



An
Bord
Pleanála

Inspector's Report ABP 302109-18.

Development	Demolition of 2 no. derelict dwellings. Construction of 53 no. apartments. new entrance and all associated site works.
Location	Lands Known as Prague, Johnstown Court, Johnstown Road, Dun Laoghaire, Co. Dublin.
Planning Authority	Dún Laoghaire-Rathdown, County Council.
Planning Authority Reg. Ref.	D18A/0398
Applicants	Randelswood Holdings Ltd.
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellants	Randelswood Holdings Ltd.
Observers	(1) Johnstown Residents Association (2) Janette & John Gavan (3) Oakdale Residents Group

- (4) Colette Lane
- (5) Patricia Riordan
- (6) James Berkery
- (7) Gerard Kiernan & Others
- (8) Oisin & Sadie Delaney
- (9) John Bolton
- (10) Michael & Teresa Bird
- (11) James & Elizabeth O'Reilly
- (12) Colm Kavanagh
- (13) Michael Swan
- (14) Patrick Dean
- (15) Philip & Mary Quinn
- (16) Tony Breen

Date of Site Inspection

5/10/18

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The site of the proposed development is located on the northern side of Johnstown Road, Co. Dublin. Johnstown Road runs from the junction with Rochestown Avenue to the junction with the N11 at Cabinteely. The surrounding area is predominantly residential, it is characterised by two-storey semi-detached dwellings. More recent residential development has included some apartment schemes including Granitefield Manor located on the western side of Rochestown Avenue and Eaglewood on the eastern side of Rochestown Avenue, close to the junction with Johnstown Road. The Belville Court apartment scheme is located on the northern side of Johnstown Road at the junction with Pottery Road.
- 1.2. The site has a stated area of 0.32 hectares. The site contains two derelict dwellings and it is extensively overgrown with dense undergrowth and mature trees. The south-eastern roadside boundary with Johnstown Road is formed by a metal fence with extensive mature deciduous trees and hedge cover. The southern boundary adjoins the access road to Johnstown Court housing estate. The green space within Johnstown Court adjoins the site to the north-west. The northern boundary is defined by the rear walls of dwellings within Oakdale Drive.
- 1.3. Rochestown Avenue is served by the no. 7a, 7b and 45a bus routes. The site is located 1km from the N11 QBC and 3km from Glenageary Dart Station.

2.0 Proposed Development

- 2.1. Permission is sought for the construction of 53 no. apartments in a four-storey over basement apartment building. Features of the scheme include;
 - 26 no. one bedroom apartments,
 - 27. no. two-bedroom apartments,
 - 57 no. car parking spaces,
 - Vehicular access to basement from Johnstown Court,
 - Ancillary works and connection to public services.
- 2.2. The proposed scheme as revised under the first party appeal comprises 49 no. apartments with 57 no. car parking spaces.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons;

1. It is considered that the proposed development, by reason of its layout abutting the southeast, Johnstown Road boundary, the lack of a 'privacy strip' on that boundary, and in combination with its height and the number of units proposed; would be excessive in scale and built form, would result in overdevelopment of the site and would be visually obtrusive and overly visually prominent/ overbearing when viewed along the Johnstown Road streetscape, and from the adjacent greenspace and residential dwellings to the west and north/ northeast boundaries respectively, and would detract from the visual amenity of the area. It is considered therefore, that the proposed development, would seriously injure the residential and visual amenities and depreciate the value of property in the vicinity, would help set a poor precedent for similar type development in the area, and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the height, scale, massing, layout and positioning of the proposed development, it is considered that the proposal will have overbearing and overlooking impacts on the existing residential dwellings of Nos. 2 and 4 Oakdale Drive, to the north/ northeast boundaries. The proposed development would, therefore, seriously injure the residential and visual amenities and depreciate the value of property in the vicinity, and would be contrary to the proper planning and sustainable development of the area.

NOTE: On the basis of the details submitted, the Planning Authority is not satisfied that the applicant has sufficient legal interest in the land to access the proposed site from Johnstown Court.

3.2. Planning Authority Reports

3.2.1. Planning Report – In relation to the siting and design of the proposed apartment building it was considered that the proximity of the building to the boundary with Johnstown Road was not acceptable. It was also considered that the scale of the proposed apartment building would unduly impact upon the streetscape character and that it would result in overbearing and overlooking of no. 2 and no. 4 Oakdale Drive. It was recommended that permission be refused on that basis.

3.2.2. Other Technical Reports

Transport – Further information required

Drainage Planning – Further information required

Housing – No objections subject to condition

Public Lighting – No objections subject to condition

E.H.O – No objection subject to conditions.

3.3. Prescribed Bodies

None

3.4. Third Party Observations

3.4.1. The Planning Authority received 31 no. submissions/observations in relation to the proposed development. The main issues raised are similar to those set out in the observations on the appeal.

4.0 Planning History

PA Reg. Ref. D08A/0617 & PL06D.233998 – Permission was granted for the demolition of two derelict structures and construction of 38 no. apartments in a building of 2,3 & 4 storeys with basement car parking and associated works.

PA Reg. Ref. D04A/0970 & PL06D.210561 – Permission was granted for the demolition of two derelict structures and construction of 31 no. apartments in a building of 2,3 & 4 storeys with basement car parking and associated works.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. 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. 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".
- 5.1.2. 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".
- 5.1.3. National Planning Objective 13 also 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".

5.2. Section 28 Ministerial Guidelines

- 5.2.1. 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’

5.3. **Dún Laoghaire Rathdown County Development Plan, 2016-2022:**

- 5.3.1. Land Use Zoning: The proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘To protect and-or improve residential amenity’.
- 5.3.2. Chapter 8 – Principle of Development
- 5.3.3. Section 8.2.3 – refers to Residential Development

5.4. **Natural Heritage Designations**

- 5.4.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:
- The Rockabill to Dalkey Island Special Area of Conservation (Site Code: 003000), approximately 3.6km east of the site.
 - The Dalkey Islands Special Protection Area (Site Code: 004172), approximately 3.4km east of the site.
 - The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 3.0km north-west of the site.
 - The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 3.0km northwest of the site.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal was submitted by Downey Planning on behalf of the applicants Randelswood Holdings Ltd. The main issues raised concern the following;

- A revised proposal has been submitted with the appeal to address the reasons for refusal.
- The scheme has been reduced from 53 no. apartments to 49 no. apartments. The height of the building has been reduced from three storeys to two storeys at the boundary with Oakdale Drive. The reduction in height from 12.7m to 11.95m. 57 no. car parking spaces, 67 no. bicycle spaces and 637sq m of public open space are proposed.
- Regarding the first reason for refusal which refers to the scale and built form it is considered that the scale, layout and built form is generally in keeping with the scheme that was previously permitted on the site under Reg. Ref. D08A/0617 and PL06D.233998. An L-shaped scheme on the site was previously deemed acceptable by the Planning Authority and the Board.
- The revised proposal reduced the height of the building to 11.95m which is lower than that permitted under Reg. Ref. D08A/0617 and PL06D.233998 which was 12.2m.
- Regarding the lack of a privacy strip, the revised scheme has sought to address this. It is proposed to set the apartment building back to increase separation between the building and Johnstown Road. A new privacy strip and grass verge is proposed along with a footpath. This would provide a planning gain.
- Regarding visual impact the apartment building steps down in height at the south, western and northern boundaries. This would ensure no overlooking or overbearing.
- A Daylight and Shadow analysis was prepared by Digital Dimensions which indicates that the proposed development would not result in any undue negative impacts.

- There is a precedent for high density apartment schemes in the area. Under PL06D.126709 permission was granted for 133 apartments on a 1.03ha site at Granitefield adjacent to Rochestown Hotel. Under PL06D.211789 permission was granted for a scheme of 60no. apartments on a 0.47 hectare site at Belville Court, Johnstown Road.
- The proposed density is in keeping with policies RES1, RES3 and RES5 of the Development Plan and the development is supported by the National Planning Framework.
- Regarding the second refusal reason which refers to the height, scale, massing, layout and positioning of the proposed development it is set out that these issues are fully addressed with the proposed revisions to the scheme.
- The siting and positioning of the proposed development has been amended in relation to the proximity to the Johnstown Road boundary. The proposed reduction in height from 11.95m ensures that there would be no adverse impacts on the surrounding streetscape.
- A separation distance of 55m is provided from the three-storey north west gable to the dwellings in Johnstown Court. It is proposed to retain existing mature trees on site which will provide screening.
- Separation distances provided are in accordance with Section 8.2.3.3 of the Development Plan. A separation distance of 25m has been provided from no. 2 Oakdale Drive to the two-storey section of the proposed development. The increased separation distance ensures that there would be no overlooking of No. 2 and No. 4 Oakdale Drive.
- The shadow analysis indicates that there should be no noticeable loss of available light to the surrounding residential houses.
- It is submitted to the Board that the proposed development takes into account adjoining development and therefore does not overlook adjoining properties. It is submitted to the Board that the proposed development protects the character of the existing residential area and promotes the use of contemporary design which respects the surrounding area.

- Regarding the issue of the applicant's legal interest to carry out the proposed development the applicant engaged the services of Lemay Solicitors. They have provided a letter which confirms that they have sufficient legal interest in the land to access the proposed site from Johnstown Court.
- The letter states that Randelswood Holdings Ltd. are the owners of the lands and are the successors in title to the Johnstown Partnership who previously were granted planning permission on the lands under PA Reg. Ref. D08A/0617 & PL06D.233998.
- It is therefore submitted that the applicant has sufficient legal interest and the right to install and travel over a footpath from the subject lands to Johnstown Road.
- Downey Planning are of the opinion that the revised plans do not represent a significant material change of the proposed development.
- It is set out that the revised plans and particulars submitted to the Board as part of the first party appeal provide for a higher quality form of development than the original scheme which was submitted with the application. It is requested that the Board overturn the decision of the Planning Authority and grant permission.

6.2. Planning Authority Response

- Notwithstanding the proposed amendments to the scheme reducing the number of units from 53 no. to 49 no. units.
- The Planning Authority still has concerns regarding the overall size, height, layout, set-back, appearance, density, potential overbearing and overlooking.
- The proposed reduction in the height of the scheme and proposed balconies and changes to the façade materials to the north-eastern elevation are noted and improve the overall scheme.
- There are some improvements to the proposed scheme in terms of further setback from Johnstown Road, however a modest privacy strip is available. The space is shown on the plans as private garden which is not considered appropriate.

- The proposed own door paths to a perimeter footpath outside the site along Johnstown Road could prejudice future path and landscape provisions along the roadside boundary.
- Some elevational changes proposed indicate more prominent doorways and features which relate to the individual entry footpaths to outside the site. There appears to be no consideration of their inclusion in relation to the existing roadside boundary and existing extensive foliage. The ownership of the verge area is also raised.
- It is recommended that the modified scheme as proposed in the appeal should be refused.
- Subsequent to the Council issuing a refusal of permission on the 21st of June 2018, a letter with a map dated the 4th of July 2018 was issued by the Local Authority to the applicant. The letter was in relation to the inclusion of lands owned/taken in charge by the Council. It stated that the Council could not issue a letter of consent to the applicant as following investigation as they could not establish that they were the owner of the lands in question for the provision of public footpath and associated soft landscaping and access to the basement car park.

6.3. Observations

The Board received objections to the appeal from the following; (1) Johnstown Residents Association (2) Janette & John Gavan (3) Oakdale Residents Group (4) Colette Lane (5) Patricia Riordan (6) James Berkery (7) Gerard Kiernan & Others (8) Oisín & Sadie Delaney (9) John Bolton (10) Michael & Teresa Bird (11) James & Elizabeth O'Reilly (12) Colm Kavanagh (13) Michael Swan (14) Patrick Dean (15) Philip & Mary Quinn (16) Tony Breen. The main issues raised can be summarised as follows;

- The proposed density is considered excessive. The proposed scheme would be out of character with the design and scale of surrounding housing.
- The height of the proposed apartment building would cause the development to be visually overbearing and out of character with the area. It would also

result in overshadowing and overlooking of neighbouring properties and seriously impact upon the visual amenities of the area.

- Concern is raised in the observations that the proposed vehicular entrance from Johnstown Court would not be a suitable location due to the existing car parking and traffic congestion with the Johnstown Court estate.
- No traffic impact assessment or traffic and transport assessment was submitted.
- It is noted that the applicants Randelswood Holdings Limited are not the legal owners of the grass verge outside the site at Johnstown Court. Therefore, it is not clear that the applicants have the consent of the owners to access the proposed basement car across lands outside their control.
- The lack of access for service vehicles into the scheme is raised.
- It is suggested that it would be appropriate to locate the vehicular access directly off Johnstown Road.
- The lack of adequate car parking to serve the proposed 53 no. apartments has been raised. The extensive provision of bicycle parking in comparison is noted and was considered excessive.
- Lack of car parking to serve the scheme could result in parking and congestion within Johnstown Court and surrounding roads.
- Congestion caused by construction traffic is raised.
- The absence of a footpath along the northern side of Johnstown road along the site boundary is raised. The proposal is considered unsuitable on the basis of the lack of pedestrian infrastructure in the vicinity including along the northern side of Johnstown Road.
- The proposed development would result in the loss of trees and habitat. A number of observers have stated their desire that trees on site particularly around the boundary be retained.
- Potential subsidence on the site is referred to.
- Concern is raised at the lack of amenity space to serve the proposed scheme.

- A number of the observers object to the proposal to provide pedestrian access from the apartment building to the green space in Johnstown Court
- Issues concerning foul and surface water drainage in the area were raised. The matter of low water pressure was also raised.
- The revised design proposed in the appeal does not adequately address the refusal issued by the Planning Authority.

7.0 Assessment

I consider that the main planning issues in the assessment of the proposed development can be dealt with under the following headings:

- Design and impact upon residential amenity
- Access and traffic
- Drainage
- Appropriate Assessment
- Environmental Impact Assessment

7.1. Design and impact upon residential amenity

7.1.1. The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity. The proposal is to demolish two no. derelict dwellings and construct 53 no. apartments in a four-storey over basement building.

7.1.2. Numerous observations raise concerns about the overall height of the proposed development and that it would be out character with the existing area. I accept that the more prevalent character in the area is low rise suburban style housing. However, there has been more recent apartment schemes developed in the surrounding area including Granitefield Manor circa 100m to the south-east, Eaglewood 130m to the east and Belville Court 280m to the south-west on Johnstown Road. Furthermore, I note the planning history on the site whereby the Board previously granted permission for a scheme of 38 no. apartments in an L-shaped four-storey block under Reg. Ref. D08A/0617 & PL06D.233998.

- 7.1.3. The Planning Authority refused permission for the scheme on the basis that the design of the scheme would be visually obtrusive when viewed along the Johnstown Road streetscape and also when viewed from the adjacent greenspace in Johnstown Court and neighbouring dwellings. The first reason for refusal also referred to the lack of a 'privacy strip' on the boundary with Johnstown Road. The second refusal reason referred to overbearing and overlooking impacts to no. 2 and no. 4 Oakdale Drive.
- 7.1.4. In terms of the siting and design of the apartment building as originally proposed in the application, I would share the concerns of the Planning Authority in relation to the proximity of the building to Johnstown Road and the closest dwellings to the north within Oakdale Drive. As indicated on the Site Layout Plan the building would be located close to the boundary with Johnstown Road and with no privacy strip or screen planting this would render the building particularly visually dominant in the streetscape along Johnstown Road. The setback of circa 25m between the four-storey building and closest dwellings no. 2 and no. 4 Oakdale Drive would have an undue overbearing impact.
- 7.1.5. In response to the refusal issued by the Planning Authority the applicant has submitted a revised scheme as part of the appeal to address the issues. The proposed scheme comprises 49 no. apartments with 57 no. car parking spaces. The revised design reduces the bulk and scale of the building. The height of the building has been stepped down at the northern boundary with dwellings at Oakdale Drive. The revised design has a two-storey section at the closest point of the building to no. 2 and no. 4 Oakdale Drive. A separation distance of 29m is provided between those dwellings and the four-storey section of the proposed building. The increased separation distance provided with the stepping down and tapering of the building at the northern corner provides an acceptable separation distance between the closest point of the four-storey section and closest neighbouring dwellings. This addresses concerns relating to overbearing impact and overlooking of those properties. Regarding the setback of the building from the neighbouring properties in Johnstown Court, I note that the three-storey section would be over 55m from the front of the closest dwelling and the four-storey section would be over 58m from the front of the closest dwelling.

- 7.1.6. In relation to the matter of overshadowing, Digital Dimensions prepared a report on the Potential Daylight and Sunlight impact of the proposed development. This was submitted with the appeal. Having reviewed the shadowing diagrams for 21st of March, I note that there would be some new shadowing of the rear garden of no. 2 Oakdale Drive. However, there would be no direct shadowing of the dwelling itself. Given that the shadowing would not exceed 50% of the rear garden and there would be no direct shadowing onto the house, I am satisfied that the proposed development would not unduly impact the amenities of that property in terms of overshadowing.
- 7.1.7. The revised scheme includes proposals for a footpath from the vehicular entrance east along Johnstown Court and also along the western side of Johnstown Road. This also includes space for planting and landscaping. Six separate external own door accesses are proposed to serve ground floor apartments with frontage onto Johnstown Road. Small areas of private amenity space are also provided to the front of those properties. With the increased set back of the building from Johnstown Road combined with the proposed landscaping, I am satisfied that the development can be assimilated into the streetscape and make a positive contribution to the public realm.
- 7.1.8. Having reviewed the proposed revised layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the new building relative separation distances to the existing dwellings and particularly those to the north of the site that the proposed scheme would not result in any undue overlooking or overshadowing of residential properties.

7.2. Access and traffic

- 7.2.1. The observers have raised concern regarding the additional vehicular traffic the scheme would generate, the proposed vehicular access arrangements and lack of car parking within the development.
- 7.2.2. The proposed layout provides for the entrance and exit to the basement car park to be access off Johnstown Court. The proposed entrance is located 46m to the west of the junction between Johnstown Road and Johnstown Court. The entrance would be located onto a section of the road where there is a slight curvature in the horizontal alignment of the road and where the road width is circa 7m. The road

within Johnstown Court and where it is proposed to locate the vehicular access has a speed limit of 50km/h. As per Table 4.2 of 'Design Manual for Urban Roads and Streets' (DMURS) (2013) 45m of forward visibility is required at junction. Having inspected the site, I am satisfied that the required sightline distance is available.

- 7.2.3. The Planning Authority with the refusal of permission issued a note which referred to the fact that they were not satisfied that the applicant has sufficient legal interest in the land to access the proposed site from Johnstown Court. In response to the matter the applicant states that they being Randelswood Holdings Ltd. are the owners of the lands. Leman Solicitors issued a letter confirming that Randelswood Holdings Ltd. are the successors in title to the Johnstown Partnership who were granted permission for an apartment development on the site under PA Reg. Ref. D08A/0617 & PL06D.233998. A copy of the Deed of Grant of Easement is included with the appeal. The document clarifies that the applicant has the right to install and travel over a footpath from their lands to Johnstown Road to serve the development of the lands. I note that the proposed vehicular access arrangements are similar to that granted under the previous permission. Accordingly, I am satisfied that the applicants have sufficient legal interest in the lands to provide for footpaths and also the vehicular access from Johnstown Court. In relation to the proposed footpath along the boundary with Johnstown Court and Johnstown Road, I consider this will serve to improve traffic and pedestrian safety.
- 7.2.4. The observations to the appeal raised concerns regarding the level of traffic the development would generate. In principle, the proposal for a vehicular access from Johnstown Court is considered acceptable. Johnstown Road functions as a distributor road with footpaths on its southern side. I note the concerns from observers regarding this proposal however I consider that the existing local road network is capable of carrying the additional traffic. Furthermore, I note that the site is located within walking distance of local amenities including schools, playgrounds, and shopping centres. Regarding public transport I note that Rochestown Avenue is served by the no. 7a, 7b and 45a bus routes. The site is located 1km from the N11 QBC and 3km from Glenageary Dart Station.
- 7.2.5. Car parking standards are set out under Table 8.2.3 of the County Development Plan with the requirement for apartments being 1 space per one bed unit, 1.5 spaces per two bed unit and 2 per three bed unit.

- 7.2.6. The proposed apartment building as originally proposed comprises a total of no. 53 apartments with a mix of one bed and two bed apartments. A total of 57 no. car parking spaces are proposed in the basement car park including 2 no. disabled parking spaces. A total of 26 no. one bedroom apartments are proposed with 27 no. two bedroom apartments. Therefore, 26 no. car spaces would be required to serve the one bedroom units and 40.5 spaces would be required to serve the two bedroom units. Accordingly, a total of 67 car parking spaces would be required in accordance with Table 8.2.3 of the Development Plan. Therefore, there would be a shortfall of 10 no. spaces.
- 7.2.7. Under the revised proposal submitted with the appeal the applicant proposes a total of 49 no. apartments with 57 no. car parking spaces. The breakdown of apartment proposed is 23 no. one bed, 25 no. two bed and 1 no. three bed. Therefore, 23 no. spaces would be required for the one bed units, 38 no. spaces would be required for the two bed units and 2 no. spaces would be required for the three bed unit. The revised scheme would require 63 no. spaces. There would be a shortfall of 6 no. spaces. A total of 67 no. bicycle parking spaces are proposed. The proposed scheme is well served by public transport and each dwelling unit has bicycle parking, therefore I consider the shortfall in car parking in terms Development Plan standards would be acceptable.

7.3. **Drainage**

- 7.3.1. The observations raised the matter of foul and surface water drainage. The proposed foul drainage layout is indicated on Drawing No. S1-001. It is proposed to install a new section of 225mm foul sewer to connect to the existing Local Authority foul sewer within Johnstown Court. I note that in relation to foul drainage the Drainage Planning Section of the Council have no objections to the proposed scheme.
- 7.3.2. The surface water layout is indicated on Drawing No. S1-001. A separate surface water system is proposed within the site. The surface water generated within the development will be attenuated, controlled and managed in accordance with the SUDS Manual (2015). It is proposed to install a subsurface attenuation tank to provide for a 30 year storm. The proposed tank also has capacity to accommodate the 100 year storm. Rainwater harvesting and the provision of a green roof will also serve to intercept and slow the movement of surface water from the development.

Accordingly, I am satisfied with the drainage details submitted, subject to them being constructed and operated in accordance with the requirements of the planning authority for such works and services.

7.4. Appropriate Assessment

- 7.4.1. A report Screening for Appropriate Assessment was prepared by Openfield Ecological Service and submitted as part of the application.
- 7.4.2. The closest Natura 2000 sites to the appeal site are Rockabill to Dalkey Islands SAC (003000) c3.6km to the east and Dalkey Island SPA (004172) c3.4km to the east. South Dublin Bay and River Tolka SPA (004024) is c3km to the north-northwest and South Dublin Bay SAC (000202) is also c3km from the site.
- 7.4.3. Ballyman Glen SAC (000713) lies 7.3km to the south. Knocksink Wood SAC (000725) is 7.5km to the south and Bray Head SAC (000714) lies 9km to the south. Wicklow Mountains SAC (002122) and Wicklow Mountains SPA (004040) are 9.6km to the south-west of the appeal site. Glenasmole Valley SAC (001209) lies 14.6km to the west.
- 7.4.4. Having regard to the separation distance to the nearest European sites and based on the concept of source-pathway-receptor, there is no pathway/linkage between the designated sites and the appeal site. The proposal would not result in any habitat loss or reduction in the quality of the habitat and subsequently the conservation status of these designated sites.
- 7.4.5. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on Rockabill to Dalkey Island SAC, Dalkey Island SPA, South Dublin Bay SAC and South Dublin Bay and River Tolka SPA or any other European sites, in view of the sites Conservation Objectives, and a Stage 2 Appropriate Assessment is not therefore required.

7.5. Environmental Impact Assessment

- 7.5.1. Having regard to the nature and scale of the development which consists of a residential infill scheme in a fully serviced urban location, there is no real likelihood of significant effects on the environment arising from the proposed development. The

need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

8.0 Recommendation

8.1. I recommend a grant of permission subject to the following conditions.

9.0 Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016–2022, and in particular the objectives of this Plan that seek to promote infill residential development and increased residential densities, and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, as modified, 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, would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by An Bord Pleanála on the 18th day of July, 2018, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. This permission relates to the construction of 49 apartments only, in accordance with the revised plans and particulars submitted to An Bord Pleanála on the 18th day of July, 2018. No additional residential units or apartments, in excess of the 49 apartments hereby permitted, shall be constructed on this site.

Reason: In the interest of clarity and in order to limit the extent of residential development on this site in the interests of pedestrian and traffic safety, and to protect the residential amenities of adjoining properties.

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

Reason: In the interest of public health.

4. The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the basement car park, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.

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

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

Reason: In the interest of visual amenity.

6. Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development (including any demolition works) on the site.

Reason: In the interests of visual and residential amenity.

7. Prior to commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design.

8. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works,

as detailed in the Arboricultural Method Statement and Tree Protection Plan in the submitted tree report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

9. Prior to commencement of any permitted development or any related construction activity or tree felling on the site, the developer shall lodge a Tree Bond to the value of €30,000 with the planning authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or

similar as may be stipulated by the planning authority. An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of three months of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist.

Reason: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

10. 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 crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interests of visual and residential amenity.

11. Proposals for an estate/development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all estate and street signs and numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

12. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

13. 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, noise management measures and off-site disposal of construction/demolition waste.

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

14. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery (which shall not be within the areas designated for tree protection) and for storage of deliveries to the site.

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

15. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation

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

Reason: In the interests of residential amenity and proper waste management.

16. 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. Such lighting shall be provided prior to the making available for occupation of any unit.

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

17. 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 96(4) and 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

Reason: To ensure the satisfactory completion of the development.

19. 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.

Siobhan Carroll
Planning Inspector

9th of November 2018