



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301614-18

Strategic Housing Development

136 residential units (98 apartments and 38 no. 2 and 3 storey houses).

Location

Brennanstown Road, Carrickmines

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Viscount Securities

Prescribed Bodies

National Transport Authority
Minister for Culture, Heritage and the
Gaeltacht
Heritage Council
An Taisce
Irish Water

Dun Laoghaire Rathdown County
Childcare Committee

Observer(s) 35. no submissions/observations

Date of Site Inspection 13 July 2018

Inspector Joanna Kelly

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The development site falls within the jurisdiction of Dun Laoghaire Rathdown County Council and is approx. 1.5km north of Junction 15 of the M50 and approx. 1km to the Carrickmines Luas stop. The development lands have a stated developable area of 2.7ha and are bounded by the Brennanstown Road to the south, Carrickmines Wood to the west and north-west, and individual residential plots to the east and north-east.
- 2.2 Brennanstown Road continues from its junction with the Bray Road in Cabinteely Village to its junction with the Glenamuck Road North where Dublin Bus services are available. The road is narrow with numerous entrances serving mainly large detached housing on large plots. There is an existing intermittent narrow footpath along either side of Brennanstown Road. Permission has recently been granted for 115 residential units (an SHD application) on the former Doyle's Nurseries site located to the north-eastern end of Brennanstown Road.
- 2.3 Carrickmines Wood, a residential development immediately abutting the site, is a development containing apartment blocks along the north-west and western boundary of the site. The housing element is located to the western portion of that site. There is currently an access from the north-eastern corner of Carrickmines Wood into a woodland area which links down to Cabinteely House and Park. A new link to this park is also proposed within this application.
- 2.4 The development site appears relatively flat but falling towards the southern boundary, however, there is much overgrowth in sections of the site making some areas inaccessible. There is an existing fence along Brennanstown Road with a single existing access point into the site, a former agricultural entrance. There is an informal track within the site which would suggest it has been accessed by

machinery in the past. There are, what appear to be relics of former field patterns, i.e. hedgerows that demarcate former field pattern within the site. There is an existing high stone boundary wall along the western boundary and north-eastern portion of the site. The ground within the site appeared to be disturbed with extensive overgrowth. There are dwellings accessed via a private lane to the eastern boundary of the site.

3.0 Proposed Strategic Housing Development

3.1. The proposed residential development consists of 136 residential units as follows:

Units Type	No of units	% of each Unit type
Apartments		
1 bed	8	8%
2 bed	68	69%
3 bed	22	23%
Total Apartments	98	100%
Houses		
3 bed	8	21%
4 bed	23	61%
5 bed	7	18%
Total Houses	38	100%
Total Units Overall	136	

The proposed development consists of three apartment blocks as follows:

Apartment Block	Unit Type	No. of Units
AB-01	1 bed	3
AB-01	2 bed	27
AB-01	3 bed	14
AB-02	1 bed	3
AB-02	2 bed	33
AB-02	3 bed	8

AB-03	1 bed	2
AB-03	2 bed	8

The proposed 38 housing units comprises of two and three storey housing.

3.2. The following table provides key details as stated by the applicant for the proposed development:

Detail	Proposal
No. of Units	136 (98 apartments, 38 houses)
Site Area	3.66 ha red-line boundary 2.7ha developable lands (stated by applicant)
Density	50.3 units per hectare net (stated by applicant) See Section 10.3 of Inspector's Assessment
Building Height	Houses -2 & 3 storey, Apartment Structures- 2-4 storeys over basement
Public Open Space	Total 4,800sq.m.
Car parking	227 spaces (129 surface and 98 basement)
Bicycle parking	254 spaces (basement and surface)
Dual Aspect Apartments	75%

4.0 Planning History

4.1. Recent history associated with site

PC/IC/01/16 Part 8 consisting of the provision of a footpath on one side of the carriageway over the entire length of the Brennanstown Road which also provided for traffic calming, upgrade of pedestrian facilities, and traffic shuttle system between Lehaunstown Lane and the Egyptian Embassy.

The Councillors did not proceed with the Part 8.

Relevant History in the area

File Ref. No. 301044-18 Permission granted for a strategic housing development on a site at the former Doyle's Nurseries and Garden Centre and Benoni at Brennanstown Road. The proposal consisted of 115 units on lands comprising of 1.85ha. This site is located to the north-eastern end of Brennanstown Road close to Cabinteely village.

File Ref. No. 301433-18 (18A/0066) Currently on Appeal - Permission refused by Planning Authority for development on a site of .55ha consisting of the construction of a 57 no. unit residential development comprising a terrace of 12 no. three storey three bedroom houses (ranging from 141 to 146.5sq.m) and 45 no. apartments in a three/four storey block along the Old Bray Road and Brennanstown Road frontages; the construction inter alia of a single level basement incorporating 61 no. car parking spaces and plant areas; a new vehicular and pedestrian access to the site from Old Bray Road and 3 no. pedestrian entrances (2 no. from Brennanstown Road and 1 no. from Old Bray Road); and all other site works. The site is located at the junction of Brennanstown Road and the Old Bray Road.

The reason for refusal cited by the planning authority considered, *inter alia*, that excessive height and abrupt transition in scale relative to the receiving environment, would result in an incongruous and overbearing development along the Old Bray Road and along the Brennanstown Road.

The following history files have been referenced in submissions received and while I do not consider they are directly relevant to the development before the Board, I provide a summary in the interests of completeness.

File Ref. No. 247491 Permission for a dwelling at Ingleside, Brennanstown Road. The site bounds Brennanstown Road and Glenamuck Road North. This application was refused by the Board for the following reason:

This area is characterised by detached houses well set back within substantial sites. The proposed house would be located on a narrow L-

shaped site, and having regard to its design, considerable scale, and close proximity to the boundaries of adjoining properties to the east and south, it is considered that the proposed development would be visually obtrusive, would result in the overshadowing and overlooking of neighbouring property and diminution of privacy, would constitute the overdevelopment of the restricted site of the new house, and would be out of keeping with the character of development in the area. The proposed development would, therefore, seriously injure the visual and residential amenities of neighbouring properties, and would be contrary to the proper planning and sustainable development of the area.

File Ref No. 301581-18 Current application on appeal for demolition of outbuildings and construction of a dwelling on a site adjacent to Brennanstown Vale, a residential development located to the south-east of the development site.

5.0 Section 5 Pre-Application Consultation

5.1. Overview

A section 5 pre-application consultation took place at the office of An Bord Pleanála on 21 December 2017. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Traffic and Transportation which included Brennanstown Road Improvements, Car Parking and Pedestrian Connections to public transport and amenities.
- Surface water drainage
- Existing residential amenity and separation distances to boundaries
- Childcare Communal Facility
- Any other Matters

A copy of the Inspector's report and Opinion is on the file for reference by the Board.

A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

An Bord Pleanála issued notification that, it was of the opinion, the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

Traffic and Transportation

- Further justification and rationale for the proposed development and proposed works to Brennanstown Road given the policies and objectives relating to traffic management and development along Brennanstown Road.
- Further consideration of documents as they relate to the layout and configuration of the proposed amendments to Brennanstown Road and the proposed site entrance with specific reference to DMURS. The applicant should provide an analysis of future pedestrian demand, take a balanced approach and examine all appropriate junction design alternatives in consultation with the planning authority and provide a rationale for the optimum design solution for the entrance to the site.

Surface Water management

- Further consideration of the documents as they relate to surface water management of the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 23rd November 2017 and contained in Appendix A of the Planning Authority's opinion.

The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

- Additional photomontage images and a series of drawings, specifically cross sections at appropriate intervals showing the proposed development and the relationship with existing dwelling adjacent the site.

- Cross sections should be provided of all attenuation areas proposed and the area in the vicinity of the drain to the southeast of the site in the context of surface water management of the site
- Childcare demand analysis and likely demand for childcare places resulting from the proposed development.
- An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan.
- A detailed analysis of car parking demand and provision on the site particularly in the context of the proximity of the site to the Luas and Dublin Bus services.
- A full tree survey of the site should be submitted detailing and quantifying trees proposed to be retained and removed.
- An Ecological Impact Assessment should be included which should address bats.
- A full and complete drawing that details all boundary treatments.
- A phasing plan for the proposed development.
- A site layout that details areas to be taken in charge by the local authority.

5.3. Applicant's Statement

The applicant has submitted a statement of response to ABP Opinion's which is briefly summarised as follows:

Traffic and Transportation

Item 1 – Further justification and rationale for the proposed development and proposed works to Brennanstown Road given the policies and objectives relating to traffic management along Brennanstown Road as contained within the development plan.

Response – Following the pre-application meeting, the applicant engaged further with the Transportation planning department to resolve issues raised and as contained in Appendix B of the planning authority's opinion. The updated proposals

with this application provide a letter of consent to allow for the inclusion within the red line boundary areas which will be subject to upgrade. The response provides a detailed context for the proposed works which I will outline in full within the assessment of my report. The application includes a material contravention statement which sets out the justification for a material contravention of the development plan with respect to specific local objective 130 and Policy ST25. Full details of the improvement works to Brennanstown Road are set out in the response. It is set out that the objectives of the Traffic Management Scheme can be achieved through the implementation of the proposals outlined in this planning application with the identified improvement works more than mitigating the modest impact generated by the proposed 136 no. residential units and a small-scale childcare facility.

Item 2 – Further consideration of documents as they relate to the layout and configuration of the proposed amendments to Brennanstown Road and the proposed entrance with reference to DMURS, including analysis of future pedestrian demand, alternative design options etc.

Response – The proposed development will be accessed from Brennanstown Road by way of a small ‘continental’ roundabout. In addition to ensuring appropriate sightlines at the entrance to the proposed development this junction arrangement provides a number of measures advocated by DMURS. The proposal also includes for the provision of a new pedestrian link with associated railings from the site to Cabinteely Park and works within Cabinteely Park.

Surface Water Management

Item 3 Further consideration of surface water management proposals having regard to Drainage Division report in tandem with flood risk assessment.

Response: The final documentation has been prepared following a series of additional meetings and correspondence with the Drainage Planning Section of DLRCC prior to lodgement. The engineering services report provides information on the calculations, estimates and assumptions used to design the foul sewers, surface water sewers, surface water attenuation and SuDS systems, watermains and road access for the proposed development which has been informed by site

investigations. The engineering service report and the site-specific flood risk assessment report submitted with this planning application address the issues raised and confirm that the results and outcomes of those meetings have been incorporated into the engineering design for the proposed development.

With regard to the specific additional information required, the applicant has responded as follows:

- Photomontages and cross-sectional drawings have been submitted. The photomontages also illustrate how the existing boundary wall with Carrickmines Wood is retained and the existing ope is utilised to provide a connection, with railings, to Cabinteely park to the north.
- Cross sections of all attenuation areas have been submitted.
- It is now proposed to provide a childcare facility at the lower ground floor level of the apartment block nearest the entrance to the site.
- A statement of consistency and material contravention statement provides a detailed justification for the proposed development in the context of national, regional and local planning policy.
- Section 5.3 of the Traffic and Transport Assessment prepared by DBFL provides a response in relation to car parking demand.
- A Tree Survey, Arboricultural Impact and Arboricultural Method Statement and the associated drawing provide details of trees to be retained and removed.
- An Ecological Impact Assessment has been submitted.
- Details of Landscape Boundary Treatments have been provided.
- The applicant proposes to implement this relatively small scale infill development in one phase of development.
- A Taking in Charge drawing is provided.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. A number of key policy objectives are noted as follows:

National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 provides that “in urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)

- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

6.3. Local Planning Policy

Dun Laoghaire-Rathdown County Development Plan is the statutory plan for the lands in question. Chapter 2 deals with ‘Sustainable Communities Strategy. The following are some of the more pertinent policies and objectives within the development plan which pertain to the lands in question.

Policy RES3: Residential Density provides that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009)
- ‘Urban Design Manual – A Best Practice Guide’ (DoEHLG 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007)
- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoEHLG 2013)
- ‘National Climate Change Adaptation Framework – Building Resilience to Climate Change’ (DoECLG 2013).

Policy RES7: Overall Housing Mix sets out that it is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

Policy RES14: Planning for Communities – It is Council policy to plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

Chapter 2.2 of the development deals with Sustainable Travel and Transportation. Relevant policies and objectives in this section are referred to within the body of the assessment section.

Chapter 8 deals with Principle of Development. **Policy UD1: Urban Design Principles** provides that it is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design Manual for Urban Roads and Streets’ (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Policy 8.1.2.3 of the Development Plan states that it is the Council policy to adhere to the recommendations and guidance of the Building Height Strategy for the County. The aim of the Building Height Strategy (Appendix 9) is to ensure the protection of the built heritage of the County and general

residential amenities while encouraging higher densities of quality where appropriate in accordance with national legislation and to ensure a plan-led approach to the assessment of taller buildings in the County.

Specific Local Policies and Objectives:

SLO130 To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

Policy ST25: Roads

It is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and the NTA, to secure improvements to the County road network- including improved pedestrian and cycle facilities

It is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:

- reduce traffic speeds and improve road safety
- provide improved facilities for vulnerable road users
- reduce through traffic
- facilitate the development of zoned lands.

To limit development along the Brennanstown Road to minor domestic infills and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented.

The Brennanstown Road Traffic Management Scheme may determine the future development potential of the area and therefore it is also an objective of the Council to limit developments along Brennanstown Road to minor domestic infills and extensions until the Scheme has been completed and its recommendations implemented (Refer to SLO No. 130 Maps 7 and 9).

6.4 Applicant's Statement of Consistency

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act which provides, *inter alia*:

- The proposed development will deliver a good housing mix within the metropolitan area and built-up footprint of Dublin and will make efficient use of this under-utilised greenfield site, which is located on a public transport corridor and in close proximity to existing services and facilities in compliance with NPF objectives 3a, 3c, 6 and 11.
- The proposal prioritises walking and cycling accessibility as illustrated in the design and layout of the scheme as per NPF Planning Objective 27.
- The proposed development seeks to deliver an appropriate density and form of residential development in addition to a considerable extent of open space, on this under-utilised greenfield infill site.
- The subject lands would be considered to be lands adjacent to 'public transport corridors' in the context of the densities required under the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) as the lands are located within c. 1km walking distance of the Luas stop at Carrickmines.
- The proposals provide for a net density of c. 51 units per hectare, which accords with section 28 guidelines on Residential Development in Urban Areas.
- A response is provided setting out how the development responds to each of the 12 criteria set out in the Urban Design Manual.
- The proposed development is located in a highly accessible area well serviced by public transport and other infrastructure and as such is suitable for apartment development in accordance with the description of proximity and accessibility considerations provided in the 2018 apartment guidelines.
- The street and building design of the proposed development has had regard to the recommendations of DMURS. Site permeability is enhanced through a number of access points/gateways with both Brennanstown Road and Cabinteely Park to facilitate walking and cycling through the site.

- In order to comply with the flood risk management guidelines a site-specific flood risk assessment has been submitted.
- With regard to local policy it is submitted that the site is zoned objective 'A' in the development plan. The proposal for a density of 51 units per hectare is considered consistent with the zoning objective.
- Reference is made to the specific local objective 130, which seeks "to limit development along the Brennanstown Road to minor domestic infill and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented".
- Policy ST25 relates to 'roads' proposals in the county and that "it is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and NTA, to secure improvements to the County road network. – including improved pedestrian and cycle facilities'. This policy objective includes a specific requirement to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme. The Planning Authority consider that the proposed application requires a material contravention of the development plan in respect of specific local objective 130 and policy ST25.
- The TTA demonstrates that the proposals to be implemented will deliver significant traffic management measures for the section of Brennanstown Road from the application site up to the junction with Brighton Road and Glenamuck Road. The assessment concludes that there will be no material traffic or transportation related reasons that should prevent the granting of planning permission for the proposal.
- As set out in the OMP Design Statement the proposed development has been guided by the principles within the 'Urban Design Manual'.
- Reference is made to the development plan standards and how the proposal is consistent with such policies and objectives.
- Calculations are provided for the public open space and the provision exceeds the 10% development plan provision by 6.5%.

- The statement concludes that the proposal is considered consistent with the key quantitative standards and development management standards outlined in local planning policy.
- In relation to local planning policy and specifically SLO130 and Policy ST25 it is requested that An Bord Pleanála has regard to the justification set out within the accompanying Material Contravention Statement, the Traffic and Transportation Assessment, the aims of Rebuilding Ireland, and other recent Government objectives to address the current housing crisis and per the proposed development.

7.0 Observer Submissions

7.1. A total of 35 no. submissions were received in respect of the proposed development.

Table 3: List of Observers

1. Bill McCabe
2. Brian Callanan
3. Bryan and Jane Evans
4. Cabinteely and District Residents Association
5. Carrickmines Woods Apartments Management Company CLG
6. Cathal Duffy
7. Claremount Management Company Ltd
8. Cllr Deirdre Donnelly
9. Conor and Geraldine Doyle
10. Damian and Linda Loscher
11. David H Cooper
12. Denis and Sheila Crowley
13. Dolores Cullen
14. Elizabeth Duffy

15. Emer McGuire
16. Gordon Goodwin
17. Hubert J Gallagher
18. Imelda Galvin
19. Joseph and Carol Ann Buckley
20. Kevin and Susan Sheridan
21. Liam Mulcahy
22. Lisa Cody
23. Lorraine Dean
24. Lynn McCleane
25. Margaret Hartigan
26. Martine Keenan
27. Michael Cullen and Others
28. Oran Ryan
29. Pearse and Annette Mae
30. Phillip Murphy
31. Richard Quirke
32. Sarah Murray
33. Terry and Marjorie Neill
34. Therese Brosnan
35. Tom O' Kelly

7.2. The planning issues/matters raised in the submissions/observations received are summarised under the following headings. The Board should note that a number of the same issues/concerns were raised by observers and in the interests of brevity have been amalgamated under the headings/themes as follows:

Access and Traffic Management /Part 8

- Access to proposed development is by a single access road on Brennanstown Road.
- Brennanstown Road is inadequate for scale and density proposed and would set undesirable precedent.
- Part 8 scheme previously rejected by Councillors and not clear if the Oireachtas and/or Minister ever intended to give the Board the power to oust the statutory functions of the Elected Members in relation to what should properly be a Part 8 type development.
- It is set out that the proposal is not of strategic or national importance, does not conflict with local objectives of the development plan, no overriding reason why the proposal should be permitted because of a breach or failure on behalf of the local authority to carry out its statutory functions or should be granted having regard to pattern of development in the area.
- The proposed works are only a partial solution and would result in more traffic being directed towards Cabinteely village which is already heavily congested.
- Proposal will have serious impact on an already congested road network which is at gridlock during peak times.
- The development contravenes Special Local Zoning Objective number 130 to limit development along the road to minor domestic infill and extensions until a traffic management scheme for the area has been completed.
- Many developments have been refused over the last few years on the basis of traffic hazards and congestion on Brennanstown Road.
- Residents of Carrickmines Wood Apartments Management CLG would like to see proper plans in place to widen and improve the length of Brennanstown Road along this stretch that would lead to vehicles being able to pass each other including larger vehicles as well as improved sightlines at all junctions coming to Brennanstown Road.
- It is for the Council not the developer to implement a traffic management scheme.

- This proposal (road upgrades) is only concerned with a small section of Brennanstown Road.
- The developer led delivery of piece-meal traffic management scheme is contrary to the proper planning and sustainable development of the area with different standards and features incorporated at various sections of the road.
- Reference is made to the letter from DLRCC regarding the inclusion of Council lands within the application and the letter of consent given to the applicant. It is set out that it is clear that the Council do not approve of the development in the absence of full traffic management scheme for the whole of Brennanstown road.
- Presently, 4800 cars use Brennanstown Road daily and any further increase will significantly increase risk and adverse safety to the community.
- The top of Brennanstown Road (from Brennanstown Vale in particular to the traffic lights) is dangerously tight and narrow. How will trucks, JCBs etc. access the site to work on it?
- Pedestrian safety along Brennanstown road is raised in many submissions.
- The width of the roadway is so poor there is insufficient room for safe overtaking of cyclists along most of the route.

Brennanstown Road Character

- Policy ST24 is to preserve the character of Brennanstown Road. Proposal would set a precedent for other developments of similar scale.
- Building line should be set back in order to preserve character of the area.
- A wall should be constructed to reduce site visibility (similar to that of Carrickmines Woods).
- The country-style character of Brennanstown Road is widely acknowledged as being very special.

Height, Scale and Density

- Object to scale, height and density.
- Proposal will cause significant traffic congestion as Brennanstown Road is inadequate to service the development.
- The apartment block adjacent to Brennanstown Road should be set further back in order to preserve the character of the road.

Impact on Residential Amenity

- Concerns raised about the direct overlooking and acoustic intrusion of the proximate part of Apartment block 02-C on 'Cortina' a private property in third party ownership. (This dwelling is located to the north-east boundary of the development site)
- Reference is made to the semi-basement and geology of the site being surface granite. External ground level of 'Cortina' is 84.5 AOD which will be some 2.8m below the resultant ground floor level of the proposed block 02-C. The visual/acoustic intrusion between 'Cortina' and block 02-C at 42m where there is no continuous and adequate visual/acoustic barrier is provided, clearly results in detriment to visual and acoustic amenity of 'Cortina'.
- Concerns raised about the line of vision that will exist from the proposed block 02-C to the boundary of the 'Cortina' property.
- Suggestions are outlined regarding potential mitigation of concerns raised regarding adverse impact on 'Cortina' including modifications to site layout, reconfiguration of top floor of Block 02-c, enclosing of balconies, introduction of housing to part of area occupied by block 02-C.
- Proposal will result in a reduction in quality of life and a significant reduction in the value of adjoining properties.
- This development will seriously overlook adjacent properties and interfere with the privacy enjoyed by residents.

- The proposed apartment blocks will significantly overshadow the adjacent properties. The semi-detached and detached houses will dwarf the adjacent properties.
- Objection to the walkway that is being proposed that will cut through Carrickmines Wood.
- Concerns about the creation of a pedestrian access to an adjoining estate and implications for security.
- 'Coologe' (located to south-east boundary along Brennanstown Road) is a house of architectural heritage significance being of a limited number of Arts and craft style dwellings which form one of the main elements in the built heritage of Cabinteely/Foxrock. Proposal will 'heavily' overlook this property. Drawings do not reflect an extension completed in 2009. Separation distances shown are incorrect. The proposed floor level of the ground floor of house no. 30 is 84.45m OD which is more than one metre higher than the ground floor (83.33m). There is a conflict in the drawings submitted regarding boundary treatments (i.e. rear of House no. 30-38). It is requested that hedges and trees are protected along the boundary of Coologe. Similar requirements should be imposed on the Developer as were attached per condition 7 of File ref. ABP 301044-18. A tree located on this property is also shown for removal.
- 'Coologe' is served by a septic tank and percolation area. House no 9 is located 6.68m from this boundary. A surface water swale and overflow pond is located immediately adjacent to the percolation area and would constitute a health hazard. It is set out that high volumes of surface water, running off the Viscount Security lands, flooded the septic tank in 2017. The entire system had to be pumped out with the assistance of Viscount Securities personnel. Reference is made to section 34(4)(m) under the Planning and Development Act where if the Board nonetheless decides to permit a house, road and surface water pond in close proximity to the dwelling 'Coologe' it would be appropriate for the Board to require an alternative design drainage system to 'Coologe' invoking its powers under this section.
- Concerns about the parking of employee and sub-contractor vehicles during the construction phase.

- The location of both apartment blocks next to Carrickmines Wood is hazardous to the health and lifespan of the trees next to the boundary wall. Proximity of the blocks would interfere with the moisture requirements of the trees.
- Consider relocated of open space to more central location within the development so as to afford better access by future residents.
- Application drawings are confusing and seem inconsistent with the requirements of SI271/2017 which provide that drawings of elevations of any proposed structure shall show the main features of any buildings which would be contiguous to the proposed structure if it were erected, whether on the application site or in the vicinity....'. the absence of this information makes it difficult to comment on the impact of the proposed development. Request to seek further information to address these issues or alternatively refuse permission.
- A number of reports cumulatively reveal that there are granite deposits at a shallow level on the site. It is unclear how the applicant proposes to remove these deposits as part of the excavation of various basements on the site. Concerns raised that there maybe blasting given the close proximity of the site to other residential development.

Other

- Serious concerns regarding the impact of the development on surface water drainage in the immediate vicinity, and the possibility of flooding further down Brennanstown Road.
- Additional road gullies should be introduced to the existing road.
- No comprehensive plan to improve and/or increase frontline services, transport and infrastructure in South Dublin.
- Proposal is not of national or strategic importance to warrant permission.
- Surrounding trees, flora and fauna will be severely damaged if not removed completely.

- The plans indicate the absence of an overground electricity power line serving Carrickmines Wood.
- Insufficient parking and cycle parking has been provided.
- The TTA does not take into account other development under appeal at the moment i.e. Ref No. 18A/0066.
- Proposed upgrades to Brennanstown Road as part of this application and the other works proposed as proposed as part of ABP ref. No. 301044 could amount to project splitting.

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Dun Laoghaire Rathdown County Council has made a submission which was received by ABP 9th July 2018. The report notes the observations/submissions received and summarised the issues raised.

8.2 Planning Analysis

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

- **Principle of development** – Proposal is consistent with the “A2 zoning objective and residential use is permission in principle. The delivery of housing on this prime site which is less than 1km from a Luas stop would be consistent with the wider intended strategic outcome of the NPF. With regard to the Brennanstown Road Traffic Management the development plan contains two specific policies/objectives Specific Local Objective 130 and ST 25. The transportation section indicates that a traffic management scheme for Brennanstown Road has not been implemented. In the absence of such a scheme any development other than minor domestic infills and extensions would be contrary to the stated objective in the CDP and this scheme would therefore not be acceptable from this perspective and should be refused. The

report outlines the traffic measures proposed by the applicant and sets out that the proposed measures at this end of Brennanstown Road will mitigate the impact of these traffic movements.

- **Density** – The proposed density is 50.75 dwellings per hectare and the planning authority welcomes the density proposed.
- **Layout and Design** – In general the layout of the proposal is acceptable to the planning authority as it responds appropriately to the site context. It is considered that the overall approach to the design of the development and the visual separation of the larger apartment block and the housing area would be complementary to the form of the existing development and the receiving environment along this section of Brennanstown Road.
- **Height** – The proposed development consists of two storey houses and the apartment blocks which are four storeys. This site is over 0.5ha and it is considered that it can set its own context of development. The proposed heights on the site accord with the Building Heights Strategy as set out in the County Development Plan.
- **Residential Amenity** – In general adequate separation distances between dwellings are proposed. In a submission, concerns were raised about the proximity of house no. 30 to the existing property 'Coologe' which is directly to the south of this proposed house. Given the proposed shape of the rear garden some of the first floor windows will be less than 8m from the rear boundary wall. The omission of house type A1 in this location and the replacement with house type B1 located 1.5m from the eastern boundary would overcome the issues of potential overlooking of the 'Coologe'. With regard to the apartment proposals the report refers to the Specific Planning Policy Requirements (SPPR) set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities. The proposal is considered to comply with SPPR1,2, 3, 4, 5 and 6. The communal open space exceeds the guidelines standard. A building life cycle report has been submitted with the application.
- **Transportation and Movement Issues** – The works to upgrade the Brennanstown Road include a roundabout at the proposed site entrance, with

flat top ramps at the three approaches, traffic calming 'raised tables' at the entrance to Carrickmines Wood and Brennanstown Vale, road and footpath widening along the frontage of Carrickmines Wood, enhancements to the layout of the existing Brennanstown Road/Glenamuck Road North (R842) / Brighton Road/ Claremont Road signal controlled junction and the implementation of a new traffic signal controller, signal heads, loops etc. provision of a section of footpath along the southern side of Brennanstown Road between Brennanstown Vale and the proposed development. This measure will help improve permeability and pedestrian safety and a new dedicated pedestrian/cyclist link at the northern end of the site facilitates direct access to the existing pedestrian paths within Cabinteely Park. The proposed improved pedestrian linkages are welcomed and it is noted that the proposed measures described are generally in keeping with the measures included at the western side of Brennanstown Road in the recent Part 8 scheme that was proposed by the Transportation Department but the Council decided not to proceed with it.

- **Car parking** – There is a shortfall in 9 no. spaces to serve the apartments having regard to the development plan standards. Some shortfall in residential car parking provision may be deemed acceptable taking into consideration the New Apartment Guidelines. The four creche drop-off spaces can revert to visitor parking in the evenings and at weekends. If the Board is minded to grant permission development conditions should address concerns regarding configuration and driveway widths.
- **Cycle parking** – It is recognised that the amount of cycling spaces proposed is below that contained in the Apartment Guidelines however given the site's location directly adjacent to the Luas the amount proposed is considered acceptable. The overall space allocated for the proposed quantity of basement cycle parking is approximately 50% less than the required space.
- **Pedestrian Link to Cabinteely Park** – The link to Cabinteely Park is to be welcomed. Another more direct route would be for the path on the Carrickmines Woods side to go through the existing open space and link with the existing Carrickmines Wood entrance to the park. It is considered this would create a more open and safer route.

- **Surface Water Drainage** – The applicant has submitted a detailed report that generally satisfies the requirements of the Municipal Services subject to the attachment of conditions.
- **Ecology** – The biodiversity officer raises no objections to the proposal.
- **Flood Risk Assessment** – The conclusions contained in the site specific flood risk assessment are accepted.
- **Public Open Space and landscaping provision** – The Parks Department set out that the open space located above Stormtech attenuation system and includes areas of bio-retention swales, cannot be accepted as usable open space. Given the proximity of the development to Cabinteely Park it is considered that the standards for open space can be relaxed. The scheme has been designed to incorporate the highest quality trees on site. Two play areas are proposed, one is adjacent the creche and the other is located to the rear of AB-02. It is considered a more appropriate central location would be more suitable for this play area.
- **Childcare Facilities** – In the statement of response submitted with the application a childcare demand analysis assessment has been provided. This is noted, however, the Planning Authority welcomes the proposed creche facility on this site as shown on the submitted drawings.
- **Part V** – A Part V condition should be attached.
- **Screening for Appropriate Assessment** – The screening report for AA has been reviewed and it is considered that the report provides sufficient information in support of the conclusion of no significant effects.
- **Taking in Charge** – While the Planning Authority is happy for the area to the rear of the apartment blocks not to be taken in charge it is considered that it is essential that the link to the park be shown for taking in charge as otherwise there would be uncertainty over the delivery of public permeability through the site and to Cabinteely Park and onwards.
- **Phasing** – It is recommended that the works on Brennanstown Road be satisfactorily completed and available for public use before the first occupation of any residential units.

- **Archaeology** – An archaeological and cultural heritage assessment report has been submitted with the application. The Department of Culture, Heritage and the Gaeltacht has recommended a condition relating to pre-development testing.
- **Construction management** – It is considered that the construction hours should be amended to start work no earlier than 8am.
- **Ownership** – Relevant letters of consent for the making of the application have been submitted.
- **Conclusion** – There are no significant concerns with regards to residential amenity of existing or future residents of the area. A suitable density and mix has been proposed. The proposal provides for an upgrade to Brennanstown Road in addition to a pedestrian link to Cabinteely Park which will add to the connectivity of the area. These works are seen as positives and are welcomed by the Planning Authority. The one issue that cannot be successfully addressed to warrant a recommendation of a grant of permission is the completion of a Traffic Management Scheme for the Brennanstown Road. It is the view of the Planning Authority that the proposed development materially contravenes this policy and hence is not consistent with the development plan. It is noted that the Board can contravene a County Development Plan and the applicants have put forward a case for same arguing that the proposal pursuant to section 37 (2)(b) of the Planning and Development Act 2000 as amended.

8.3 Inter-Departmental reports

The report also contains inter-departmental reports which are summarised briefly below:

Graduate Parks Superintendent

The scheme has been designed to incorporate the highest quality trees which is welcomed. There are some works within the root protection area of these trees that will require supervision and close monitoring. A substantial tree bond is required.

A greater diversity in species selection for street trees should be provided including larger specimen trees. More appropriate species should be proposed for planting near roads and pavements.

The locations of the playgrounds should be re-considered as they encroach on apartment blocks and passive surveillance may be difficult.

The main area of open space does not meet the standards of the development plan as it appears to be for water retention and therefore cannot be accepted as usable public open space. It is set out that standards for open space can be relaxed in the form of a financial contribution and it is recommended a special contribution of €2,000 per unit be sought.

Recommended conditions are outlined in the report.

Biodiversity Officer

Seven conditions are recommended. The report notes that the screening for AA has been reviewed and is considered sufficient in terms of information in support of the conclusion of no significant effects.

Drainage Planning Report

Following an iterative process of constructive engagement by the applicant and the applicant has submitted a detailed report that generally satisfies the requirements of the Municipal Services subject to conditions. The conclusions of the site specific flood risk assessment have been accepted.

Housing Department

The proposal is to transfer 14 no. units on site. The on-site proposal is capable of complying with the requirements of Part V of the Planning and Development Act as amended. A condition requiring the applicant to enter into an agreement should be attached.

Transportation Department

A traffic management scheme for Brennanstown Road has not been implemented to date. In the absence of such, the proposal is considered contrary to the stated objective ST25. A shortfall in car parking is noted, however, is considered to be consistent with the provisions of the apartment guidelines. Minor amendments to parking configuration is noted. The overall space allocated for the proposed quantity of basement cycle parking is approximately 50% less than the required space. Conditions are recommended. Of note the works on Brennanstown Road should be completed prior to first occupation of any unit.

Waste Section Planning Report

While environmental enforcement is generally satisfied with the basic outline proposals submitted, it is considered that this will require more detailed consideration and recommends that the applicant submit a detailed Construction Waste Management Plan, Environmental Management Construction Plan and Waste Management Plan.

8.4 Recommended Conditions

Section 15 of the Chief Executive's report recommends conditions to be attached in the event of a grant of permission. A summary of the conditions is provided as follows:

Condition 1	Accord with plans and particulars
Condition 2	Details of external finishes
Condition 3	Limitation on use of house and apartments
Condition 4	Public services to be located underground
Condition 5	Street naming and numbering
Condition 6	Works to be completed on Brennanstown Road prior to first occupation of unit
Condition 7	Phasing arrangement

- Condition 8 Compliance with Recommendations in Stage 1 Quality (Transportation) Audit Feedback Form. Stage 2 and 3 audit reports also to be submitted.
- Condition 9 Provision of continuous footpaths across entrance to shared surfaces
- Condition 10 Adequate and correctly designed cycle parking
- Condition 11 Driveway car parking to comply with development plan standards
- Condition 12 Basement car park standards
- Condition 13 Electrical Vehicle Charging points
- Condition 14 Parking standards for creche drop off parking
- Condition 15 Parking requirements for residential units
- Condition 16 Upgrading of street lighting along Brennanstown Road
- Condition 17 Implementation of mobility management plan
- Condition 18 Construction traffic management plan
- Condition 19 Times for site development works
- Condition 20 De-exemption of advertising signage
- Condition 21 Revisions to scheme including omission of house type A1 from plot 30 and replacement with house type B1 in relocated position.
- Condition 22 Part V agreement
- Condition 23 No additional development above parapet level
- Condition 24 Construction Management Plan requirements
- Condition 25 Construction Waste Management Plan and Waste Management Plan
- Condition 26 Details relating to construction run-off.
- Condition 27 Details of green roofs
- Condition 28 Stage 2 – Detailed Design Stage Stormwater Audit

Condition 29	Stage 3 Completion Stage Stormwater Audit
Condition 30	Draft Wayleave Agreement for the surface water sewer
Condition 31	Details of structural slab and concrete support walls for attenuation tank
Condition 32	Agreement regarding areas to be taking in charge
Condition 33	Security bond
Condition 34	Implementation of details of the Biodiversity Plan
Condition 35	Detailing regarding final illumination from bat specialist
Condition 36	Bat survey prior to felling/demolition
Condition 37	Installation of bird boxes
Condition 38	Protection of trees/hedgerows during construction
Condition 39	Updated landscaping plan with specific planting details
Condition 40	Final Construction and Environmental Management Plan
Condition 41	Monitoring reports from Ecologist
Condition 42	Tree and Hedgerow Bond to value of €15,000
Condition 43	Engagement of arboricultural consultant for entire construction period.
Condition 44-46	Engagement of Landscape Consultant and landscaping details
Condition 47	Special contribution for shortfall in public open space
Condition 48	Development Contribution
Condition 49	Section 49 development contribution in respect of Luas Line B1 – Sandyford to Cherrywood extension
Condition 50	No development to commence pending payment of contributions
Condition 51	Security deposit to secure reinstatement of public roads.

9.0 Prescribed Bodies

9.1 Department of Culture, Heritage and the Gaeltacht

Based on the information in the Archaeological Assessment report, it is the Department's recommendation that a condition pertaining to pre-development testing be included in any grant of permission that may arise.

9.2 National Transport Authority

From a strategic perspective, the NTA supports the proposed development as it aligns with the principles of land use and transport integration as set out in the Transport Strategy. The proposed development would be proximate to the high capacity public transport i.e. Green Luas line which is in line with principles set out in Chapter 7.

There are a number of detailed issues related to the design and how it promotes and facilitates walking and cycling and access to public transport which the NTA recommends are considered:

- While the measures proposed west of the subject site would improve conditions for walking and would reduce traffic speeds, the footpath improvements do not continue to the junction of Glenamuck Road North/Brighton/Cornelscourt Hill Road. The walking route to the Luas at Carrickmines along the north side of Brennanstown Road is sub-optimal for at least 170metres.
- The deficiencies on Brennanstown Road west of the site, would also compromise the Quality of service of the route for cyclists. In order to provide adequately for such a route within the site, the route along the north-west boundary of the site should be redesigned to provide adequately for walking and cycling in accordance with the guidance in the National Cycle Manual including a new site entrance for walking and cycling at the south-west corner and adequate public lighting. Cabinteely Park should remain accessible outside daylight hours to ensure availability of the route.

- While the NTA is supportive of the application in principle, in particular the improved permeability arising from the new northern access point in tandem with the proposal at Doyle's Nursery site, the design of Brennanstown Road between Carrickmines Wood and Glenamuck Road North remains a concern. It is recommended that the local networks should provide adequately for walking and cycling in order to serve key destinations including Carrickmines Luas stop, Cornelscourt, Cabinteely and schools.

9.3 Irish Water

Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

9.4 An Taisce

Object to this application as the proposal appears to be premature pending the solution of the traffic problems on the Brennanstown Road. A convenience shop serving this development and nearby estates would reduce car dependency.

10.0 Assessment

10.1 Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars, and submissions/observations on file, the following are the relevant planning considerations of this application:

- Principle of development including material contravention
- Urban Design and Layout
- Height and Density
- Water and Surface water management
- Traffic and transportation

- Other issues
- Appropriate Assessment

10.1. Principle of development

- 10.1.1. Zoning - The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity in the Dun Laoghaire-Rathdown Development Plan 2016-2022. The proposal is to construct 136 residential units on a site of 3.66ha (gross). The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development. The applicant is also proposing a crèche facility with a floor area of approx. 195sq.m. The proposal is, therefore, consistent with the land use zoning objective and the provisions of the Planning and Development Act of 2016 in respect of strategic housing applications.
- 10.1.2. Material contravention - With regard to the proposed material contravention element of the development, specific Local Objective 130 and ST25 both apply to the subject site. Specific Local Objective 130 seeks to limit development along the Brennanstown Road to minor domestic infill and extensions until a Traffic Management Scheme for the area has been completed and its recommendations implemented. Policy ST25 states that it is Council policy, in conjunction and co-operation with other transport bodies and authorities such as the TII and NTA, to secure improvements to the County road network – including improved pedestrian and cycle facilities. It is an objective of the Council to preserve the existing character of Brennanstown Road whilst undertaking a Traffic Management Scheme that will:
- Reduce traffic speeds and improve road safety
 - Provide improved facilities for vulnerable road users
 - Reduce through traffic
 - Facilitate the development of zoned lands.

10.1.3 The proposal for 136 residential units cannot be considered a minor infill development. A Traffic Management Scheme has not been completed or implemented for the area and therefore a departure from the provision of the development plan as proposed is considered a material contravention. The contravention does not relate to the zoning of the land hence, the Board may grant permission by applying section 37(2)(b) of the Planning and Development Act, 2000 as amended, but only where the Board considers that –

- (i) the proposed development is of strategic or national importance,
- (ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to regional planning guidelines for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.1.4 The provisions of the Planning and Development (Housing) and Residential Tenancies Act, 2016 in particular section 8(1)(iii) provides that before an applicant makes an application under section 4(1) for permission, he or she shall have caused to be published, in one or more newspapers in the area or areas in which it is proposed to carry out the strategic housing development, a notice, which *inter alia*, states that the application contains a statement where the proposed development materially contravenes the said plan (development plan or local area plan, as the case may be) other than in relation to the zoning of the land, indicating why permission should, nonetheless, be granted, having regard to a consideration specified in section 37(2)(b) of the Act of 2000. I am satisfied that the applicant has complied with these provisions.

10.1.5 With regard to the Traffic Management Scheme, a Part 8 proposal (PC/IC/01/16) was brought by the Executive before the elected members in 2017 which provided for a suite of measures along Brennanstown Road. However, in March 2017, the

elected members decided not to proceed with the Part 8 and since the adoption of the new County Development Plan in 2016 the Planning Authority has not been in a position to deliver the Traffic Management Scheme for the Brennanstown Road as required under Special Objective 130 and Policy ST25. I refer the Board to the recent decision under the SHD legislation in respect of Planning Ref. No. 301044-18 whereby permission was granted for 115 residential units on a site at Former Doyle's Nurseries and Garden Centre along Brennanstown Road. The Senior Planning Inspector in this case set out the following which provides an overall description of the proposed road works in that case:

“...the upgrade works proposed in this current application do not cover the entire scope of works, as per the Part 8 scheme. They comprise an element of approximately 400 metres from just south of the junction of Brennanstown Road with Lambourne Wood/Holmwood north to the junction of Brennanstown Road with the Bray Road. Many similarities exist between the Part 8 proposal, as defeated and the proposal before me including the provision of a roundabout at the entrance to the site at Lambourne Wood/Holmwood junction, a crossing of the stream to Cherrywood Greenway at Carraig Glen to the north of the site, a raised table at Carraig Glen/Brennanstown Road junction and footpath improvements from this junction to Cabinteely Village. I note that the proposed location of the footpath has changed from the eastern side of Brennanstown Road to the western side as it stated that the western side was the preference of local residents during the Part 8 process. In addition to the above, a signalised pelican crossing is also proposed on the northern side of the proposed roundabout, which will facilitate pedestrian movement from the proposed development to the improved footpath on the western side of Brennanstown Road”.

The works in respect of Brennanstown Road in that application are located approx. 1km north-east of the development site in this application.

- 10.1.6 As part of this application, the applicant is proposing that the development will be accessed from Brennanstown Road by a single vehicular entrance i.e. roundabout. The Design statement sets out that “respecting the objectives and associated design principles of the earlier DLRCC Part 8 scheme for Brennanstown Road the proposed site access junction is to be formed by way of a small roundabout.” It is submitted

that in addition to providing sightlines for the development this junction arrangement provides a number of important road safety and traffic management benefits including traffic calming by influencing the speeds of traffic along the Brennanstown Road, enhancing visibility splays for private access points located opposite the subject site and to the south of Brennanstown Road, and contributing to the discouragement of rat-running along Brennanstown Road. Similar to the previous application along Brennanstown Road, the proposed road improvement works are not to be implemented under the Part 8 process, but rather are developer-led, a point which many objectors feel is inappropriate as the local authority should implement the traffic management proposals.

10.1.7 Having regard to the proposals put forward by the applicant in this application in conjunction with the previously permitted scheme along Brennanstown Road (File Ref. No. 301044-18) and in the absence of an adopted Part 8 scheme which would allow for the implementation of a traffic management scheme along Brennanstown Road, the only reasonable mechanism to deliver on the requirements of Special Objective 130 and Policy ST25 is a developer-led proposal. The proposal before the Board is considered to offer a reasonable solution to the traffic issues along this stretch (western portion) of Brennanstown Road thus enabling the release of zoned and serviced residential lands. The Chief Executive's report indicated that the proposed measures described are generally in keeping with the measures included at the western side of Brennanstown Road in the recent Part 8 scheme which was proposed by the Transportation Department. I enclose a copy of the "General Arrangements" proposed as part of the proposed but not adopted Part 8 as an appendix for the Board. I note the comments of the NTA that the footpath improvements do not continue to the junction of the Glenamuck Road North/Brighton/Cornellscourt Hill Road which provides a sub-optimal footpath to the Luas for approx. 170m along the north-side of Brennanstown Road. This section along Brennanstown Road that the NTA refer to consists of individual accesses into private lands where it is likely neither the applicant nor the Council would have consent to carry out works. Notwithstanding this, in general the proposal will facilitate a significantly improved footpath network along Brennanstown Road than currently exists. Furthermore, the revisions to the roads layout and traffic calming measures will significantly improve safety for drivers, cyclists and pedestrians.

10.1.7 As provided for under section 37(2)(b) the Board is precluded from granting permission for development that is considered to constitute a material contravention unless one of the requirements (set out in section 10.1.3 of this report) are met. In this instance, I refer the Board to the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Project Ireland 2040 both of which support and reinforce the need for compact development and promoting urban infill residential development such as that proposed in close proximity to quality public transport routes. The NPF projects a need for a minimum of 550,000 new homes up to 2040, at least half of which are targeted for provision within Ireland’s five cities (Objective 3b). Objective 3a provides that at least half of these new homes should be within the existing urban envelope of the cities. In order to realise these objectives a significant and sustained increase in housing output including provision of higher density development within the metropolitan areas will be required. The development site is located within 800m of a public transport route i.e. Luas and also along a Dublin Bus route. In the absence of a Part 8 scheme to address the traffic management scheme along Brennanstown Road, the local authority in this instance has consented to the inclusion of lands for the purposes of the developer providing traffic management measures to enable this development to proceed. The proposal is considered to be in line with national policy with regards the delivery of higher residential density development on underutilised but zoned and serviced lands. The proposal will also benefit the wider community by introducing traffic calming measures and improved footpaths in the immediate area.

10.1.8 In conclusion, the proposal is lodged under the strategic housing legislation which aims to fast-track larger housing developments on appropriately zoned sites so as to assist in realising Government’s objectives of increasing the national housing stock and promoting appropriate compact urban development at suitable locations. These objectives are provided for within the National Planning Framework. It is therefore, my opinion, that the proposal before the Board is one which could be considered of strategic national importance and which could be granted having regard to the provisions of both the Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework 2040, in particular national planning objective 3a and 3b.

10.2 Urban Design and Layout

10.2.1 The proposal consists of apartments which are located along the western boundary of the site and housing units which are located to east of the proposed apartment blocks. There are two main apartment blocks which have staggered building lines. Block AB01, a four storey block with basement car parking, is located closest to the entrance of the site of the proposed roundabout. The crèche is also located at basement level at the south-western end. The overall height of this structure is approx. 16.1m (measured from ground level to roof ridge). Block AB02 is located north of AB01 and is also four storey with the upper level set back. The overall height of this structure is approx. 16.1m (measured from ground level to roof ridge). Each of these blocks contain 44 no. apartments. A smaller duplex apartment block AB03 is proposed containing 10 no. apartment units. This block is located south-east of Block AB02. This block contains units which will form part of the Part V agreement comprising of 8 no. 2 bed units and 2 no. 1 bed units.

10.2.2 The housing component of the development is located on the eastern portion of the site. House type A1 and A2 are detached 5 bed two storey dwellings with an overall floor area of approx. 220sq.m. House Type B1 and B2 are described as a four bed three storey house with a floor area of approx. 162sq.m. B1 are detached units and B2 are semi-detached units. I note from the plans that these dwellings are two storey dwellings despite being referred to as three storey. House type D1, D2 and D3 are three bed two-storey semi-detached dwelling with floor areas ranging from 112sq.m. to 125.5sq.m. approx. House type E1 is a three bed two storey dwelling with a floor area of approx. 115sq.m. House Type E2 is a four bed three storey unit with a floor area of approx. 142sq.m. External finishes include select brick and self-render with slate roof. Unit no's 21-27 are house type D. However, I note that unit no. 22 is incorrectly indicated as D1 and should be D2. Unit 25 is incorrectly indicated as house type D2 and should be house type D3. Unit 23 is indicated as D1 however it has a reverse layout of unit D1 and plans for this house type should have been submitted in the interests of clarity. This can be dealt with by way of condition.

10.2.3 The Chief Executive's report makes reference to an observation where concerns are raised about the proximity of proposed house unit no. 30 to an existing house 'Coologe' located along south-eastern boundary of development site. While the planning authority has recommended that this house type A1 should be replaced with house type B1 overcoming the issues of potential overlooking, I do not necessarily concur with the planning authority that there are overlooking issues in the first instance. The existing property 'Coologe' contains a garage along the rear boundary. The entrance to the dwelling is along the western elevation with the main living areas and residential amenity located to the south and east of the property. I note a previous planning file D08B/0624 for this site where extensions/amendments were proposed to the dwelling which highlight the layout and orientation of this dwelling further. The observer has indicated that the existing layout shown on plans submitted do not correlate with the dwelling as built. There is mature landscaping to this property which will negate overlooking. I accept that the landscaping provides more screening during the summer months than winter. However, having regard to the orientation and distance between the proposed dwellings and 'Coologe' I do not consider that overlooking arises that would be detrimental to the residential amenity of these properties. Cross-sections have been indicated which depict the 'Coologe' property having an overall ridge height of 91.93 relative to House Type A1 at approximately 93.45. I am satisfied that this dwelling will not unduly overlook or detract from the existing residential amenities of this property having regard to the layout proposed. The design of Unit no. 30 i.e. house type A1, provides for passive surveillance of public realm area through the fenestration detailing which I consider has merit and should be retained. I, therefore, do not consider it necessary to alter the proposed layout or house type as suggested by the planning authority.

10.2.4 The observer in this instance has also raised the issue of proximity of proposed unit no. 9 to the septic tank and percolation area serving the 'Coologe' property. No details regarding location of same are indicated on plans submitted by the applicant or indeed by the observer. The EPA Code of Practice in respect of Wastewater Treatment and Disposal Systems serving Single Houses provides guidance for the construction of septic tanks and percolation areas. It provides that the minimum separation distance from a septic tank and percolation area to a site boundary should be 3m. The proposed layout indicates the proposed housing units to be in

excess of 7m from the site boundary. If the septic tank and associated percolation area associated with 'Coologe' are constructed in accordance with these separation distances, a matter for the observer rather than the applicant, the proposed layout will not impinge on the disposal of waste water of the adjoining property.

Furthermore, there is an onus on the occupant/owner of the 'Coologe' property to ensure that the septic tank does not cause a public health nuisance to the proposed dwellings. With regard to the provision of section 34(m) of the Planning and Development Act as amended, I do not consider that this provision allows for the attachment of a condition (which the observer has suggested) requiring the applicant to provide 'Coologe' property with a connection to the public sewer.

10.2.5 I am satisfied that the proposed apartments are generally consistent with the provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2018. The floor areas of the units proposed exceed the minimum floor areas. Adequate storage areas have been provided. The balcony areas provided exceed the minimum width and are considered such that would offer good quality amenity to residents. Opaque screens should be provided between and at end of balconies to protect residential amenity of adjoining residents. I have given consideration to the concerns raised by an observer regarding the potential impact of Apartment Block 02 on the 'Cortina' property to the north-east of the site. I am satisfied that there is adequate separation distances between this block and the existing structures (42m minimum distance) on this property that will not give rise to undue over-shadowing or over-looking.

10.2.6 Pursuant to examination of the plans and particulars, I consider that the overall proposed scheme is broadly in keeping with the character of the adjoining Carrickmines Wood development and the layout and design proposals are such that would complement this development. I do not consider that the development would appear visually intrusive on the site which is zoned for residential development. The proposed building line has been set back from Brennanstown Road and generally respects the established line having regard to the alignment of the public road. I do not consider it appropriate, as suggested by some observers, that a wall should be constructed so as to screen the development from the public road. The amenity associated with existing residential properties along Brennanstown Road will not be impacted upon by the proposal.

10.3 Height and Density

10.3.1 Some observers have raised concerns about the overall height of the proposed development and that it would be out of character with the existing area. I do not accept this to be the case. There are existing three storey apartment blocks within Carrickmines Wood. I do not consider that a context of existing low-rise developments on serviced sites close to public transport routes should preclude higher developments, in this instance four storey over basement, where it can be demonstrated that the proposal would not be injurious to existing residential amenity. There is a Building Height Strategy for the County (Appendix 9 of the County Development Plan). The aim of this strategy is to ensure the protection of the built heritage and general residential amenities while encouraging higher densities. This strategy is in line with national policies seeking to increase densities within existing urban footprints thus ensuring that the objective of compact growth within urban areas can be achieved. The NPF promotes compact development which can only be achieved by increasing densities and height at appropriate locations. I am satisfied that the proposal would not have undue negative impact on the existing residential amenities of the area.

10.3.2 The development site has a stated area of 2.66ha nett which is large enough in itself to establish its own context. The Board should note that the red line boundary area is 3.6ha due to the incorporation of lands not owned by the applicant but on which works are proposed, primarily Brennanstown Road. I note that the area cited in the Design Statement submitted is 2.65ha as the nett figure for the purposes of calculating density. The figure cited by the applicant as being lands within the developer's ownership is 2.99ha. The developable area I consider to be more in the region of 2.8ha. The applicant is proposing to carry out works along Brennanstown Road including the provision of a continental roundabout which encroaches onto the applicant's lands. The Design Statement p.19 appears to highlight the areas excluded from the developable area, which include the pathway to Cabinteely Park

and part of the private road serving proposed housing units and open space along the southern boundary.

10.3.3 The 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities', provides guidance on measuring residential density in Appendix A. Having regard to these provisions, I consider that the area of the applicant's lands required to facilitate the improved public road layout for the benefit of the wider community can be excluded. I do not, however, consider that it is appropriate to exclude lands to the northern section of the site leading to Cabinteely Park or open space or private road areas serving this development. Taking a measured approach, I have used a net developable area of 2.8ha for the purposes of calculating density which gives rise to a proposed density of 48.5 units per hectare which is just below the 50+ threshold for areas within public transport routes. Having regard to the cumulative shortfall of approx. 5 units (based on a net density of 50 units/ha) I consider the proposed density is acceptable on this occasion.

10.4 Open Space, Landscaping and Boundary treatments

10.4.1 In general, I am satisfied that the public and semi-private open space are of high quality and strategically located within the site so as, to maximise access for all future residents particularly the residents of the apartments. A landscape master plan has been submitted. The existing field hedgerows are to be removed which are not considered to be of any great ecological value. A significant number of the woodland trees are located on third party lands which contribute to the character of the site. A pedestrian access is proposed to the north-west corner of the site connecting the site with the existing woodland area that provides access to Cabinteely House and park. This connection could be considered to be a re-instatement of an existing access point which is currently blocked up. New pathways are to be provided within Cabinteely park in consultation with the planning authority. Observers have raised concerns about security as a result of this access. The proposed access is via this site into a wooded area leading to Cabinteely Park. It does not provide access into the adjoining Carrickmines Wood residential

development. I do not consider that security issues arise to the adjoining residential properties.

10.4.2 I note the comments of the Parks Department which sets out that the “open space located above Stormtech attenuation system and includes areas of bio-retention swales cannot be accepted as usable open space”. I do not necessarily agree with this statement. During times of heavy or sustained rainfall these areas will contain water which generally coincides with these areas not being in use. A reasonable and balanced approach should be taken regarding the overall provision of open space from both a quantitative and qualitative perspective and I consider that the quantum and type of open space is suitably located to serve future residents enhancing the residential amenity of the scheme. The scheme also provides access to the nearby Cabinteely House and Park which is a valuable recreational and social amenity in the area. The Chief Executive report notes that a more central location would be preferable for the playground which is proposed to the rear/side of Block AB-02-C. The proposed location of the playground is proximate i.e. c. 1m from the terrace associated with apartment unit at ground floor level which I consider would unduly impact on the residential amenity of this apartment. It is unclear whether the playground is accessible to the public or just for residents. The central area of public open space acts as the main active open space and contains bioretention features. The re-location of the playground within this area would require careful design in the interest of public health and safety. A condition should be attached requiring the re-location of the playground for the written agreement of the planning authority.

10.4.3 A boundary treatment plan has been submitted. The existing stone wall along the west and north-west boundary is to be retained. A timber post and panel fence is proposed along the eastern boundary which is considered acceptable having regard to the presence of trees which are to be retained. A stone plinth with railing on top is proposed along Brennanstown Road. There is a section of 2.4m high stone wall proposed along Breannanstown Road continuing from the existing Carrickmines Wood wall. I consider the existing Carrickmines wall is excessive in height. As

screening is required to the semi-private open space at this location, a 2m high wall is considered sufficient. I note the comments of the NTA who are seeking an access at the south-west corner of the site for cyclists. I concur with the provision of a gate at this location for both pedestrian and cyclists. As this gate would serve the semi-private area pertaining to the apartments, it is reasonable that the gate would only be accessible by residents of the apartments.

10.4.4 In terms of boundary treatment within the site, the applicant is proposing a 2m block wall faced with brick and 1.8m high timber post and panel fence between the houses which is acceptable. A 1.2m bow-top railing is proposed to semi-private areas serving the apartments. In general, it is considered that the overall layout and quantum of public and private open spaces are acceptable and consistent with the provisions of national guidelines and local policies.

10.5.0 Infrastructural Services including Flood Risk

10.5.1 Surface water drainage

The services report identifies that there is an open ditch along the southern boundary of the subject site, which serves as a land drain only for the existing undeveloped site and is not a watercourse. This ditch is connected to an existing 300mm diameter culvert under Brennanstown Road and discharges to the south. It is set out that this culvert does not appear on any local authority records. Surface water management for the proposed development is designed to comply with, *inter alia*, the Greater Dublin Strategic Drainage Study Regional Drainage Policies Technical Document – Volume 2, New Developments, 2005. It is proposed to use a SUDS approach to stormwater management and the proposal includes features such as filter strips, swales, permeable pavement, bioretention areas, green roofs (approx. 13% of the apartment roof areas). Private car parking areas will be drained using permeable pavements and runoff from roads and paved areas will be drained to Bioretention areas and swales where possible. The permissible site discharge for the development is calculated as 14.1 l/s. The report indicates that the total treatment

volume required for the site is 254.6m³. The volume provided is 364.2m³. Details pertaining to the green roofs and surface water management including SuDS features should be submitted for written agreement of the planning authority.

10.5.2 Water and Waste Water

It is proposed to connect to the existing 225mm diameter foul sewer located in the north-eastern corner of the site and to an existing 6inch public water main along Brennanstown Road. Irish Water and the planning authority have raised no concerns regarding capacity issues.

10.5.3 Flood Risk Assessment

A site specific flood risk assessment has been submitted. The site is within the Eastern River Basin District, the Shanganagh Water Management Unit and the Dargle Water Framework Directive sub-catchment. The nearest watercourse is the Shanganagh-Carrickmines River approximately 600m to the south. The report indicates that the site is within Flood Zone C as identified in national guidelines. The report identifies that the drainage system has the potential to cause local flooding unless it is designed in accordance with the regulations i.e. Greater Dublin Strategic Drainage Study and to take account of the flood exceedance for storm return periods exceeding 1%AEP. A number of proposals are outlined within the report so as to minimise and not cause an increased risk of flooding to external properties or the downstream watercourse such as, inter alia, maintenance of attenuation tanks, overflow routes should not be built on or become blocked, all incidental flows from basements to be pumped on a duty and standby basis. The Drainage Planning report from the local authority indicates that the conclusions of the site-specific flood risk assessment report have been accepted. It is set out that there was an iterative process of constructive engagement and the detailed services report generally satisfies the requirements of the Municipal Services subject to conditions.

10.6 Movement and Transportation

10.6.1 The design statement sets out that the requirements of all potential street users are considered in a balanced and appropriate manner that encourages sustainable travel choices for all local journeys in addition to maximising connectivity to the public transport networks. A Traffic and Transportation Assessment has been submitted. It adequately sets out the availability of public transport routes in proximity of the site, the nearest being the no. 63 bus route which is less than 500m from the site along Glenamuck Road North. The Luas Green route is within 800m of the development site. The development will be accessed from one access point i.e. a roundabout along Brennanstown road. It is submitted that this proposal respects the objectives and associated design principles of the earlier DLRCC Part 8 Scheme (which was not adopted). The applicant indicates that this arrangement provides appropriate sightlines at this junction and also provides suitable traffic management benefits including traffic calming, enhanced visibility splays for existing access points to dwellings on the opposite side of Brennanstown Road. The Traffic and Transportation Study provides that while there will be an increase in traffic volumes as a result of the proposal there is sufficient capacity remaining in the local road network. The concerns raised by observers regarding traffic congestion are well founded however I consider congestion to be a characteristic of urban areas and should not in itself be a reason to prohibit further development. The development site as stated is located within 800m of public transport modes. This in conjunction with the proposed improvements to public footpaths will assist in promoting the use of more sustainable modes of transport.

10.6.2 A Mobility Management Plan (MMP) has been submitted with the application. I note that the reference to cycle/pedestrian access points on Brennanstown Road Figure 3.4 do not correspond with the site layout plan (Drawing No. 1801-OMP-00-00-DR-A-XX-11000). The 2m high wall and railing to the front of the site also fails to show an entry/egress point for pedestrians/cyclists on the layout plan, discussed heretofore in this report. This should be conditioned to ensure its delivery. Section 5

of the MMP sets out objectives and targets and provides for, inter alia, the appointment of a Mobility Manager prior to occupation of the site, provision of a MMP website, review progress of the MMP and undertaking a baseline travel survey when units are occupied.

10.6.3 With regards to the proposed upgrade works along Brennanstown Road and into the site, it is considered that this has been set out in detail in this report under the section on principle of development. I consider that the applicant has made a reasonable effort to provide improved pedestrian and cyclist paths. This is demonstrated through the inclusion of lands within the red line boundary that are outside the control of the applicant so as to improve the overall footpath network in the wider area of Brennanstown road. Relevant letters of consent have been enclosed for the purposes of making an application. The extent of works proposed are considered to benefit the wider community providing a safer environment for pedestrians, cyclists and motorists along the western section of Brennanstown Road. A connection to Cabinteely Park is proposed which will contribute significantly to the connectivity of this development with the lands further north and wider connections to Cornelstown Shopping Centre and Cabinteely Village are available. A condition should be attached for the Planning Authority to take this connection in charge thus ensuring the continuity in the provision of this access point into the future. I note concerns raised by the residents of Carrickmines Wood development regarding a connection to their development. There is no direct connection to this development but rather it's a connection to Cabinteely wood/park that is being provided.

10.6.4 I note that the Transportation Department recommend that the works to Brennanstown Road should be completed prior to first occupation of any unit. Pursuant to inspection of the site and immediate road network, I consider it imperative that these road works are carried out prior to commencement of construction on the development site so as to minimise disruption along Brennanstown Road and in the interests of public safety. This road is narrow and

where a HGV meets a car caution is required often resulting in one vehicle having to stop to allow for the safe passage of the other as witnessed at time of inspection. Observers have also referred to this in their submissions. Given the nature of vehicles requiring to access the site during construction, the traffic management improvement scheme as outlined in this application should be completed to the satisfaction of the planning authority prior to commencement of development. This can be dealt with by way of condition.

10.6.5 With regards to car parking, a total of 227 car parking spaces are proposed at surface and basement level. 46 no spaces are provided at basement level in the basement below Block AB-01. Two spaces of which are dedicated to the use of the childcare facility. Three no. motorbike spaces are also proposed. A total of 52 no. car parking spaces are provided in the basement below Block AB-02. Three of these spaces are identified for people with disabilities. 44 no. surface spaces, four of which are identified for the childcare facility are located at surface level to serve the apartment Blocks AB-01 and AB-02. A further 10 no. spaces are provided for apartment block AB-03. I calculate that a total of 152 spaces in total has been provided to serve the proposed 98 no. apartments and childcare facility which considered the proximity of the site to public transport routes is acceptable. With regard to parking for the housing units, I note that two spaces have generally been provided within the curtilage of the houses save for Unit 22 D1 which has one no. space.

10.6.6 With regards to cycle parking I note that there appears to be a slight discrepancy between my interpretation of the highlighted basement cycle provision and those indicated on 'Cycle Parking Layout Plan' submitted by O'Mahony Pike Architects which would appear to arise due to some areas not been clearly highlighted. A mix of Sheffield and Cardiff (tiered) cycle parking spaces have been provided and I calculate that 100 parking spaces are provided at basement level. In any event I am

satisfied that adequate bicycle parking can be provided and this issue as per the Chief Executive's report can be dealt with by way of condition.

10.6.7 A Quality Audit has been submitted which raised concerns about, inter alia, access to cyclist facilities when cars are parked in adjoining spaces, location of pedestrian desire lines, width of internal footpaths. I note that one area of concern pertains to problem Ref. S4 – egress from private access on Brennanstown Road. The Audit notes that it is unclear if vehicles exiting the private access can undertake the right turn to travel east along Brennanstown Road without coming into conflict with the island and/or footpath. Details should be agreed in full with the Planning Authority prior to commencement of development.

10.7.0 Childcare

10.7.1 A childcare facility is being provided at the basement level of Block AB01, which has a floor area of approx. 195sq.m.. It is unclear what age group the proposed facility would cater for. Pursuant to examination of the floor plans it is noted that no independent kitchen/food prep area (as opposed to staff kitchen), sleeping areas, nappy changing areas or toilets within the home base areas have been provided suggesting the facility would serve pre-school children on a sessional basis but not babies or younger children in full-time care. The Childcare Guidelines, 2001 do not specify the type of facility that should be provided. In this instance, it is considered that internal configuration can be carried out so as to ensure compliance with any such HSE requirements without impacting on the external structure. Access to an independent outside play area has also been provided.

10.8 Other Issues

10.8.1 Part V

14 no. units are to be provided as part of the part V agreement. These units are confined to the north-east section of the site and comprise of the duplex block AS03

and 3 no. three bed housing units and 1 no. four bed housing unit. A condition re Part V agreement should be attached to any grant of permission.

10.8.2 Geology

I note that the trial pits excavated for the soil classification test indicate that rock was encountered at a depth of approximately 0.85m-1.2m within all three pits. The hydrogeological assessment report indicates that site is underlain by granite bedrock. It is therefore considered that the excavation for construction of the basement car parks will most likely require removal of rock. The developer will be required to ensure adherence to best practice construction methods during the construction phase.

10.8.3 Ecology

An ecological appraisal has been submitted with the application. I do note that this report refers to a “supermarket development” in the appraisal methodology section when referring to a bat survey. I consider this a typo as the report does provide robust descriptions and characteristics of the site. No bat roosts were confirmed and bat activity was primarily of common pipistrelles and the report sets out that it is probable that this was a single bat on repeat flights. Bat activity was confined to the perimeter of the site close to the canopy of the mature trees between the site and the apartments.

There are no sites designated for nature conservation present on the site. The report identifies a drainage ditch along the southern boundary but has minimal flow. Two parallel hedgerows divide the site consisting of hawthorn, elder, bramble and dog rose. No species listed on the Third Schedule of the European Communities (Birds and Natural Habitats) Regulations 2011 were recorded within the site. Other than fox there were no signs of large mammals recorded during the site visits. No amphibians were recorded. A number of butterfly species were noted.

The report concludes that while the mature tree line that separates the proposed development area from Carrickmines Wood as well as Cabinteely Park to the north, are of high ecological value, the site itself is of no more than local importance. The report outlines a number of proposals to reduce impact on ecology on the site and within the area. A condition should be attached requiring the developer to implement the measures contained in the Ecological Impact Assessment should permission be looked upon favourably which also includes the appointment of a suitably experienced ecologist for the duration of the construction phase.

10.8.4 Archaeology

An Archaeological and Cultural Heritage Assessment report was submitted with the application. The report sets out that a field inspection was undertaken in November 2017 to assess the topography and land use and to identify areas of archaeological and cultural heritage potential, which may be impacted upon by the development. The report identifies the site as containing three fields. A single storey stone structure and shed both in a derelict condition are identified as being located in field 1, closest to Brennanstown Road. I did not observe this structure at time of inspection mainly due to the overgrown nature of the site. Images are contained within the report of this structure. Field 2 is identified as being very overgrown with brambles and shrubbery. The report notes that dumping has occurred in Field 2 and 3 of the site with dense bramble overgrowth in field 3. The report notes that there are no recorded archaeological sites within the proposed development lands. It is recommended that topsoil removal within the development be supervised and assessed by a qualified archaeologist. This exercise should be carried out under licence to the Department of Culture, Heritage and the Gaeltacht.

10.9 Appropriate Assessment

10.9.1 Screening report

The applicant has submitted an AA screening report which sets out a description of the proposed development, identifies the relevant Natura 2000 sites generally within

15kms of the development. The report sets out that regardless of distance, only two of the designated sites are remotely linked to the development site and the identified potential pathway is via water. The nearest watercourse, the Carrickmines Stream, is located approximately 400m south of the site and eventually meets the Shanganagh River in Loughlinstown and enters the sea at Ballybrack. The Shanganagh river does not drain directly into any European sites. The report concludes that no element of the proposed development will impact on the integrity or qualifying interests/special conservation interests of any relevant European site either on their own or in combination with other plans or projects in light of their conservation objectives.

10.9.2 Identification of sites

Table 4: Natura 2000 sites within 15km range of site

Natura 2000 Code	Site Code	Distance to site (as crow flies)	Qualifying Interests
South Dublin Bay SAC	000210	4km	1140 Mudflats and sandflats not covered by seawater at low tide
South Dublin Bay and River Tolka SPA	004024	4.5km	A04 Light bellied Brent Goose <i>Branta bernicla hrota</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A137 Ringed Plover <i>Charadrius hiaticula</i> A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A144 Sanderling <i>Calidris alba</i> A149 Dunlin <i>Calidris alpina alpina</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A162 Redshank <i>Tringa totanus</i> A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i>

			A194 Arctic Tern <i>Sterna paradisaea</i> A999 Wetlands
Dalkey Islands SPA	004172	5km	A192 Roseate Tern <i>Sterna dougallii</i> A193 Common Tern <i>Sterna hirundo</i> A194 Arctic Tern <i>Sterna paradisaea</i>
Rockabill to Dalkey Island SAC	003000	5km	1170 Reefs 1351 Harbour porpoise <i>Phocoena phocoena</i>
Ballyman Glen SAC	000713	5.5km	7220 Petrifying springs with tufa formation (Cratoneurion)* 7230 Alkaline fens
Bray Head SAC	000714	8.7km	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths
North Dublin Bay SAC	000206	9.6km	1140 Mudflats and sandflats not covered by seawater at low tide 1210 Annual vegetation of drift lines 1310 Salicornia and other annuals colonising mud and sand 1330 Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) 1395 Petalwort <i>Petalophyllum ralfsii</i> 1410 Mediterranean salt meadows (<i>Juncetalia maritimi</i>) 2110 Embryonic shifting dunes 2120 Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) 2130 Fixed coastal dunes with herbaceous vegetation (grey dunes) 2190 Humid dune slacks
North Bull Island SPA	004006	10km	A046 Light bellied Brent Goose <i>Branta bernicla hrota</i> A048 Shelduck <i>Tadorna tadorna</i> A052 Teal <i>Anas crecca</i> A054 Pintail <i>Anas acuta</i>

			A056 Shoveler <i>Anas clypeata</i> A130 Oystercatcher <i>Haematopus ostralegus</i> A140 Golden Plover <i>Pluvialis apricaria</i> A141 Grey Plover <i>Pluvialis squatarola</i> A143 Knot <i>Calidris canutus</i> A144 Sanderling <i>Calidris alba</i> A149 Dunlin <i>Calidris alpina alpina</i> A156 Black-tailed Godwit <i>Limosa limosa</i> A157 Bar-tailed Godwit <i>Limosa lapponica</i> A160 Curlew <i>Numenius arquata</i> A162 Redshank <i>Tringa totanus</i> A169 Turnstone <i>Arenaria interpres</i> A179 Black-headed Gull <i>Chroicocephalus ridibundus</i> A999 Wetlands
Howth Head SAC	000202	13.7km	1230 Vegetated sea cliffs of the Atlantic and Baltic coasts 4030 European dry heaths
Howth Head Coast SPA	004113	13.7km	A188 Kittiwake <i>Rissa tridactyla</i>

As identified in Table 4 above there are 10 European sites located within a 15 kilometre range of the proposed project. Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular, the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

10.9.3 Assessment of likely Significant Effects on Designated Sites

The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The development site in question is not part of or located adjacent to any of the designated sites. Having regard to the 'source-pathway-receptor' model, the applicant identifies only two sites that are remotely linked to the development site via a water pathway i.e. Shanagh River. The

residential development will be connected to the existing surface water network and public foul sewer. Having regard to the dilution and treatment of waste waters prior to ultimate discharge and lack of a direct entry point for waters from the development site to any of the Natura 2000 sites the proposal either individually or in-combination with other plans or projects (including the most recent SHD permission for 115 units at Doyle's Nursery) could not be considered to have likely significant effects in view of the sites' conservation objectives.

AA screening – Conclusion

10.9.4 I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, AA screening report submitted by the applicant and all of the planning documentation, 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 view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

I recommend that permission be **granted** for the proposed development subject to the following conditions:

12.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for residential development and the policy and objective provisions in the Dun Laoghaire Rathdown

County Development Plan 2016-2022 in respect of residential development,

- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the County Development Plan and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness 2016,
- (iv) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas,, and the accompanying Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (v) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, issued by the Department of the Housing and Planning and Local Government, March 2018,
- (vi) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (vii) the availability in the area of a wide range of social and transport infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. In the default of agreement the matter(s) in dispute may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The developer shall submit revised drawings and documentation showing compliance with the following requirements:
 - (a) Revised site layout plan which indicates Unit no. 22 as house type D2 and Unit no. 25 as house type D3.
 - (b) Revised plans and elevations for Unit no. 23 which shall be referred to as house type D4, a mirror of the D1 layout.
 - (c) Provision of privacy screens at either end of all balconies.
 - (d) Provision of 1.8m high block walls, capped and rendered on both sides to the rear gardens of the housing units.
 - (e) Provision of a pedestrian gate to the south-west corner of the boundary wall along Brennanstown Road.
 - (f) Provision of a revised location for the playground.
 - (g) Full details of proposed green roofs.
 - (h) Provision of adequate cycle storage facilities.
 - (i) Details to ensure all basement and surface parking are constructed so as to accommodate future electric charging points for electrically operated vehicles.

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

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area.

3. Prior to commencement of development, full details in respect of the road and footpath improvement works to Brennanstown Road including measures outlined in the Quality Audit shall be submitted to and agreed in writing with the planning authority. These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the developer prior to commencement of construction on any residential unit.

Reason: In the interests of public safety

4. The following works shall be completed by the developer prior to the first occupation of the proposed residential development
 - (i) Pedestrian linkage from the site to Cabinteely Park along the north-east boundary and the proposed new pathways as indicated on Drawing 305 prepared by BSM dated 11/05/2018 shall be permanently made available upon the first occupation of the proposed residential development unless otherwise agreed in writing with the planning authority.

- (ii) Provision of public open space including the playground

Reason: To enhance pedestrian and cyclist permeability.

5. The developer shall engage the services of a suitably qualified archaeologist (licensed under the National Monuments Acts 1930-2004) to carry out pre-development testing at the site in advance of the commencement of construction works. In this regard
 - (a) No sub-surface work shall be undertaken in the absence of the archaeologist without his/her express consent.
 - (b) The archaeologist is required to notify the Department of Culture, Heritage and the Gaeltacht in writing at least four weeks prior to the commencement of site preparations.
 - (c) The archaeologist shall submit a written report to the Planning Authority, and the Department of Culture, Heritage and the Gaeltacht for consideration.

- (d) Where archaeological material is shown to be present, avoidance, preservation in situ, preservation by record (excavation) and/or monitoring may be required and the Department of Culture, Heritage and the Gaeltacht will advise the Developer with regard to these matters.
- (e) No site preparation or construction work shall be carried out until the archaeologist's report has been submitted and permission to proceed has been received in writing from the planning authority in consultation with the Department of Culture, Heritage and the Gaeltacht.

Reason: To ensure the continued preservation (either in-situ or by record) of any archaeological remains that may exist within the site.

6. Prior to commencement of development, the developer shall submit to the planning authority a schedule of ecological proposals as detailed in the Ecological Appraisal report. The schedule shall set out the timeline for implementation of each proposal and assign responsibility for implementation. All of the proposals shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

7. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the Schedule of Ecological proposals. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the County Council to be kept on record.

Reason: In the interest of nature conservation.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, specific details of which shall be submitted to, and agreed in

writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout the life of the site development works. The name and contact details of said person shall be submitted to the planning authority prior to commencement of development. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the proposed development or each phase of development and any plants that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

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

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

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

10. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential privacy.

11. Proposals for a naming convention for the proposed development, which may include street names, a residential unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of orderly development.

12. Water supply and drainage arrangements, including the 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 and to ensure a proper standard of development.

13. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

Reason: To ensure a satisfactory standard of development.

14. 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.

15. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to

commencement of development. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

16. The development hereby permitted shall be carried out and completed at least to the construction standards set out in 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.

Reason: In the interest of the amenities of the occupants of the proposed housing.

17. (a) Prior to commencement of development, a revised Taking in Charge plan shall be submitted which provides for the taking in charge by the planning authority of the pedestrian link from the development to Cabinteely Park.
- (b) The communal open spaces, including hard and soft landscaping, internal road serving the apartments, 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 owners' management company
- (c) Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the proposed development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

18. 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).

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

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

20. 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 hours of working, noise management measures and off site disposal of construction/demolition waste.

Reason: To protect residential amenity, public safety and natural heritage.

21. 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.

Reason: In the interest of sustainable waste management.

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

23. 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.

24. The developer shall pay to the planning authority a financial contribution in respect of 'The extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to

commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

25. 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 local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion 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 and maintenance of the development until taken in charge.

Joanna Kelly
Senior Planning Inspector
10th August 2018