



An
Bord
Pleanála

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

Inspector's Report ABP-302398-18

Strategic Housing Development

459 no. dwellings, vehicular access provided from new central section of Citywest Avenue including replacement roundabout, temporary pedestrian link to Fortunestown Luas Stop and associated site works.

Location

Cooldown Commons and Fortunestown, Citywest, Dublin 24.

Planning Authority

South Dublin County Council

Applicant

Cairn Homes Properties Ltd.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
Commission for Railway Regulation
Irish Aviation Authority

Observer

Alan Buckley

Date of Site Inspection

8th November 2018

Inspector

Stephen O'Sullivan

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1.0 Introduction

- 1.1. 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 site is in south-west Dublin, c 14km south west of the city centre and c4km west of Tallaght town centre. It has a stated area of 7.49ha. It is currently vacant and undeveloped, apart from a piece of road that runs from Citywest Avenue (or Garter Avenue) on the north-eastern boundary to an isolated roundabout in the middle of the site. There is a road on the same line on the adjoining site to the west that runs up to that western boundary of the site. The Luas Red Line runs along the southern boundary of the site parallel to Fortunestown Lane. The railway separates the site from the road. The Fortunestown stop is beside the south-eastern corner of the site. There is a shopping centre c300m further to the southwest. The west of the site adjoins residential areas with a mix of apartments and houses, as well as lands on which residential development is ongoing. Industrial type buildings lie to the north of the site in the Citywest Business Campus. The southern part of the eastern boundary adjoins the site of an authorised housing development that has not commenced.

3.0 Proposed Strategic Housing Development

- 3.1. It is proposed to build 459 homes, consisting of 336 apartments and 123 houses.
- 3.2. The apartments would be of the following types –
- 30 studio apartments with a floor area of 39m² each
 - 88 one-bedroom apartments of between 45m² and 58m²
 - 189 two-bedroom apartments of between 73m² and 88m²
 - 29 three-bedroom apartments of between 91m² and 118m²
- 3.3. The houses would consist of –

- 93 three-bedroom houses of between 112m² and 117m²
 - 30 four-bedroom houses of between 136m² and 138m²
- 3.4. The cumulative floor area of the residential development is stated as 37,697m². It is also proposed to provide a creche of 327m² and a community room of 127m².
- 3.5. The development would complete Citywest Avenue across the middle of the site, linking the existing parts of that street to the east and west. The part of the proposed development to the north of the avenue would be mainly houses, containing 105 of the 123 that are proposed. It would also include 10 of the apartments, all of which would have own door access, in a 3-storey building. The part of the proposed development to the south of Citywest Avenue would include 18 houses and 32 own-door apartments in 3no. 3-storey blocks. However most of this part of the site would be occupied by 7 apartment buildings containing 294 apartments. One of those buildings would contain 4 storeys of accommodation, the others 6 storeys. The creche and community room would be provided on the ground floor of one of the buildings.
- 3.6. Apart from the links at either end of Citywest Avenue, the proposed development would have one other access from the existing residential development to the west and three from the authorised development to the east. The permanent access to the Luas stop would be through the authorised development to the east. The proposed development includes a temporary pedestrian access to the stop, pending the completion of the neighbouring scheme.
- 3.7. The proposed houses would each have 2 car parking spaces on their curtilage. The 42 own door apartments would be served by 62 surface spaces. The other 294 apartments would be served by 36 surface spaces and another 130 at basement level. There would also be 2 spaces to serve the creche and 3 spaces for a carshare scheme. The total number of parking spaces would be 501. It is also proposed to provide 554 bicycle spaces to serve the apartments, of which 216 would be in the basement. There would also be 8 bicycle spaces at the creche and 26 near the Luas stop.
- 3.8. The submitted phasing plan shows 2 phases. Citywest Avenue and the housing to its north would be completed in the first phase, along with the link to the Luas stop and

the other 18 houses to the south of the avenue. The second phase of the development would provide the apartments to the south of the avenue.

4.0 Planning History

- 4.1. SD14A/0033 – an application for permission for 230 homes was deemed to be withdrawn when no response was received to a request from the planning authority for further information.
- 4.2. ABP-300555-18 The board granted permission in March 2018 for a development of 526 homes, 87% of which were houses, on a site of 24ha c350m to the west of the current application site.
- 4.3. PL06S. 247507, Reg. Ref. SD16A/0297 – the board granted permission in March 2017 to amend an authorised residential development to provide 24 additional apartments. The planning authority had refused permission due to the material contravention on the limit on apartments set out in the 2012 Fortunestown Local Area Plan. The board's decision referred to the pattern of development in the area and the extant permission which allowed it to grant permission under section 37(2)(b)(iv) of the planning act.
- 4.4. Reg. Ref. SD16A/0078 – the planning authority granted permission in February 2017 for a residential development including 129 units on the site adjoining the east of the current application site. This development has not commenced,

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of the board on 21st June 2018 in respect of a proposed development of 419 homes, including 281 apartments and 138 houses, as well as a creche and community facility. The main topics discussed at the meeting were –

- Development Strategy
- Urban Design
- Traffic and Transportation including parking
- Connections to wastewater network

- Other issues

Copies of the record of the meeting and the inspector's report are on this file.

5.2. An Bord Pleanála issued a notification that it was of the opinion that the documents submitted with the request to enter into consultations required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development in respect of the following issues –

5.3. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

1. Development Strategy

Further consideration/clarification of documents as they relate to the development strategy for the site having regard to inter alia, the provisions of the Fortunestown Local Area Plan and in particular the provisions for each of the two neighbourhood areas that the development lands are located within. The development strategy should provide a clear vision for the site having regard to, inter alia, how the proposed development will connect/interface with adjoining developed and undeveloped lands and how the proposals are consistent with the objectives of the Local Area Plan including density, height, unit mix and the provision of linkages from the other neighbourhoods to the Fortunestown Central Urban Hub. 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 address any matter that maybe considered to materially contravene the said plan should be provided. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

2. Urban Design including residential amenity

Further consideration of documents as they relate to the urban design and future residential amenity of the proposed residential units having regard to the provisions of the 'Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities' and the 'Design Standards for New

Apartment, Guidelines for Planning Authorities 2018', in particular the need for new residential developments to create high quality places which, *inter alia*, are attractive with active streetscapes and offer good quality residential amenity for future residents. Consideration should be given to the quality of daylight/sunlight availability to the units within the proposed apartment blocks. Further consideration should also be given to the interface of the proposed development with the Luas line to the southern boundary and how optimal permeability and connectivity to the Fortunestown central urban hub can be achieved particularly from the northern portion of the development site to the Luas stop. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

3. Green Infrastructure

Further consideration/clarification of documents as they relate to the provision of public open space areas and the linking of green spaces within the plan lands with each other as provided for within the Local Area plan. Consideration should also be given to the continuity in these linkages having regard to adjoining developed and undeveloped lands and the passive surveillance and level changes across the public open space areas. The further consideration of this issue may require an amendment to the documents and/or design proposals submitted.

4. Waste water infrastructure

Further consideration/clarification of the documents as they pertain to connections to the foul sewer which is in third party ownership. The prospective applicant is advised to liaise with relevant land owner and ensure necessary consents are in place to connect to this infrastructure. The documentation at application stage should provide evidence of this consent.

5. Surface Water Management and Risk of Flooding

Further consideration of documents as they relate to the potential for increased risk of flooding in the wider area having particular regard to the potential for displaced waters as a result of the proposed development. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The

Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Consideration should be given to cumulative impacts arising from other extant permissions in the immediate area. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted. The prospective applicant is advised to liaise with the planning authority regarding surface/storm water proposals prior to making an application.

5.4. The opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application which can be summarised as follows –

- A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
- Details of existing and proposed changes in contours/levels across the site. Photomontage images and cross-sections at appropriate intervals to illustrate the topography of the site, showing proposed dwellings/apartment blocks, access roads including the proposed 'Citywest Avenue' and public open space areas.
- Details of undergrounding or re-routing of any overhead ESB power lines or existing underground services located within the site.
- A site layout plan indicating pedestrian and cycle connections through the development lands to existing and proposed transport modes in the vicinity.
- A Transport Impact Assessment which has regard in particular to the vehicular, pedestrian and cyclist movements identified in the Fortunestown Local Area Plan. This assessment should provide unambiguous details regarding the number of car parking and cycle parking spaces.
- A phasing plan for the proposed development should be provided which provides for inter alia, the delivery of the 'Citywest Avenue' and linkages to the Luas stop within Phase 1. The phasing arrangement should provide for attenuation proposals which are independent of each subsequent phase.

- Landscaping proposals including an overall landscaping masterplan for the development site including the public open space. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including boundary treatments should be submitted.
- A site layout plan which clearly indicates what areas, including any pedestrian and cycle routes/connections, are to be taken in charge by the Local Authority.

5.5. The application is accompanied by a **Statement of Response** to the notice issued by the board. The following is a short synopsis of the response to the items raised in the Opinion.

- 5.5.1. In response to item no.1 1 the applicant states that the development is laid out in accordance with LAP's strategies for movement, built form and green infrastructure. A drawing is submitted showing pedestrian and cycle routes. The layout will connect to adjoining developments to the east and west. The authorised development to the east will provide access to the Fortunestown Hub and shopping centre. The development would not be consistent with the LAP provisions on density, height and housing mix, and a statement of material contravention has been submitted to justify this.
- 5.5.2. In response to item no. 2, the applicant refers to the architectural design statement. Active streetscapes and permeable blocks are proposed with linear and pocket parks. Private spaces are provided in terraces, balconies and back gardens. The height and orientation of buildings will allow maximum sunlight into communal spaces. The proposed development would comply with BRE guidance on daylight and sunlight. Details of the interface with the Luas stop are shown on a drawing, as are the temporary pedestrian link to it. Connections to the stop and hence to the shopping centre will be provided in phase 1 of the development.
- 5.5.3. In response item no. 3, the applicant states that comprehensive landscaping proposals have been submitted with the application. Open spaces will be overlooked by apartments and houses, and the B blocks are designed to minimise plinths at ground floor level. .
- 5.5.4. In response to item no. 4, the applicant has submitted a letter of consent for the connection to the foul sewer network.

- 5.5.5. In response to item no. 5, the applicant has submitted a site specific flood risk assessment. The site is in flood zone C. The drainage system will reduce runoff to greenfield levels with an attenuation system.
- 5.5.6. In response to the request for specific information, the applicant has submitted a schools needs assessment report; contiguous elevations and sections; details of re-routing of power lines and underground services; a plan of pedestrian and cycle routes; a transport impact assessment; a phasing plan; landscaping proposals; and a taking-in-charge plan.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Objective 3b is to deliver 50% of new homes in the built up area of the 5 cities. Objective 11 is to favour development that can encourage more people in existing settlements. Objective 13 is that planning standards in urban areas, including those relating to height, should be based on performance criteria that achieve well designed high quality outcomes. Objective 27 is to prioritise alternatives to travel by car and walking and cycling accessibility to existing and proposed development. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.8 states that minimum net densities of 50dph should be applied for housing development in public transport corridors, including those within 1km of light railways.
- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that accessible urban locations, which includes sites within 1km of a Luas stop, are generally suitable for development at higher densities that are comprised wholly or

mainly of apartments. The guidelines contain several specific requirements with which compliance is mandatory. No more than 50% of the apartments in schemes of more than 100 may be one-bedroom or studio units, and not more than 25% would be studios. At least 33% of apartments in schemes in accessible locations must be dual aspect. The minimum floor area for studio apartments is 39m², for one-bedroom apartments it is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of the proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the plan.

- 6.1.4. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.3.2 advises that block dimensions of up to 100m would allow a reasonable level of permeability in suburban areas. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links between arterial streets or between neighbourhoods, while local streets provide access within communities. Section 4.4.1 states that the standard carriageway width on link streets would 6-6.5m, while that on local streets should be 5-5.5m or 4.8m where a shared surface is proposed. If more space is required to allow cars to manoeuvre into perpendicular parking spaces, this should be provided outside the carriageway, as illustrated in figure 4.82.
- 6.1.5. The National Cycle Manual was issued by the NTA in 2009. It provides technical guidance on the design of cycle facilities. Section 1.7 provides advice as to when links that are integrated or segregated from vehicular traffic are preferred.
- 6.1.6. The minister issued Guidelines for Planning Authorities on Flood Risk Management in November 2009. The site would be in flood risk zone C in the categories set out in the guidelines, where development is normally appropriate.
- 6.1.7. The Guidelines for Planning Authorities on Childcare Facilities issued in 2001 states that childcare facilities should be provided in new residential schemes with 20 places provided for every 75 homes.

6.2. Local Policy

- 6.2.1. The South Dublin County Development Plan 2016-2022 applies. The site is zoned under objective RES-N to provide new residential communities in accordance with a local area plan. There is an objective to provide a road across the site along Citywest Avenue. Policy H1 Objective 1 is to increase the stock of social housing in the county. Policy H8 is promote higher residential densities at appropriate locations, while objective 8 of that policy is to comply with the density limits set out in local area plans. Policy H9 is to support varied building height, while objective 4 is to direct buildings over 5 storeys to town centres or SDZs. Policy H10 is to ensure a wide variety of housing types in line with the county's housing strategy. Policy H11 is in favour of a high quality of design and layout in residential development. Policy H12 and 13 favour the provision of public and private open space. Section 11.3 sets a standard of 14% of site area to be provided as open space in this area. Three-bedroom houses should have a floor area of at least 92m² and private open space of at least 60m². Rear windows over ground floor level should be separated from directly opposing windows by 22m. The parking standards in section 11.4.1 require 0.3 bicycle spaces per apartment, and set a maximum standard of 1 car space for each one-bedroom apartment, 1.25 spaces for a two-bedroom apartment and 1.5 spaces for an apartment with three or more bedrooms, 1.5 spaces for each two-bedroom house and 2 spaces for each house with three bedrooms or more.
- 6.2.2. A Local Area Plan for Fortunestown was adopted in 2012. It provides a layout of streets across this emerging urban area. It includes a continuation of Citywest Avenue across the middle of the site as a primary urban street. It also shows a green route perpendicular to that avenue that would run from the residential areas to the west of the site to the authorised housing to the east and so provide a link to the urban hub at Fortunestown that has the Luas stop and shopping centre. Objective LUS10 is that 85% of dwellings shall be own-door units and the average floor area shall be at least 110m². Section 5.5.4 states that the maximum height of development shall be 3 storeys save in exceptional circumstances. The plan also provides detailed guidance on the development of the several neighbourhoods. The part of the site to the south of Citywest Avenue is designated as part of the Fortunestown Centre. Figure 6.5 of the plan indicates that development there should be at a density of c50dph. Section 6.1.5 states that buildings there will generally be 3

storeys in height. Objective FC6b states that 85% of dwellings shall be own-door units and the average floor area shall be at least 110m². The northern part of the site would be part of Saggart-Cooldown Commons. Figure 6.25 indicates that development there should be at a density of c40dph. Section 6.5.5 states that buildings there should generally be 2 to 3 storeys in height. Objective SCCN4a is that 85% of dwellings shall be own-door units and the average floor area shall be at least 110m². Section 8 of the plan sets out a phasing arrangement for the overall area in line with the provision of supporting infrastructure including schools.

6.3. Statement of Consistency

- 6.3.1. The statement submitted with the application in accordance with section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016 states that the proposed development is consistent with the residential zoning of the site under the county development plan. It would be consistent with core strategy of the plan which designates Saggart/Citywest as a town suitable for growth. The proposed development would provide social housing under Part V as required by Policy H1 of the plan. The proposed density of 83dph would comply with the sustainable residential urban guidelines, and thus with Policy H8 Objective 1 of the development plan. The proposed building heights are required to provide the said density and so would be in keeping with policy H9 Objective 1 of the development plan. There would be a mix of housing types in accordance with Policy H10 Objective 1 of the plan. The proposed development would have a high quality of layout and design in accordance with Policy H11 of the plan. Public and private open space would be provided in line with Policies H12 and H13, while internal accommodation would be in keeping with Policy H14. Privacy and security would be provided in line with Policy 15. The development would provide 588 bicycle parking spaces and 482 car parking spaces in accordance with the standards set down in section 11 of the development plan.
- 6.3.2. The layout of the development would provide the links required under objective FC1 of the 2012 Fortunestown Local Area Plan. The district park beside the shopping centre required by objective FC7 has been provided. The proposed development include a section of the green link required under objective FC8. The proposed development would provide access from secondary streets to Citywest Avenue in accordance with objective SCCN1. It would provide cyclist and pedestrian facilities

and crossing points that integrate with existing into the design of the proposed accesses and street network in accordance with objective SCCN2. The proposed development would be in keeping with the phasing requirements set out in table 8.1 of the local area plan as the outcomes required for phases 1,2 and 3 of the overall development of the area have been achieved or are in progress, including the district park, the first primary school, planning permission for another two primary schools, the replacement of the roundabout at Fortunestown Lane/Citywest Road, and the extension of Citywest Avenue which is proposed in the current application. This allows the proposed development to proceed in accordance with the phasing in the plan.

6.3.3. The statement acknowledges that the proposed development would materially contravene several provisions of the local area plan. It would contravene objectives FC6b and SCCN4a which require 85% of homes to be own door units with a minimum average floor area of 110m², as only 36% of the proposed development would be own door units and their average size is 77m². Densities of 40dph are required on the northern part of the site, and 50dph on the southern part of the site. The proposed density is 83dph. The local area plan specifies building heights of 3 and 2 storeys, while the proposed development includes buildings up to 6 storeys high. The statement argues that the proposed development should be granted permission, notwithstanding these contraventions, having regard to government policy, as stated in Rebuilding Ireland to increase housing output to 25,000 per annum, to objectives 13 of the National Planning Framework to apply qualitative rather than quantitative standards on questions of density and height and objective 35 to achieve higher residential densities by various means including higher buildings. The statement refers also refer to the Regional Planning Guidelines for the Greater Dublin Area 2010-2022 which encourage increased residential densities at nodes on public transport corridors and to section 5.8 of the sustainable urban housing guidelines which seek minimum net densities of 50dph within 1km of light railway stops. It also refers of draft guidelines on building height which states that the required minimum densities be achieved and seeks a greater mix of building heights and housing types in suburban areas. The said national and regional policies would justify a grant of permission in this case under section 37(2)(b)(iii) of the planning act.

6.3.4. The statement says that the proposed development would comply with various national planning policies. It would provide medium to high density development in an existing urban area close to public transport and local services, and so would comply with objectives 3, 4, 11, 13, 27, 33, 34, 35, 52 and 75 of the National Planning Framework. The layout, built form and design would comply with the Guidelines on Sustainable Residential Development in Urban Areas and the criteria set out in the accompanying design manual, as they would provide a variety of housing types that are connected to transport options and local services. It would also comply with SPPR4 of the draft guidelines on building heights, should they be adopted prior to the making of a decision on the application. The design and layout of individual apartments are consistent with the standards set out in the 2018 Guidelines on Apartment Design with respect to floor areas, room sizes, private and communal space. The houses would meet the standards set out in the Design Guidelines for quality Housing for Sustainable Communities issued in 2007. The proposed creche of 327m² would provide c90 spaces which is consistent with the advice in the Guidelines on Childcare Facilities issued in 2001, taking into account the proportion of studio and one-bedroom apartments that are proposed. The site is in Flood Zone C where residential development is normally acceptable under the Guidelines on Flood Risk Management and a site specific flood risk assessment has been submitted to demonstrate compliance with those guidelines. The statement refers to the submitted Transport Assessment which it says demonstrates compliance with the standards set out in DMURS.

7.0 Third Party Submissions

7.1. A submission was received from Mr Alan Buckley. It stated that the density of the development, the height of the buildings, the average floor area of the dwellings, and the proportion of apartments all materially contravened the relevant provisions of the local area plan. The level of deviation is unbelievable. The board should refuse permission for the application and ensure that any future application is more compliant with the Fortunestown Local Area Plan.

8.0 Planning Authority Submission

- 8.1. The submission reports the views of the elected members expressed in the relevant area committee. The proposal was stated to be over-development and a contravention of the local area plan. Concern was expressed about the capacity of local schools. The council should oppose the proposed development.
- 8.2. The Chief Executive's report states that the proposed uses are in keeping with the zoning of the site under the development plan. The layout generally accords with the provisions of the plan regarding streets, open spaces and permeability. It provides links to the wider area and access to the open space for residents, and is acceptable. 44% of apartments would be single aspect, which is in keeping with the 2018 guidelines on apartment design. No dwellings would appear to be overshadowed or overborne by the proposed development. The internal accommodation in the apartments and houses appears to comply with the standards in the applicable guidelines. Private amenity space has been provided for each apartment, but the size and role of the communal open space serving the apartments requires clarification. 14% of the site area would be provided for public open space, which would comply with development plan standards. Its function, location and distribution is acceptable, but concerns are expressed about details of the landscaping which should be addressed by condition on any permission granted. The proposed development is consistent with the principle set out in DMURS.
- 8.3. There is a phasing scheme set out in section 8 of the LAP. The outcomes required for the first 3 phases have largely been met, including the opening of a primary school on the southern side of Fortunestown Lane. The current proposal would complete Citywest Avenue, which is a key outcome required in Phase 2. This road should be opened before any of the proposed units area occupied. The proposed development would exhaust the remaining housing allocation in Phase 3 as well as 42 of the 1,500 units allowed under Phase 4. The key outcome required for Phase 4 is the provision of a secondary school site. However the Department of Education is currently focussed on the provision of primary school capacity in this area, and permission for two more primary schools has been granted. In these circumstances the planning authority consider that the proposed development would generally be in keeping with the phasing requirements of the local area plan.

- 8.4. The Local Area Plan specifies a density of 50dph in the part of the application site south of Citywest Avenue and 40dph in the part to its north. Therefore, notwithstanding national policy favouring densities of more than 50 dph on public transport corridors, the density of the proposed development would materially contravene the provisions of the LAP. The council adopted a restriction on high density apartments based on the provision of such developments in the area within the last two decades. The site is at the end of the Red Luas line c60 minutes travel time from Dublin city centre and no improvement in the service is planned. The LAP also restricts apartments and duplexes to those circumstances where they are required for urban design purposes. Objective LUD 10 is that 85 % of dwellings in the area are houses, and that each development achieves an average dwelling size of 110m². The proposed development would contravene these provisions of the LAP. Section 5.5.4 of the plan states that buildings shall be a maximum of 3 storeys high, save in limited circumstances. The proposed development would contravene this requirement. Having regard to these contraventions, it is clear that the scale of the proposed development substantially exceeds that envisaged for the site under the LAP. The layout of the proposed development provides the east-west link along Citywest Avenue and a north-south spine, with access to adjoining developments, and an attractive and defensible urban form. As such it is in keeping with the provisions of the LAP and is acceptable in terms of urban design. Access to the Luas stop along the east of the site should be provided in phase 1 of the development. The council's road department does not object to the development, subject to conditions, including the removal of parking from Citywest Avenue. The proposed creche is considered acceptable in the context of the guidelines on the subject. The proposed boundary treatments are generally acceptable. Back garden walls should be of concrete blocks to provide a more durable finish.
- 8.5. The planning authority recommends that permission be refused for the proposed development as its density, height and share of apartments would materially contravene the provisions of the local area plan. Conditions were submitted that might be attached to a grant of permission, should the board decide to make one. None of them would substantially amend the proposed development.

9.0 Prescribed Bodies

- 9.1. **Irish Water** reported that connections to its network can be facilitated.
- 9.2. **Transport Infrastructure Ireland (TII)** noted the proximity of the proposed development to the Luas line and the proposal for access to a stop. It required detailed consultation with the developer prior to the commencement of development, but did not recommend any alterations to the proposed development.
- 9.3. **The Commission for Railway Regulation** stated the developer should consult with TII and abide by its requirements.
- 9.4. **The Irish Aviation Authority** stated that the developer should give it 30 days' notice of the erection of any crane and agree details of lighting and signage with the authority.

10.0 Assessment

- 10.1. The planning issues arising from the proposed development can be addressed under the following headings –
 - Screening for environmental impact assessment and appropriate assessment
 - The proposed use
 - The layout of the proposed development
 - The density of the proposed development
 - Housing mix
 - Height and design
 - Residential amenity
 - Access and parking
 - Water and drainage, including flood risk assessment
- 10.2. **Screening for environmental impact assessment and appropriate assessment**
 - 10.2.1. The current proposal is an urban development project that would be in the built-up area but not in a business district. It is therefore within the class of development

described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 459 dwellings on 7.49ha which is below the threshold, although the number of dwellings and the site area are each a substantial fraction of the threshold. The criteria set out in schedule 7 of the regulations, and those at Annex III of the EIA directive 2011/92/EU as amended by 2014/52/EU, should therefore have been applied with regard to the characteristics and location of the proposed development, and with regard to the type and characteristics of its potential impact. The size and design of the proposed development would not be unusual in the context of this emerging area. The site would be located on greenfield land but within the built-up area of the city. There has been previous development around the site, except on its eastern side. The changes in the area that have occurred due to its recent development are in accordance with a county development plan and a local area plan that were subject to Strategic Environmental Assessment. The site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would be in residential use, which is the predominant land use in the surrounding area. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The development would occupy a moderately large area of land, but that land does not have a current viable use and so the impact on this resource would be negligible. The proposed development would use the municipal water and drainage services of Dublin city, upon which its effects would be marginal. In these circumstances the application of the relevant criteria to the proposed development indicate that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered.

- 10.2.2. The site is not in or adjacent to any Natura 2000 site. The proposed development would not, therefore, have the potential to have any direct significant effect on any such site. The appropriate assessment screening report that was submitted with the application referred to the Natura 2000 sites in Dublin Bay, including the SAC at South Dublin Bay sitecode 0210 and the SPA for South Dublin Bay and the Tolka

Estuary sitecode 004024. However no pathway that had the potential to cause a significant indirect effect on those sites arising from the proposed development was identified. The proposed development would be located on land within the existing built up area of Dublin on serviced lands. It would drain to the municipal sewers, and its potential effect on their outfalls would be marginal and insignificant, given the size of the proposed development relative to the rest of the city. It is therefore concluded that the proposed development would not have the potential to have a significant effect on the Natura 2000 sites in Dublin Bay, either individually or in combination with any other plan or project. There are no other Natura 2000 sites upon which the proposed development could have an effect. Therefore, having regard to the location of the proposed development and the nature of the receiving environment, in particular the absence of any hydrological link or other relevant pathway that could give rise to a significant effect on any European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

10.3. The proposed use

- 10.3.1. The proposed development is for residential use including a small community facility for residents, and an ancillary childcare facility. This use is in keeping with the zoning of the site under objective RES-N by the development plan. There is a phasing programme in section 8 of the local area plan which controls the release of lands for development in relation to the provision of supporting infrastructure. The planning authority has reported that the current proposal would not contravene the phasing programme and no information has been submitted that would support a different conclusion on the matter. The proposed childcare facility is compatible with the main residential use and is in keeping with the provisions of the 2001 guidelines on childcare facilities. The proposed uses are therefore acceptable.

10.4. The layout of the proposed development

- 10.4.1. The Fortunestown Local Area Plan 2012 provides guidance on the proper layout for development on this site that would be co-ordinated with the development of adjoining sites and that would provide attractive streets and coherent routes from the planned housing to the supporting facilities in the wider area. The proposed

development complies with this guidance. It would continue the main route along Citywest/Garter Avenue across the site with appropriate frontage development. It would link with the development under construction to the west. The layout would also provide a secondary north-south street as stipulated by the local area plan. This street would, at its southern end, provide a link through the authorised development to the east towards the Luas stop and the shopping centre at Fortunestown. The proposed layout would also provide a temporary link to those facilities in the first phase of the development using a road along the western site boundary pending the completion of the development to the east. The planning authority have advised that the temporary link should be along a road on the eastern site boundary. The latter road would be closer to Luas stop and would provide a shorter route to it from the rest of phase 1 of this proposed scheme. The advice from the planning authority is therefore reasonable. However the temporary link along the west and south of the site would provide a more convenient route to the Luas from the development under construction to the west of the site. In this circumstance it is not recommended that the applicant's proposal be amended.

10.4.2. Having regard to its compliance with the provisions of the local area plan, it is considered that the proposed development would have a suitably permeable and legible layout that was properly integrated with the development of the adjoining lands and that provided convenient access from the proposed housing to local facilities and the wider road network. The proposed layout is therefore acceptable.

10.5. The density of the proposed development.

10.5.1. The local area plan provides clear guidance on the density of development envisaged on the site, with c50dph being sought on the southern part of the site within the neighbourhood of Fortunestown Centre and c40dph on the northern part of site in the neighbourhood of Saggart-Cooldown Commons. The proposed development would be a density of 83 dph and so would materially contravene this guidance, as stated by the planning authority and the observer on the application and acknowledged by the applicant. The exceedance arises because of the proposed apartment blocks in the southern half of the site. The development on the northern part of the site would be at a density of 30dph, which is significantly below the density of development recommended for this part of the site under the local area plan.

10.5.2. So the question arises as to whether the proposed apartment blocks would be in keeping with the proper planning and sustainable development of the area and whether the board may grant permission for them having regard to the criteria set out in section 37(2)(b) of the 2000 planning act, which applies to applications for strategic housing development that contravene either development or local area plans under section 9(6)(c) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The proposed apartment blocks would be within 300m of the Luas stop. The entire site would be within 600m of the Luas stop. Section 5.8 of the sustainable urban housing guidelines from 2009 states that minimum net densities of 50dph should be applied of public transport corridors including land within 1km of light railway stops. The proposed development would comply with the guidelines. The density stipulated for this site in the local area plan does not. More generally, the National Planning Framework sets objectives to encourage development that can accommodate more people in existing settlements (no. 11) and increased densities of development there (no. 35), both of which would support the density proposed in this case. There is also an objective to prioritise alternative modes of travel to the car (no. 27) which would support the current proposal to accommodate more people beside a Luas stop. The comments of the planning authority regarding the peripheral location of the site relative to the city centre are noted. Nonetheless the site is within walking distance of both a light railway stop and a range of commercial and social facilities, and the accommodation of a higher population upon it would render the provision of further such services more economic. In these circumstances the board is advised that the proposed density of the development is in keeping with the proper planning and sustainable development of the area and that permission may be granted for it under section 37(2)(b)(iii) of the 2000 act having regard to the 2009 sustainable urban housing guidelines issued by the minister under section 28 of the act and by reference to the policies of the government stated at objectives 11, 27 and 35 of the National Planning Framework.

10.6. **Housing mix**

10.6.1. The proposed development includes a wide mix of accommodation types including houses and apartments, and units with between one and four bedrooms as well as studio apartments. It would therefore meet the housing needs of a wide section of

the community. The northern part of the development would consist of 105 houses and 10 apartments each of which would have its own front door. The southern part of the development would contain 294 apartments in blocks, and another 50 homes with their own front doors. The local area plan requires that 85% of the homes in the area should be own-door units and that the average floor area shall be at least 110m². The development would contravene this requirement due to the number and size of the 294 apartments proposed in the blocks on the southern part of the site, as stated by the planning authority and the observer on the application and acknowledged by the applicant. The northern part of the site, if considered separately, would comply with those requirements of the local area plan. So again the question arises as to whether providing apartments on the southern part of the site is in keeping with the proper planning and sustainable development of the area and whether permission can be granted notwithstanding the material contravention of the local area plan.

10.6.2. Section 2.4 of the Guidelines on the Design of New Apartments issued by the minister in 2018 states that sites within 10 minutes' walk of Luas stops are generally suitable for high density development that may consist wholly of apartments. The proposed development would be consistent with this provision of the guidelines. The local area plan is not. The implementation of the relevant provisions of the 2012 local area plan would also be contrary to SPPR 1 of the 2018 guidelines, which states that statutory plans may only specify a mix of housing types after an evidence based housing needs assessment has been completed and incorporated into a development plan. 30 of the proposed 363 apartments would be studio units. Another 88 would be one-bedroom units. This would be well within the upper limit of 20% for studio apartments or 50% for the sum of studio and one-bedroom apartments set out SPPR1. The proposed housing mix is therefore considered acceptable notwithstanding its contravention of the local area plan, and the board may consider granting permission under section 37(2)(b)(iii) of the 2000 act having regard to the 2018 Guidelines on the Design of New Apartments issued by the minister under section 28 of the act.

10.7. Height and design

10.7.1. The height of the proposed 6-storey apartment blocks in the southern part of the site would materially contravene the local area plan which seeks to restrict the height of

buildings to two or three storeys except in specific locations. Objective 13 of the National Planning Framework is to apply performance criteria rather than quantitative limits in respect of planning standards in urban areas including those relating to height. The height of the apartment blocks allows the development to achieve a suitable density, as discussed at section 10.5 of this report above, while maintaining a substantial amount of open space. The height is important in providing a strong street frontage along Citywest Avenue within the site and towards Fortunestown Lane to its south. It would also improve the legibility and visual interest of the built fabric of this emerging urban area and so would make a positive contribution to its character. The application of such performance criteria to the question of building height in this case therefore demonstrates that the height of the proposed apartment blocks would be acceptable. A grant of permission could be considered for them despite their contravention of the height limits set down in the local area plan under section 37(2)(b)(iii) of the 2000 act by having regard to the government policy as set out in objective 13 of the National Planning Framework. The submission from the applicant also referred to the draft guidelines on building height that have been issued by the minister. However draft guidelines are not material considerations for planning applications and would not justify a grant of permission contrary to the local area plan.

10.7.2. As discussed in section 10.4 above, the layout of the development respects the provisions of the local area plan and is integrated with the development on the neighbouring lands. It would provide clearly defined streets and spaces within the proposed development, and clear routes through it towards other facilities in the area. Some of the block dimensions would be marginally over the limit of 100m recommended in DMURS, but this would not significantly impair the permeability of the development. The layout and choice of house types would minimise the extent to which footpaths were bounded by walls onto back gardens. The proposed apartment blocks would provide suitable frontage onto Citywest Avenue, which is designated as a primary street under the local area plan, and toward the tram line and Fortunestown Lane. The detailed design of the proposed houses and apartment buildings reaches an acceptable standard. The predominant finishes on the apartment buildings would be brick. This would avoid the longer term problem of discolouration that has affected numerous apartments buildings in the area whose

facades have extensive painted render. The proposals provided in respect of landscaping, boundary and surface treatments are not highly detailed or entirely specific. They are acceptable in principle, but would need to be subject to further consideration regarding their details. This can be done by the planning authority under a condition attached to a grant of permission. The details regarding the treatment of the link to the Luas stop would also need to be subject to the agreement of TII, as requested in the submission from that body. Subject to this, the design and layout of the proposed development are acceptable and would provide an attractive residential environment.

10.8. Residential amenity

- 10.8.1. Most of the areas within the development that adjoin the curtilages of existing or authorised dwellings would be the back gardens serving proposed houses, except for the southern end of the eastern boundary where adjoining land within the proposed development would be part of the shared open space serving 3-storey apartment blocks. The proposed layout would maintain a separation distance of 22m between opposing windows onto habitable rooms above ground floor level, both within the scheme and when measured to neighbouring dwellings. On certain plots this is achieved by using a house with a shallow plan that has all the bedroom windows on the front of the house. It is therefore considered that the proposed development would not interfere with residential amenities of adjacent properties by overlooking, overshadowing, overbearing or otherwise.
- 10.8.2. The proposed development would provide a substantial amount of public open space in the northern, central and southern parts of the site that would be readily accessible to the residents across the scheme and which was of a useable size and shape. The provision of 14% of the site area as public open space would meet the standard set section 11.3 of the development plan. Each of the proposed houses would have adequate amenity space behind the building line of at least 60m². The internal accommodation provided in the proposed houses is acceptable. Bin stores are shown to serve the proposed apartments, and terraced houses have facilities for wheelie bins at the front of their own curtilages.
- 10.8.3. Each of the proposed apartments would meet the minimum sizes required under SPPR 3 of the 2018 guidelines on apartment design and would include rooms and

balconies or terraces of the sizes specified in appendix 1 of the guidelines. The minimum floor area of the proposed 336 apartments under the guidelines would be 21,477m², to which another 987m² should be added to comply with the requirement that more than 50% of the apartments (other than studios) should exceed the minimum floor area by 10%. The proposed one-, two- and three-bedroom apartments would have an additional 1,480m² of accommodation and the total floor area of the apartments including the studios would be 23,017m². This is well above the required minimum. Shared open areas would also be provided around and between the proposed apartment blocks. They would be separate from the public open space. The planning authority reports that 56% of the apartments in the higher blocks are dual aspect which would comply with SPPR 4 of the guidelines even without reference to the own-door apartments in the three storey blocks, all of which have dual aspect. Floor to ceiling heights for the ground floor apartments are at least 2.7m, so SPPR 5 would be met. No block has more than 12 apartments being served by a single core. The most common arrangement has 8 apartments per core, so SPPR 6 would be met. The application was accompanied by a daylight and sunlight analysis which indicated that most, but by no means all, of the habitable rooms in the apartments would meet the average daylight factor recommended under the BRE Guidance on Daylight and Sunlight from 2012, with shortfalls identified for 59 of the 294 apartments in the blocks. Given that the height and layout of the apartment buildings would provide the proper density of development for this site beside a light railway, would improve the standard of urban design and the variety of housing types that would be provided in the scheme and would allow a greater amount of open space to be provided on the site, the level of daylight provided to the apartments is considered acceptable. A building life cycle report has been submitted in accordance with section 6.13 of the guidelines. The proposed apartments would therefore comply with the 2018 guidelines and would provide an acceptable standard of accommodation for their occupants.

10.8.4. Having regard to the foregoing, it is concluded that the proposed development would provide a reasonable level of amenity for its occupants and would not unduly affect the amenities of the other properties in the area.

10.9. Access and parking

- 10.9.1. The proposed access to the development is in accordance with the provisions of the county development plan and the local area plan, with the necessary addition of a temporary pedestrian access to the Luas stop pending completion of the adjoining development. It is therefore acceptable in principle. The detailed design of the streets accords with the applicable standards in DMURS with regard the widths of carriageways and footpaths and the radii of corners. The use of a signalised junction between Citywest Avenue and the north/south secondary route is appropriate and the removal of the existing ghost roundabout there would significantly improve the street network in this emerging area. The planning authority recommends that conditions be imposed to omit the double yellow lines on the access roads near the Luas stop and the on-street parking along Citywest Avenue. These changes are not required to comply with current roads standards and have not been justified. Adequate parking is provided for cars and bicycles which is generally in accordance with the standards set down in the development plan.
- 10.9.2. There is a variety of cycle facilities on the main roads in the area. They are frequently interrupted and do not provide a level of service that would meet current standards. Cycle facilities are proposed in the current development along Citywest Avenue and part of the secondary north/south route. They have not been designed in accordance with the applicable guidance set out in the National Cycle Manual. The proposed shared footpath and cycleway along Citywest Avenue is a discredited model that results in frequent conflict between pedestrians and cyclists and fails to provide any clarity of movement or priority at junctions. It restricts access for cyclists to the other side of the road and would result in a significant proportion of cyclists using the vehicular carriageway. It would provide a poor level of service for both cyclists and pedestrians, which is why section 1.9.3 of the National Cycle Manual advises against its use. The submission drawings show a similar type of shared path on the adjoining parts of Citywest Avenue outside the site, but such an arrangement was not apparent on the ground. The provision of cycleways beside the footpath on the north-south route would fail to provide an adequate level of service because the cycle path is interrupted at side roads. Given that this route is designed as a local street with a carriageway 5.5m in width, there is no compelling need to provide

separate cycle facilities along it. The deficiencies in the proposed cycle facilities can be addressed by condition.

10.10. Water and drainage, including flood risk assessment

10.10.1. Irish Water has reported that connections to its water supply and foul drainage network are feasible.

10.10.2. The site specific flood risk assessment report submitted with the application stated that the site was not at a particular risk of flooding and so was in zone C under the flood risk management guidelines. This statement is consistent with the CFRAMS mapping of the area and the indication of flood risk zones provided in the local area plan. Residential development is therefore acceptable in principle. The infrastructure design report submitted with the application proposes a surface water drainage system that would attenuate the runoff at outfall at the northern end of the site to greenfield levels in accordance with the Greater Dublin Strategic Drainage Study using underground storage structures that could store runoff after a rainfall event with a return period of up to 1 in 100 years. The report includes the calculations of runoff and the storage capacity required in four catchments across the scheme, with a 10% allowance for climate change. The council recommended that conditions be attached in respect of surface water drainage, but did not object in principle to the submitted flood risk assessment or the proposed surface water drainage system.

10.10.3. Having regard to the foregoing, it is considered that adequate proposals have been made in respect of the water supply and drainage of the proposed development, and that sufficient information has been submitted to demonstrate that it would not be an undue risk of flooding and that it would not give rise to an undue risk of flooding on other lands.

11.0 Recommendation

11.1. I recommend that permission be granted subject to the conditions set out below.

12.0 Reasons and Considerations

Having regard to the site's location in a suburban area within the corridor served by the Luas Red Line on land zoned for residential development under the South Dublin County Development Plan 2016-2022 and the Fortunestown Local Area Plan 2012, to the nature, scale and design of the proposed development, to the pattern of existing and authorised development in the area, to the provisions of the National Planning Framework issued by the government in February 2018, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in May 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018, 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, and the Guidelines for Planning Authorities on Flood Risk Management issued by the Department of the Environment, Heritage and Local Government in November 2009, it is considered that, subject to compliance with the conditions set out below, the proposed development would provide a reasonable standard of residential amenity for its occupants; would not injure the amenities of the area or of property in the vicinity; would respect the emerging character of the area and achieve an acceptable standard of urban design; would include adequate measures for the attenuation and drainage of storm water runoff and would not give rise to an undue risk of flooding on the site or other lands; and would be acceptable in terms of the safety and convenience of road users. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

It is noted that the density of the proposed development, the height of some of the proposed buildings and the proportion of apartments that would not have their own front doors would not be in keeping with the relevant limits set down in the Fortunestown Local Area Plan 2012, and so the proposed development would materially contravene the provisions of that plan. Nevertheless a grant of permission is warranted in accordance with section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, having regard to objectives 11, 13, 27 and 35 of the National Planning Framework, to section 5.8 of the Guidelines for Planning

Authorities on Sustainable Urban Residential Development and to section 2.4 of the Sustainable Urban Housing: Design Standards for New Apartments, which prefer the use of performance based criteria with respect to the issue of building heights in urban areas, which require the development of zoned and serviced land in the built-up area of the city along public transport corridors to be at an appropriately high density, and which establish the suitability of such sites for developments consisting mainly or wholly of apartments.

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 default of agreement, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of the following matters –
 - The external materials, finishes and colour of the proposed buildings. The external walls of the apartment buildings shall have finishes that are mainly of brick.
 - Boundary treatments throughout the development
 - Surface treatments throughout the development
 - Planting and landscaping throughout the site.

Reason: In the interests of visual amenity

3. The proposed streets within the authorised development shall be amended as follows-
- Courtesy crossings with suitable vertical deflection and a change in surface material shall be provided across minor roads where they join the north-south secondary street through the site. The crossings shall be designed in accordance with section 4.3.2 of DMURS. The footpath shall be extended across the entrance to the basement car park.
 - The shared cycle and pedestrian paths along Citywest/Garter Avenue shall be omitted and replaced with dedicated footpaths and cycle lanes adjacent to the carriageway, with suitable transitions from any cycle tracks or lanes on adjoining parts of Citywest/Garter Avenue that have been constructed but which are not compliant with the National Cycle Manual issued by the NTA . The cycle tracks along the north-south secondary route shall be adjacent to the carriageway and shall continue with priority across the junctions with minor roads. Suitable priority for cyclists shall be provided across the signalised junction between Citywest/ Garter Avenue and the secondary north-south street. The revised facilities shall be designed in accordance with section 4.3.2 of the National Cycle Manual issued by the NTA.

Revised plans showing compliance with these requirements shall be submitted and agreed in writing with the planning authority prior to the commencement of development. Otherwise the specifications of the proposed roads including the proposed signalised junction between Citywest/Garter Avenue and the north-south secondary street shall comply with the detailed requirements of the planning authority for such works and services.

Reason: To provide safe and convenient facilities for pedestrians and cyclists in accordance with the applicable guidelines

4. The development shall be carried out on a phased basis in accordance with the scheme submitted with the application. None of the proposed houses or apartments may be occupied until the pedestrian access to Fortunestown Luas

stop from Citywest/Garter Avenue has been provided to the satisfaction of the planning authority and Transport Infrastructure Ireland.

Reason: To ensure the timely provision of services for the benefit of the occupants of the proposed dwellings

5. The developer shall consult with the Transport Infrastructure Ireland prior to the commencement of development and shall comply with its requirements to safeguard the physical integrity and the operation of the adjacent light railway during the carrying out of the development in accordance with Guideline RSC-G-010A issued by the Railway Safety Commission.

Reason: In the interests of public safety.

6. Prior the commencement of development the developer shall consult the Transport Infrastructure Ireland and shall comply with its requirements and specifications regarding the provision of access to the Luas stop at Fortunestown.

Reason: To protect the operation of the tramway and to ensure a consistent standard of works along it.

7. The developer shall contact the Irish Aviation Authority at least 30 days before the erection of any crane on the site and shall comply with the requirements of that authority regarding marking and lighting of that crane.

Reason: In the interests of public safety

8. Proposals for street names, numbering schemes and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

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

Reason: In the interests of visual and residential amenity.

10. 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 interests of public health

11. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

12. Site development and building works shall be carried out only between the hours of 0700 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.

13. 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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

15. 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

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

Stephen J. O'Sullivan

Planning Inspector

20th November 2018