.3. It is argued that the proposed density represents an efficient use of urban land proximate to the Luas. The proposal represents a density of 154 units per hectare which cannot be considered a low-density scheme. It is argued that a lower site coverage along with higher density is testament to the high-quality nature of the scheme.
- 8.1.4. It would be contrary to all current planning policy to delay the development of the subject site for the incorporation of the appellant's modest site to the east in order to provide a larger site.
- 8.1.5. In relation to traffic issues, a separate short report was prepared and appended to the response by Stephen Reid Consulting Engineer.
- 8.1.6. It is pointed out that the developer's had extensive consultation with the Roads Department of Dublin City Council prior to lodging the application.

- 8.1.7. As part of the proposed development the junction between the cul-de-sac and the Bluebell Road has been amended for traffic exiting the site and turning right towards the Kylemore Road, and also for traffic turning left into the cul-de-sac from Bluebell Avenue. The amendments have significantly improved safety considerations at this junction.
- 8.1.8. Dublin City Council did not request an evaluation of traffic impact of future development on adjoining lands when scoping the application. Furthermore, the appellant's lands are currently operating as a commercial car sales/repair business and any existing traffic generated by this use was included in the traffic count surveys undertaken at the junctions in the vicinity of the site. Furthermore, having regard to the modest size of the adjoining site, it is unlikely that any future development of the appellant's land will have an appreciable or material effect on traffic generation in the vicinity. The Traffic Impact Assessment has indicated that the proposed development will have a negligible impact on the operation of traffic on the surrounding road network.
- 8.1.9. The response also suggests that the proposed development would prove to be beneficial for any proposed redevelopment of adjoining lands to the east. In conclusion therefore it is stated that the proposed development is fully in accordance with national and development plan policy and will not give rise to any adverse traffic impacts.

9.0 Planning Policy

- 9.1. The subject site has the land use zoning objective Z1, "to protect, provide and improve residential amenities". The Grand Canal to the immediate north of the subject site is governed by the Z9 zoning objective. "To preserve, provide and improve recreational amenity and open space and green networks". Part of the site is also located within the Conservation Area along the bank of the Grand Canal.
- 9.2. The core strategy of the plan states that a number of local environmental improvement plans or other appropriate plans will be prepared in conjunction with local area committees insofar as priorities and resources permit. Bluebell is listed as one such area for which a Local Environment Improvement Plan will be prepared.

- 9.3. Section 16.10.3 of the development plan sets out residential quality standards for both apartments and houses. It is not proposed to list all these standards as set out in the Plan but the standards will be referred to where appropriate in my assessment.
- 9.4. **Sustainable Urban Housing: Design Standards for New Apartments 2018**
- 9.4.1. These recently published Guidelines note the requirement for new homes in Ireland's cities up to 2040. This will necessitate a significant and sustained increase in housing output and apartment-type development. The Guidelines state it is therefore critical to ensure that apartment living is an increasingly attractive and desirable housing option for a range of household types and tenures. Building on and learning from experience to date, and that the economic and social conditions are such, that apartment development attracts both investment and the seeking out of this crucial form of housing by households that will then result in a greater delivery of apartments in Ireland's cities and towns and other appropriate locations. The Guidelines also have been amended to inter alia, make better provision for building refurbishment and small scale urban infill schemes.
- 9.4.2. Appendix 1 of these guidelines set out the required minimum floor areas and standards for apartments and rooms within apartments.

10.0 **Planning Assessment**

I have read the entire contents of the file, visited the site and its surroundings and have had particular regard to the planning history and the issues raised in the grounds of appeal. I am satisfied that the proposed development is in accordance with the zoning provisions set out in the development plan and I am also satisfied that the layout and the design of the apartments proposed accord with national guidelines and development plan guidelines in respect of apartment sizes, bedroom sizes, storage requirements and private open space requirements etc. I further note that issues in relation to the layout and the design of the apartments were not raised as concerns in the grounds of the appeal. I therefore recommend that the Board can restrict its deliberations to the specific issues raised in the grounds of appeal namely:

- Prematurity of Development Pending the Adoption of a Framework Plan for the Bluebell Area

- Comprehensive Redevelopment Scheme for the Wider Area
- Impact on the Development Potential of Adjoining Lands
- Density of Proposed Development
- Transport and Traffic Considerations
- Other Issues

10.1. **Prematurity of Development Pending the Adoption of a Framework Plan for the Bluebell Area**

The grounds of appeal argue that the proposed development is premature pending the adoption of a framework plan for the wider Bluebell area. It is argued that any future development of the land, including and surrounding the subject site, should be informed and guided by the provisions within such a framework plan. The Board will note from the planning history that planning permission was previously refused on these grounds. However, it appears from the inspector's report in relation to the previous application, that a framework plan was imminent and that liaison was ongoing with the community with regard to the adoption of such a plan. Over a decade has passed since An Bord Pleanála's refusal of planning permission for the previous application for 80 apartments on the subject site and the Board will note that no such framework plan has been prepared.

The core strategy indicates that Dublin City Council intend to commence work on Local Area Environmental Improvement Plans for a relatively large number of areas within the city, including the Bluebell area. It is not altogether clear from the development plan whether such plans would prescriptively guide development to the same extent as might be associated with an area framework plan. Furthermore, the core strategy indicates that such plans "will only be commenced where finances and resources permit". Having regard to the fact that 10 years has passed since the Board's previous decision in respect of the application and no such framework plan has been prepared or adopted in the intervening period, together with the fact that there is no firm commitment to prepare such a framework plan for the Bluebell area under the life of the current development plan or in the foreseeable future, it would appear to be unreasonable in my opinion to refuse planning permission for the

proposed development solely on the basis that a framework plan has not been prepared for the subject site and surrounding area.

10.2. **Comprehensive Redevelopment Scheme for the Wider Area**

The grounds of appeal also argue that the development of the site in question would compromise the comprehensive redevelopment of the wider area including contiguous and adjacent sites along the canal bank. There is no indication or evidence which suggests that development on adjacent sites are anyway imminent. The appellant in this instance may desire at some stage in the future to redevelop the lands under which he has control. I note however that lands further east including Nos. 491 and 492 Bluebell Avenue are currently in residential use and as such are not derelict structures ready for development in the short term such as the subject site. If at some future stage the parcel of lands to the immediate east of the subject site are to be redeveloped, I consider that there is sufficient scope to assemble sites to permit a large scale redevelopment of the said lands. Any such development could be designed and configured so as to ensure that the residential amenities of both sites can be protected. As in the case of the preparation of the framework plan, it would be unreasonable in my view to refuse planning permission on the grounds that the proposed development could in some way compromise the redevelopment of the wider area particularly as there appear to be no plans in place for the redevelopment of contiguous lands to the east in the short term.

10.3. **Impact on the Development Potential of Adjoining Lands**

- 10.3.1. Related to the above point, I do not consider that the proposed development will adversely affect to any significant extent the redevelopment potential of adjoining lands should such lands be developed in the longer term. I note that the grounds of appeal suggest that there are no windows on the eastern elevation of Block B which would give rise to overlooking and thereby potentially impact on the residential amenity of occupants of the adjoining site. The Board will note from the plans and elevations submitted that there are in fact a number of windows serving habitable rooms which directly overlook the lands along the eastern boundary of the site.
- 10.3.2. Notwithstanding this point, Block B is located in excess of 15 metres from the common (rear) boundary of No. 490 Bluebell Avenue, the site in which the appellant

has a legal interest. This in my view represents a sufficient setback to ensure that the appellant's site could be developed without compromising the residential amenity of the residents in both sites. In my view there is a sufficient scope to configure, design and orientate any future buildings on adjoining sites in such a manner that residential amenity is not compromised to any significant extent. Any future development of adjoining sites will be assessed and evaluated on the merits of any individual scheme proposed and as such, in my view planning permission should not be refused for the current development on the grounds that it could adversely affect the development potential of adjoining sites.

10.3.3. Finally, in relation to the issues regarding the prematurity of the development pending an adoption of a framework plan, the need for comprehensive redevelopment of the wider area or the potential impact on the development potential of adjoining lands, I refer the Board to recently adopted National Policy and Guidance in respect of housing provision. The Board will be aware that there is an urgent need to develop brownfield site within existing urban areas at sufficiently high densities to ensure sustainable and compact development as espoused in the NPF. This national plan also seeks the efficient use of land and to ensure that adequate housing provision is provided particularly in large cities in the short term. Both the recent adopted National Planning Framework and the "Rebuilding Ireland Strategy" highlight the need to provide additional residential units at appropriate densities on serviced lands in close proximity to high quality public transport networks. The proposed development in this instance fully accords with the above principles.

10.4. Density of Proposed Development

10.4.1. The grounds of appeal suggest that if the subject site and the lands surrounding the subject site were developed in a more comprehensive manner this would provide sufficient scope to increase densities on the lands in question. I have highlighted the importance of increasing densities to provide more sustainable development on brownfield sites in urban areas in accordance with national policy. However, a reasonable balance must be struck between providing appropriate densities, and maintaining residential amenity.

10.4.2. The development in this instance proposes a density of approximately 127 units per hectare. The newly adopted Apartment Guidelines do not specify densities.

However, the sustainable residential development in urban areas (May 2009) suggest that in centrally located sites densities of 30 to 40+ dwellings per hectare may be appropriate. The proposed development is well in excess of this standard. However, the site is central and easily accessible to high quality high frequent public transport being located c.500 metres or a 5-minute walk from the Luas line. The proposed density is therefore justified on this basis. The density of the proposed development in excess of 100 units per hectare is appropriate in my view and should not be refused on the grounds that sufficient densities have not been achieved on the subject site.

10.5. Transport and Traffic Considerations

10.5.1. The parking provision associated with the proposed development fully complies with development plan standards as the development plan requires one car parking space to be provided for apartment units in this area of the city. In my view it would be inappropriate to refuse planning permission where a proposed development complies with the specific requirements of the development plan in respect of parking on the grounds that any such trip generation associated with the parking provision, could contribute to or exacerbate traffic congestion in the area. While the Kylemore Road and Bluebell Avenue accommodate high volumes of traffic, much of which is associated with and generated by the employment generated uses associated with the industrial estates and business parks in the wider area. The Traffic Impact Assessment has adequately demonstrated that traffic generated by the proposed development will contribute a very modest increase in traffic levels. The proposal also involves the reconfiguration of the junction between the cul-de-sac serving the proposed development at Bluebell Avenue. This facilitates easier and more appropriate turning movements in and out of the development which accords with the principles of road safety. The junction of the Kylemore Road and Bluebell Avenue is a signalised junction and the traffic impact assessment forecasts that the proposed development will contribute less than 1% to the overall traffic volumes using this junction at AM peak hours. This illustrates that the impact of the proposed development would be very modest, if not negligible, on traffic volumes in the area. Any adverse impact on traffic volumes must be balanced against the need to provide additional residential development in brownfield sites at sustainable densities in

accordance with local and national policy. The proposal therefore in my view should not be refused on traffic grounds.

10.5.2. The grounds of appeal also suggest that the piecemeal development of sites in the vicinity could give rise to a proliferation of access along this local access road. The site layout plan indicates that it is possible, and possibly desirable, that any redevelopment of subject lands to the east would utilise the access serving the proposed development thereby addressing this issue.

10.6. **Other Issues**

Finally, the grounds of appeal suggest that the reconfiguration of the area of public open space including the alteration to the pedestrian pathway through the open space has not been the subject of appropriate consultation with the local community. The applicant has applied for planning permission for all works relating to the site and therefore has complied with requirements in respect of public consultation, as all members of the public are permitted to submit observations to the Planning Authority in respect of the proposals and subsequent to this submit appeals/observations to the Board in respect of the proposed changes. The applicant therefore in my view has fully complied with the statutory requirements in respect of public consultation.

11.0 **Appropriate Assessment**

As part of the planning application the applicant submitted a detailed and comprehensive AA screening report. The report concludes that significant effects are not likely to arise either alone, or in combination with other plans and projects, which would result in significant effects on any Natura 2000 sites in the vicinity. Having regard to the fact that the subject site is located more than 2 kilometres from any Natura 2000 sites, and is to avail of public infrastructure in respect of water supply and drainage, I consider the conclusions reached in the AA screening report to be acceptable. Therefore, it is reasonable to conclude, that on the basis of the information on 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 any European site in the area in view of the site's conservation objectives and a Stage 2 Appropriate Assessment and the submission of an NIS is not therefore required.

12.0 Conclusions and Recommendation

Arising from my assessment above I consider that the decision of the Planning Authority should be upheld in this instance and that the Board should grant planning permission for the proposed development in accordance with the plans and particulars lodged based on the reasons and considerations set out below.

13.0 Decision

Grant planning permission for the proposed development based on the reasons and considerations set out below.

14.0 Reasons and Considerations

Having regard to the Z1 zoning objective relating to the site, it is considered that subject to conditions set out below the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would not be prejudicial to public health and would generally 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.

15.0 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 plans and particulars submitted to the planning authority on the 22nd December 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 the 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. Details of the materials, colours and textures of all the external finishes to the proposed blocks shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

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

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

5. 54 car parking spaces shall be provided within the site. The locations and layout of these spaces shall be agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure adequate off-street parking provision is available to serve the proposed development.

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

Reason: In the interests of amenity and public safety.

7. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the

provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

9. 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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

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

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

11. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the recommendations for site development works for housing areas issued by the Department of the Environment and Local Government in November 1998 or the planning authority's taking in charge policy. Following completion, the development shall be maintained by the developer in compliance with these standards until taken in charge by the planning authority. In relation to those areas not taken in charge a management company shall be set up. The management company shall provide adequate measures for the future maintenance and repair in a satisfactory manner of private open spaces, roads, footpaths, car park and all services together with soft and hard landscaping areas where not otherwise taken in charge by the local authority.

Reason: In the interest of the future maintenance of this private development, in the interest of residential amenity and the adequate provision of community facilities.

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site

clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

13. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

14. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials [and for the ongoing operation of these facilities] for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - (b) Location of areas for construction site offices and staff facilities;
 - (c) Details of site security fencing and hoardings;
 - (d) Details of on-site car parking facilities for site workers during the course of construction;
 - (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - (f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - (i) Provision of parking for existing properties at during the construction period;
 - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - (k) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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

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

- 16. Prior to the commencement of development, the applicant shall agree with the planning authority in writing any works to be completed at the junction providing access to the site on Bluebell Avenue. Any costs associated with works at this junction shall be at the expense of the developer.

Reason: In the interest of traffic safety.

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

Reason: It is a requirement of the Planning and Development Act 2000 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.

Paul Caprani,
Senior Planning Inspector.

7th June, 2018.