



An
Bord
Pleanála

Inspector's Report ABP-302954-18

Development	Construction of Residential Development of 67 no. apartments.
Location	Whinsfield, Sandyford Road, Sandyford, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D17A/1003
Applicant(s)	B & C Contractors Monaghan Ltd.
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	An Taisce, Lamb Brook Residents Association
Observer(s)	None
Date of Site Inspection	7 th February 2019
Inspector	Kenneth Moloney

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1.0 Site Location and Description

- 1.1. The appeal site is located in Sandyford, Dublin 18. The subject site is located approximately 200 metres north of Lamb's Cross on the Sandyford Road.
- 1.2. The appeal site has road frontage for approximately 160 metres onto the Sandyford Road.
- 1.3. There is an established detached two-storey house on the appeal site and a number of sheds situated to the north of the subject site.
- 1.4. The overall size of the site is 1.09ha (2.7 acres) and the shape of the site is irregular.
- 1.5. A significant feature of the site is the topography as the site generally slopes upwards from the front (east) to the rear. It is notable also that the gradient slopes sharply upwards from the centre of the site towards the north-west of the site.
- 1.6. There is a pond situated approximately to the centre of the site and this pond is surrounded by cliff face feature on two of its sides. The topography increases significantly upwards from the pond towards the north-west of the appeal site. This feature would appear to be the remnants of a former quarry.
- 1.7. There is an ESB substation located to the immediate north of the appeal site.
- 1.8. There is an established detached house located to the immediate south of the appeal site.
- 1.9. There is a wooded area situated to the immediate west of the appeal site.
- 1.10. There is an established suburban housing estate, i.e. Lambs Brook, located to the east of the appeal site and on the opposite side of Sandyford Road to the appeal site. Lambs Brook comprises of a cul-de-sac of two-storey detached houses.

2.0 Proposed Development

- 2.1. The proposed development is for the demolition of the existing house and sheds and the construction of 67 no. apartments in three blocks.
- 2.2. The proposal comprises of 3 no. individual blocks of apartments.
- 2.3. The number of apartments in each block are as follows;
 - Block A - 21 no. apartments

- Block B – 18 no. apartments
- Block C – 28 no. apartments

2.4. The overall apartment mix is as follows;

- 5 no. 1-bed units
- 48 no. 2 bed units
- 14 no. 3 bed units

2.5. Block A and C are four storeys in height and Block B, which is situated to the rear (west) of the site is five storeys in height.

2.6. The proposed development provides for 98 no. car parking spaces consisting of 53 no. basement spaces and 45 no. surface spaces.

2.7. The proposal includes the provision of a new vehicular entrance and the closing of the established vehicular entrance.

2.8. The proposed development will be served by existing public services including water and sewers.

Additional information was sought for the following;

1. Tress and revised drawings
2. Quantity of surface car parking
3. Inconsistencies in drawings
4. Finishes
5. Open space provision
6. Trees
7. Letter of Consent
8. Photomontages – visual assessment
9. Request for auto-cad drawings
10. Ceding of land
11. Removal of grass strips

12. Stop sign
13. Details of footpaths
14. Cycle parking
15. Car parking provision
16. Wheel stoppers request
17. Future electric charging points
18. Mitigation measures for noise improvements
19. Public lighting
20. Drainage
21. Taking in charge
22. Removal of new pond
23. Invasive Species Management Plan
24. Construction and Environment Plan
25. Universal access map

Clarification of additional information sought for the following;

1. Building life cycle report
2. Finishes
3. Detail in relation to the landscape master plan
4. Clarify the number of trees to be retained to the front of the site
5. Cycle parking
6. Clarify the location of visitor car parking provision
7. Details of a derogation licence for the removal of a pond and impact on the common frog

The revised proposal provides for 65 no. apartments in 2 no. blocks.

3.0 Planning Authority Decision

3.1. Dun Laoghaire Rathdown County Council decided to **grant** planning permission subject to 35 no. conditions. The conditions are standard for the nature of the development proposed.

3.2. Planning Authority Reports

3.2.1. The main issues raised in the planner's report are as follows;

Area Planner

- The current proposal identifies an ecology transition zone and a tree protection area.
- The proposed layout provides for the removal of approximately 60 no. trees.
- A revised layout will result in a greater retention of trees.
- The proposed residential density is welcomed.
- The residential mix accords with Policy RES7.
- The residential amenities of the proposed units are acceptable.
- The proposed height accords with the building heights as set out in the Building Height Strategy of the County Development Plan.
- The proximity of Block B to the rear of the site will need to be addressed.
- The quantum of public open space provision is acceptable.
- The quality of public open space provision in terms of overshadowing and usability will need to be addressed.
- There is concerns in relation to surface car parking and visual impact in terms of car dominance.
- No significant adverse impacts on Natura 2000 sites.

3.3. Internal Reports;

- Housing Department; - No objections subject to a condition requiring the applicant to enter into an agreement with the Local Authority in order to comply with Part V of the Planning and Development Act.
- Parks and Landscape Services; - Refusal recommended on the basis of lack of protection for mature trees and poor quality / overlooked public open space.
- Biodiversity Officer; - Additional information requested in relation to (a) details of the new pond and details to protect the common frog from the proposed development, (b) details of the NPWS derogation licence as required under EU Habitats Directive, (c) Invasive species management plan (d) detailed construction and environment plan
- Transportation Planning; - Additional information sought for the following;
 - Submit engineer's drawings for the road improvement scheme which shall include co-ordinates and levels
 - Confirmation that the area to the front of the site adjoining Sandyford Road will be ceded to the Local Authority for future road improvements
 - No grass strips shall be indicated to the south of the site to accommodate future road access
 - Details illustrating a stop sign and stop line marking the vehicular access to the site.
 - Details of the proposed 2m width temporary footpath to the front of the site
 - Cycle parking details
 - Car parking details

- Demonstrate how parked vehicles at car parking spaces no. 14 – 24 will not override the proposed pedestrian walkway
 - Car parking spaces are constructed to accommodate future electric car parking provision
 - Submit suitable mitigation measures to ensure acceptable noise environment
 - Public lighting details
- Surface Water Drainage; - Additional information sought for revised SAAR number used in the calculation of Q_{bar} .

3.4. Third Party Observations

There were six third party submissions and the issues raised include the following;

- Building height
- Surface water issues
- Road Safety
- Inadequate car parking provision
- Blasting of rock on site / noise pollution
- Pressure on local schools
- Landscaping and Boundary treatment
- Loss of Trees

3.5. Submissions

There is a submission from IW who have no objections subject to conditions. There is also a submission from the Department of Culture, Heritage and the Gaeltacht who recommend that a condition is attached to any grant of permission requiring pre-development testing.

4.0 Planning History

- L.A. Ref. D17A/0077 – Permission **refused** by Dun Laoghaire County Council for demolition of house and sheds and construction of 29 no. houses. Permission refused for the following reasons (a) extent of tree removal, (b) insufficient density, and (c) deficient in public open space provision.

Nearby sites of Relevance

1. Site adjacent to junction of Sandyford Road & Blackglen Road
 - L.A. Ref. 229526 – Planning permission refused for 48 dwellings on a site measuring 0.377 ha. The density was 127 units per hectare. Permission was refused for the following reasons; (1) having regard to height, scale, bulk, density and massing the proposed development would relate poorly with neighbouring buildings and would be out of character with the established pattern of development, (2) premature pending the determination of a road layout for the area, (3) premature due to the existing deficiency in public foul sewage.
2. Blackglen Road CPO
 - Appeal Ref. 301507-18 – Dun Laoghaire Rathdown County Council sought to CPO land to upgrade the Blackglen Road from the junction with Sandyford Road / Enniskerry Road to Ticknock Road. An Oral hearing was held for this case on the 12th December 2018 and it is pending a decision from the Board.

5.0 Policy Context

5.1. Development Plan

5.1.1. Dun Laoghaire – Rathdown County Development Plan, 2016 – 2022, is the operational Development Plan. The appeal site is zoned Objective A ‘*to protect and-or improve residential amenity*’.

5.1.2. Environs of appeal site

- The Sandyford Road is designated for a ‘6 Year Road Proposal’ and also for a ‘Proposed Quality Bus / Bus Priority Route’.
- Lands to the immediate west of site are zoned Objective F ‘*To preserve and provide for open space with ancillary active recreational amenities*’.
- Lands to the immediate west of site are zoned Objective F and designated ‘Proposed Natural Heritage Area’.

5.1.3. The following County Development Plan provisions are relevant;

Residential

- Policy RES3 – Residential Density
- Policy RES4 – Existing Housing Stock and Densification
- Policy RES7 – Overall Housing Mix
- Policy RES9 – Housing for All
- Policy RES13 – Planning for Sustainable Communities

Development Management

- Section 8.2.3.1 ‘Quality Residential Design’
- Section 8.2.3.2 ‘Quantitative Standards’.

- Section 8.2.3.3 ‘Apartment Development’.
- Section 8.2.4.5 ‘Car Parking’
- Section 8.2.4.7 ‘Cycle Parking’

6.0 National Policy

6.1. National Planning Framework, 2018

6.1.1. The recently published National Planning Framework, 2018 – 2040, recommends compact and sustainable towns / cities, brownfield development and densification of urban sites and policy objective NPO 35 recommends increasing residential density in settlements including infill development schemes and increasing building heights.

Some other relevant policies from the NPF include the following;

- NPO 6 – Regenerate / rejuvenate cities, towns and villages
- NPO 8 – Targeted population growth in Ireland’s 5 cities
- NOP 13 – Relax car parking / building heights to achieve well-designed high-quality outcomes

6.2. Sustainable Residential Development in Urban Areas, 2009

6.2.1. The Guidelines promote higher densities in appropriate locations. A series of urban design criteria is set out, for the consideration of planning applications and appeals. Quantitative and qualitative standards for public open space are recommended. In general, increased densities are to be encouraged on residentially zoned lands, particularly city and town centres, significant ‘brownfield’ sites within city and town centres, close to public transport corridors, infill development at inner suburban locations, institutional lands and outer suburban/greenfield sites. Higher densities must be accompanied in all cases by high qualitative standards of design and layout. Chapter 6 sets out guidance for residential development in small towns and villages. Appendix A of this document sets out guidance for measuring residential density.

6.3. **Sustainable Urban Housing: Design Standards for New Apartments, Dec. 2018**

- 6.3.1. These guidelines provide recommended guidance for internal design standards, storage areas and communal facilities, private open spaces and balconies, overall design issues and recommended minimum floor areas and standards.

6.4. **Urban Development and Building Heights, Guidelines for Planning Authorities, 2018,**

- 6.4.1. Section 3.2 sets out the Development Management Criteria

The applicant shall satisfy the Planning Authority or An Bord Pleanala that the proposal satisfies the following;

- Site is well served by public transport
- The proposal should successfully integrate into / enhance the character of the public realm of the area including architecturally sensitive areas
- Proposals should make a positive contribution to place-making

7.0 **The Appeal**

- 7.1. The following is the summary of a third-party appeal submitted by **An Taisce**;

Quality of House

- The established house on the site has qualities of a listed building.
- It is contended that the house is either a total replacement of an earlier art deco structure in the 1990's or it is a radical modification.
- The house has elegant symmetry.
- It is contended that the building should be retained within a defined curtilage.
- Sensitive development within the remainder of the site would be more appropriate.

Height / Bulk of residential blocks

- The height and bulk of the proposed development is inappropriate in the local context.
- The site is located on the edge of pNHA FitzSimon's Wood and the general character of the local area is two-storey housing.
- A relevant consideration is the Board's decision in relation to appeal ref. 229526 (Croham's Hurst).
- The development at Croham's Hurst was refused permission due to scale, height, density and massing. This development was also refused permission on the basis that the vehicular access would be premature until the upgrade of the Sandyford Road.
- The CPO for the Blackglen Road Improvement Scheme awaits a decision by the Board (ref. 301507). This covers approximately 220 metres of road from Lamb's Cross to Lamb's Brook.

7.2. The following is the summary of a third-party appeal submitted by **Lambs Brook Residents Association**;

Building Height & Context of the Development

- The proposed height is approximately 17.5m – 18m above the footpath at Lamb Brook. This is higher than the original submission
- The local topography falls from the appeal site to Lamb Brook.
- It is contended that there is a discrepancy in the drawings and Lamb Brook is inaccurately depicted and is misleading.
- Overshadowing will occur in the evening in summer months.
- It is submitted that Block B, as per the submitted additional information drawings has increased in height by 2.5m.
- Block B and Block A are overbearing, out of scale and out of character locally in terms of appearance with existing development.

- It is contended that 4 storeys over ground floor is excessive in a suburban area.
- The Bus Priority Scheme is not in place and should not be considered as a modifier in this case.
- It is submitted that there is no local development over 2 storeys.
- It is submitted that there is a precedent, (i.e. Croham's Hurst) for refusing development with regard to design, height, bulk and density.
- The proposed 5-storey building will detract from the view of the mountains.
- The submitted drawings illustrate provision for an internal road up to the northern boundary of the site for 'future potential accessibility to adjoining site'. It is considered that this would overburden the access junction onto the main road in the future.

Significant design changes to the original submission

- It is submitted that the revised application as per the additional information submission should be considered as a new application.
- Block A has increased in height by 11.5m.
- Block C (renamed Block B in the revised plans) also increased in height.
- The overall number of apartments has reduced by 2 units.
- The mix of 1-bed, 2-bed and 3-bed units has altered and the parking provision has increased by 44 spaces.
- 7 of the 9 visitor car parking spaces are identified for electric car parking spaces.
- A number of submissions were received at the planning stage from residents of Lamb Brook.

7.3. Second Party Response

- 7.3.1. The Local Authority submitted a response submission stating that they had no further comments in relation to the appeal submission from Lambs Brook Residents Association.
- 7.3.2. The response from the Local Authority to the appeal submission from An Taisce sets out the 4 no. refusal reasons in the previous planning case, L.A. Ref. D17A/0077. This submission states that the house proposed for demolition is not an exemplar nineteenth / twentieth century building, nor is it a protected structure and therefore demolition is acceptable.
- 7.3.3. This submission also includes comments from the Transportation Department as follows;
- An oral hearing for Blackglen Road / Harold's Grange Road Improvement Scheme due to take place on 4th December 2018.
 - The current application includes a drawing (drawing no. WHIFLD-DOB-00-SI-DR-C-0008) which includes provision for a 2 metre wide proposed footpath on the Sandyford Road extending to the north and south boundaries of the subject development.
 - The drawing also shows the applicant setting back their boundary to accommodate new footpath and cycle track, as per the Part 8 scheme.
 - The setbacks will allow the section of the Sandyford Road be built alongside their proposed development to be built alongside the 2nd phase for construction for the Blackglen Road / Harold's Grange Road Improvement Scheme.
 - The applicant has demonstrated that the levels for the set back area will tie into the future footpath levels as such minimum disturbance will be carried out.

7.4. **First Party Response**

This submission by the applicant outlines relevant planning history, planning policy context and responses to the third-party appeals.

The following is the summary of the relevant responses to the third-party appeals;

Principle of Demolition of Existing Dwelling

- There was a detailed assessment in the previous application (D17A/0077) on whether the demolition of the house is acceptable. The Conservation Officer had no objections to the demolition of the house.
- None of the previous refusal reasons related to the demolition of the house.
- It is submitted that the existing dwelling on the site is a modern construction of no architectural / historical merit.

Relevance of Croham's Hurst

- This application was made over a decade ago when national and local policy considerations was different.
- The density at Croham's Hurst was significantly different to the current proposal. The density at Croham's Hurst was 127 units per ha.
- The proposed road widening scheme was in its infancy 10 years ago.
- The design approach for Croham's Hurst was very different as the proposed blocks were almost located on the boundaries.

Height and Bulk of the Proposed Development

- The Planning Officer considered that the proposal meets at least two upward modifiers and the site has the capacity to absorb the proposed development.
- The proposed density responds to the previous refusal reason and also provides for a greater extent and quality of public open space and increased

quantum of trees to be retained and increased density of development to make more efficient use of urban land.

- The proposal is consistent with the National Planning Framework, 2018, and the Urban Development and Building Heights Guidelines for the Planning Authorities.
- The proposal is consistent with Section 2.2 and National Planning Objective 35 of the National Planning Framework.
- The National Planning Framework recognises the need for increased residential densities.
- Higher building heights is supported by 'Urban Development and Building Height Guidelines for the Planning Authorities, 2018.
- The proposed development has the potential to achieve appropriate density and protect mature trees and the pNHA.
- There are some higher / taller buildings locally and these include Aiken's Village (6 storey's) and Belarmine (6 storeys).

Development will assist in delivery of the Road Improvement Scheme

- A refusal reason in relation to Croham's Hurst stated that the proposal was premature pending the outcome of the upgrade of the road. The road proposal was in its infancy 10 years ago.
- A CPO was made by the Local Authority for Blackglenn Road Improvement Scheme and this is awaiting confirmation from CPO.
- The road proposal does not require land take from the subject site however the proposed development is set back from the road edge to facilitate future upgrade of the proposed road.
- The Planning Authority issued 2 no. conditions, i.e. condition no. 10 and no. 11 to ensure that land adjacent to the road is reserved free of development to allow for road improvements works.

Connectivity to the adjacent site.

- In relation to condition no. 15 it is submitted that any future development of the lands to the south would need to demonstrate that access can be accommodated safely.
- The lands to the south are not in the ownership of the applicant.
- A future connection has been requested by the Local Authority to ensure that a holistic development can be provided at the western side of Sandyford Road.

Extent of modification at Further Information stage

- Two weeks public consultation was provided in accordance with Article 35(1)(v) of the Planning Regulations.
- The period of consultation is determined by national legislation.
- The residents made a submission during this period.

8.0 Assessment

- Principle of Development
- Proposed Residential Amenities
- Scale
 - Height
 - Density
- Impact on Established Residential Amenities
- Visual Impact
- Landscaping / Trees
- Ecology
- EIS Screening
- Appropriate Assessment Screening
- Access

- Architectural Heritage

8.1. **Principle of Development**

- 8.1.1. The National Planning Framework¹, 2018, (NPF) recommends compact and sustainable towns / cities, brownfield development and densification of urban sites. The themes of compact and sustainable development are reinforced by policy objective NPO 35 from the NPF as this policy objective recommends increasing residential density in settlements including infill development schemes and increasing building heights. It is national policy, (i.e. Sustainable Residential Development in Urban Areas, 2009), to promote residential densities in urban areas in close proximity to services and public transport.
- 8.1.2. Policy SPPR 4 of the ‘Urban Development and Building Heights’, Guidelines for Planning Authorities, 2018, states that ‘it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/ town locations for housing purposes, planning authorities must secure’ *(1) minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled ‘Sustainable Residential Development in Urban Areas (2007) or any amending replacement guidelines’*.
- 8.1.3. The appeal site is zoned Objective A ‘*To protect and / or improve residential amenity*’, in accordance with the provisions of the Dun Laoghaire Rathdown County Council County Development Plan, 2016 – 2022. I would note that in accordance with Table 8.3.2 of the County Development Plan that residential development is permitted in principle within this zoning objective A.
- 8.1.4. Policy Objective RES3 ‘Residential Density’ of the County Development Plan sets out that it is Council policy to promote higher residential densities provided that

¹ Adopted 16th February 2018

proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas.

8.1.5. The appeal site is located off the Sandyford Road, Dublin 18. The subject site is located within an established urban area and the Dundrum shopping centre is situated approximately 2 km from the appeal site. The County Development Plan map no. 5 indicates that the Sandyford Road is identified for a proposed 'Quality Bus / Bus Priority Route'. The established pattern of housing developments in the immediate locality is generally two-storey detached houses, either within a housing development or on individual sites.

8.1.6. Therefore, I would conclude, having regard to the national planning policy which promotes higher densities on suburban infill sites in close proximity to good and proposed public transportation routes and also having regard to the zoning objectives in the County Development Plan, that the principle of residential development on the appeal site is acceptable provided that the proposal has adequate residential amenity, adequately safeguards the amenities of the adjoining properties, would not result in a traffic hazard, protects the environment, and would be in accordance with the provisions of the Dun Laoghaire Rathdown County Council County Development Plan, 2016 – 2022.

8.2. **Proposed Residential Amenities**

8.2.1. In terms of considering residential amenities for future occupants of the proposed development there are a number of considerations such as quality of residential units, private open space and public open space provision and car parking provision. These amenities will improve the overall offer to future occupants.

8.2.2. I would acknowledge that Table 8.2.2 of the County Development Plan, 2016 – 2022, sets out the minimum overall floor areas required for apartments. These minimum floor areas in the County Development Plan exceed the minimum floor areas for apartments as recommended in the national guidelines 'Sustainable Urban Housing:

Design Standards for New Apartments, December. 2018'. The floor areas for the proposed apartments would exceed the recommended minimum floor areas in the national guidelines and would generally exceed the minimum recommended floor areas in the County Development Plan. As such the proposed floor areas would offer an acceptable standard of residential amenity for future occupants.

8.2.3. The proposed development also provides a significant number of dual aspect apartments. The total number of apartments with a dual aspect orientation is 32 units amounting to approximately 50% of the overall development. Section 8.2.3.3. (ii) of the County Development Plan sets out that apartment developments are expected to provide a minimum of 70% dual aspect apartments. A relaxation of this minimum will be considered on a case by case basis.

8.2.4. Table 8.2.5 of the County Development Plan, 2016 – 2022, outlines the required minimum private open space provision for apartments. In relation to the proposed apartment building I would acknowledge that the private open space for the ground floor apartment units comprise of a ground floor balcony / terrace. The minimum development plan standards for private amenity space marginally exceeds the minimum private amenity standards for apartments as set out in Appendix 1 of the national guidelines 'Sustainable Urban Housing: Design Standards for New Apartments, December. 2018'. The proposed balconies are primarily east and west facing. Overall the provision of private open space in the proposed development exceeds the minimum recommended levels and would offer a good standard of residential amenity for future occupants.

8.2.5. In relation to public open space provision it is proposed that there will be provision for approximately 6,165 sq. metres of open space which amounts to approximately 57% of the site area. In accordance with paragraph 8.2.8.2 'Public Open Space – Quality' of the County Development Plan the required public open space provision for a residential development greater than 5 units is 15% - 20% of the site area. The County Development Plan sets out that the required public open space provision for the proposed development, given the number of bed spaces proposed, ranges from

1,792 sq. m. – 2,390 sq. m. As such the proposed public open space provision of 6,165 sq. m. is generous and would offer a good standard of residential amenity. The number of surface car parking spaces has been reduced in the revised site layout and this reduces the number of hard surfaced areas on the site.

8.2.6. In relation to car parking provision it is proposed to provide 97 spaces which includes both surface and basement car parking. The required car parking provision is set out in Table 8.2.4 of the County Development Plan. The required car parking provision for apartments is as follows;

- 1 bed unit – 1 space
- 2 bed unit – 1.5 spaces
- 3 bed unit – 2 spaces

8.2.7. In accordance with development plan standards the required car parking provision for the proposed development would be 88.5 spaces and therefore the proposal provides for approximately 10% visitor spaces. The car parking provision for the proposed development is acceptable. The proposed development also provides an adequate provision of cycle parking spaces.

8.2.8. In conclusion therefore, I would consider that the proposed development would offer a good standard of residential amenity for future occupants.

8.3. **Scale**

8.3.1. **Height**

8.3.2. The revised development proposal as per the responses to the additional information request comprises of two separate blocks both 4-storey plus penthouse in height. The prevailing building height locally is generally 2-storeys. The policy considerations for building heights are set out in Appendix 9 'Building Height Strategy' of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022,

and to the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

- 8.3.3. Section 3.4 of Appendix 9 refers to 'Suburban Infill' sites and the appeal site, would in my view, be considered a suburban infill site. Section 3.4 acknowledges that many of these infill sites have been developed in the last decade with many of the sites having a taller building profile than established neighbouring buildings. Section 3.4 considers that the development of these sites has largely been successful and states that the general approach in terms of building heights in these sites has been to taper heights from a high point in the centre of the site down to the site boundaries where height of adjoining buildings can often be lower.
- 8.3.4. The appeal site is not located within a Local Area Plan therefore Section 4.8 '*Policy for Residual Suburban Areas not included within Cumulative Areas of Control*' of Appendix 9 is relevant to the appeal site. Section 4.8 sets out that apartment buildings are a maximum height of 3 – 4 storeys in suburban locations on larger redevelopment sites or sites adjacent to key public transport nodes, providing they have no detrimental effect on existing character and residential amenity. It is also advised that upward modifiers may apply and the criteria for this is set out in paragraph 4.8.1 of Appendix 9. Downward modifiers are set out in paragraph 4.8.2 of the Building Height Strategy.
- 8.3.5. Section 4.8.1 (b) 'upward modifiers' would be relevant, as the proposed development would provide for a planning gain as the proposal is located adjacent to Sandyford Road which is proposed for a significant upgrade in public transportation with the introduction of a QBC. I would also argue that Section 4.8.1 (f) would be a contributing factor to considering higher building heights as the size of the site is greater than 0.5ha and would set its own context. I have reviewed Section 4.8.2 'downward modifiers' and this section applies downward modifiers when there is a particular planning or social objective such as a particular type of social housing or when there is an adverse impact on;
- Residential amenities

- Architectural Conservation Areas
- Protected views / prospects
- Coastal fringes and mountain foothills

8.3.6. I would conclude that none of the above 'downward modifiers' criteria would apply to the proposed development.

8.3.7. The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, states it is national policy that building heights must be generally increased in appropriate locations. A key component of these guidelines is whether the proposal positively assists the National Planning Framework objectives. Paragraph 3.2 sets out development management criteria for considering taller buildings and this includes;

- Proximity to quality public transportation routes
- Architecturally successfully integrating to enhance local character
- A positive contribution to place making

8.3.8. I would conclude that having regard to local planning policy and national planning policy that there is a strong argument in favour of increasing building heights on the appeal site which is effectively a suburban infill site. Policy objective 35 of National Planning Framework, 2018, states that it is an objective to increase residential densities through a range of measures including increased building heights.

8.3.9. Density

8.3.10. It is policy of the County Development Plan, 2016 - 2022, i.e. Policy RES3 to promote higher residential densities to achieve more compact development. This policy provision is consistent with national policy in the National Planning Framework, 2018.

8.3.11. It is national guidance in accordance with the 'Sustainable Residential Development in Urban Areas, 2009', to promote and encourage higher residential densities where appropriate, i.e. within proximity to cities and towns. I would note the location of the appeal site is within a built-up area with established services and amenities with existing and proposed public transportation connections to the City Centre, Sandyford Industrial Estate and Luas Green Line. I would consider that Paragraph 5.11 of The Sustainable Residential Development for Planning Authorities, 2009, is most relevant to the proposed development. Paragraph 5.11 recommends that in outer suburban greenfield sites in large cities that densities of 35-50 dwellings per hectare are recommended. This is supported by Policy Objective SPPR 4 of The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018.

8.3.12. Paragraph 2.1.3.3 of the Dun Laoghaire Rathdown County Council County Development Plan states that higher densities with a minimum of 50 units per hectare will be encouraged for sites located within circa 1 km pedestrian catchment of a Quality Bus Corridor (QBC). A QBC is proposed for Sandyford Road in accordance with the provisions of the County Development Plan.

8.3.13. The residential density for the proposed development is 60 units per hectare. I would consider that the proposed residential density is consistent with the local and national planning policy and would contribute positively to the objectives of the NPF.

8.4. **Impact on Established Residential Amenities**

8.4.1. In terms of established residential amenities and having regard to the proposed development I would consider that the relevant issues for consideration are overlooking and overshadowing / loss of daylight.

8.4.2. I would note Section 8.2.3.3 'Apartment Development' of the Dun Laoghaire Rathdown County Development Plan, 2016 – 2022, which states that minimum separation distance of 22m between opposing rear windows will normally apply in the case of apartments up to three storeys in height however in taller blocks a

greater separation distance maybe required having regard to context. In certain instances, in build-up areas, the County Development Plan provides for reduced separation distances. Section 7.4 of the 'Sustainable Residential Development in Urban Areas, 2009' recognises that the minimum separation distance between opposing rear windows is 22m however depending on location the guidelines advise a degree of flexibility can be applied.

- 8.4.3. The front elevation of the revised Block A is set back a minimum distance of 62 metres from the front elevation of no. 4 Lamb Brook which is situated on the opposite side of Sandyford Road from the appeal site. It is also notable from the submitted drawing entitled 'Topographical Survey' that the appeal site rises in levels from where it adjoins the public road to the rear (west) of the site. The front of the site is recorded as having a level of 120m AOD and the level to the rear (west) of the site is recorded as 125m AOD. I would also note that the level of the Sandyford Road, adjoining the appeal site falls from north to south from approximately 120m AOD to 117m AOD respectively. I noted from my site inspection that the established housing development on the opposite side of the public road, i.e. Lamb Brook, is situated at a lower level than the public road as the driveway / entrance to this housing estate falls gently from the Sandyford Road. Accordingly, the established site elevation of the appeal site is higher than that of the neighbouring housing development, Lamb Brook, by approximately 3 – 8 metres.
- 8.4.4. The proposed basement and ground floor apartment of Block A is excavated into the site. I would note from the submitted drawing Elevation D-D that the ridge height of the houses in Lamb Brook are approximately 10.01 metres above ground level and that the fourth-floor level of Block A has a maximum height of approximately 15.1 metres above ground level. The maximum height of the penthouse level of Block A, which is set back 3 metres, from the front elevation of Block A, and is approximately 16 metres above ground level. However as noted above the ground level varies from Lamb Brook to the appeal site.

- 8.4.5. I acknowledge that the proposed apartment building is likely to introduce overlooking to the front of no's 1 – 7 Lamb Brook. Notwithstanding the overlooking introduced I would consider that these areas to the front of no's 1 – 7 Lamb Brook are public areas and are currently overlooked from the Sandyford Road. I would conclude that the set back distance of at least 62 metres is a considerable set back distance relative to available planning guidance. Notwithstanding the set-back distance I would recommend to the Board a condition, should they favour granting permission, that balcony screens are comprised of obscure glazing. Overall, I would conclude that the proposed Block A would be a slight to moderate impact on the established residential amenities, in terms of impact, on no. 1 – 7 Lamb Brook, but the overall impact would not be significant.
- 8.4.6. The proposed Block B is located closer to the Sandyford Road than Block A however Lamb Brook is situated to the south of Block B and not directly opposite this proposed apartment block. There are two detached residential properties situated on individual sites located on the opposite side of the public road from the proposed Block B. Both houses are set back a considerable distance from the public road, i.e. approximately 45 metres. The minimum set back distance from one of these houses to the front elevation of Block B is 68 metres. I noted from my site inspection that there were mature trees, some of which were an evergreen variety, situated to the front of these two individual sites. The presence of these mature trees would screen any potential overlooking. I would recommend to the Board that balcony screens comprising of obscure glazing is included to ensure neighbouring amenities are protected. I would consider that the set back distances are acceptable and the proposal would not unduly impact on the residential amenities of these properties.
- 8.4.7. I would consider that having regard to the separation distance that overlooking is not likely to impact on the established residential amenities of the two houses in question.
- 8.4.8. There is an established house located to the immediate south of the appeal site and the gable elevation of this house is set back approximately 8 metres from the

southern boundary of the appeal site. The south facing balconies serving Block A are set back approximately 15.7 metres from the site boundary. Block A is largely situated forward of the building line of the established neighbouring house to the south. These set back distances are acceptable and not likely to overlook any established amenities or preclude any future development to the south of the appeal site.

8.4.9. The orientation of the proposed apartment development is directly west of no's 1 – 5 Lamb Brook. In terms of overshadowing concerns, I would again conclude that the separation distances, referred to above would be sufficient to preclude any impacts that would be injurious to residential amenities.

8.4.10. Overall, I would conclude that the proposed development is acceptable and would not have an injurious impact on established residential amenities.

8.5. **Visual Impact**

8.5.1. The proposed development provides for 2 no. 4-storey plus penthouse apartment blocks on a site that currently accommodates a 2-storey house with roof dormer windows.

8.5.2. The proposed Block A is the southernmost block and this block comprises of 32 no. apartments. The proposed development includes excavation to accommodate the basement car park and the ground floor apartments of the Block A. The front elevation of the Block A is set back from the front (east) site boundary by 24 metres.

8.5.3. The front elevation of Block A is punctuated by a design statement which provides for a variance. The front elevation includes natural limestone (or similar) cladding, clay brick and metal works to the windows. The penthouse level is set back approximately 3 metres from the front elevation and this elevation is comprised of curtain walling. The proposed design, in my view, contributes to a diluting of the mass of the proposed development.

- 8.5.4. In relation to Block B (northern most block) this block comprises of 33 no. apartments. The overall height of Block B is same as Block A and the front elevation is set back approximately 12.5 metres from the front (east) of the site. The front elevation design and finishes are the same as Block A.
- 8.5.5. The County Development Plan provides, within a limited number of areas of the county, for an objective to preserve views and prospects. The appeal site is not afforded any such protection.
- 8.5.6. In considering the visual impact of the proposed development which provides for a departure in height from the established scale locally I would also have regard to the National Planning Framework, 2018. Policy Objective no. 13 of the National Planning Framework, 2018, states that planning standards in relation to building heights can be relaxed to achieve well-designed high-quality outcomes with performance based design standards such as proximity to good quality public transportation. I would also have regard to the proposed landscaping for the subject site and the retention of mature trees to the front, side and rear of the site, which, in my view, will assimilate the proposed development to the site.
- 8.5.7. Overall, I would consider that the design and scale of the proposed development is acceptable having regard to the size of the site, the remainder of the public open space provision and the height of the proposed development and that the visual impact of the proposed development would be acceptable.

8.6. **Landscaping / Trees**

- 8.6.1. The proposed development has evolved from 3 no. apartment blocks to 2 no. apartment blocks as such the footprint of the overall development has reduced. The primary reason for the revised site layout and reduction in footprint is to provide for the protection of a greater number of established trees.

- 8.6.2. The Parks Department's report (dated 13th December 2017) outlined concern in relation to the number of trees proposed for removal in 'thicket area 1 & 2' and the loss of 31 no. category 'B' trees.
- 8.6.3. The original 'Tree Impact Drawing' illustrated in the submitted drawing 'Whinsfield-AIA-10-17' indicates the scale of the tree removal. This was superseded by a revised 'Tree Impact Drawing' illustrated on drawing 'Whinsfield-AIA-10-17' which illustrates the impact of the revised layout on the existing trees.
- 8.6.4. It is proposed to remove 64 no. trees from the appeal site to accommodate the proposed development and the number of category B trees to be removed will be 24. The number of trees originally proposed for removal was 74 and this was revised downwards following a request for additional information by the local authority.
- 8.6.5. It is notable that there is no Tree Protection Order on the appeal site however the applicant is proposing to retain a substantial number of established trees on the appeal site. I would also consider it reasonable to remove an extent of trees from the subject site having regard to Policy Objective RES3 – 'Residential Density' which promotes higher residential densities and national policy, in particular Policy objective 35 of National Planning Framework, 2018. Overall I would consider that the landscaping proposals are acceptable.

8.7. **Ecology**

- 8.7.1. The site in question adjoins a FitzSimons Wood pNHA. The nearest Natura 2000 designated site to the subject site is the Wicklow Mountains SAC which is located approximately 5km from the appeal site.
- 8.7.2. The appeal site is rural in character and contains many mature trees and furthermore given that the appeal site adjoins FitzSimons Wood pNHA it is likely that the appeal site is ecologically rich.

8.7.3. The application documentation included an Ecological Impact Assessment and the following species of ecological importance were considered to have a presence on the subject site;

- Bats
- Badgers
- Common Frog

8.7.4. The bat survey, reported in the EclA, confirmed that 3 no. species of bat are using the subject site and this includes the Leisler's bat, the soprano pipistrelle and the common pipistrelle bat. The survey identified that the 3-no. soprano pipistrelle were recorded foraging on the site and one of these was identified emerging from the fascia boards on the south facing gable of the existing house. The EclA confirms that a bat derogation licence is required for the demolition of this house. The bat survey did not identify any bat roosts in trees proposed for removal.

8.7.5. The EclA confirms that there is a known badger sett in close proximity to the property with further setts known to be present in FitzSimon's Wood. The EclA acknowledges that while there are no badger setts on site however it is acknowledged that this may change over time.

8.7.6. The EclA confirms that the development will also result in the loss of a breeding site for the common frog as the proposed development includes the removal of the existing pond.

8.7.7. I would note that the applicant has submitted a licence² issued from the Department of Culture, Heritage and the Gaeltacht to disturb the common frog. The applicant has

² Sections 22 & 34 of the Wildlife Acts 1976 to 2012.

also submitted a derogation licence³ which permits the applicant to disturb a roosting site and also damage or destruct a breeding site or resting place. This licence relates to the bat species and was issued by the Department of Culture, Heritage and the Gaeltacht.

8.7.8. It is my view, based on the information available, that the applicant has adequately dealt with the ecological sensitivity of the site.

8.7.9. I also note that the Local Authority were concerned with the spread of invasive species on the subject site. The applicant identified 3 no. invasive species on the site which include;

- Connered leek
- Winter Heliotrope
- Cherry Laurel

8.7.10. I would acknowledge that following a request for additional information the applicant submitted a management plan for invasive species which effectively involves the eradication of these species from the site. I would note that the Local Authority considered that the management plan is acceptable and I have reviewed the relevant documentation on the file and I would also consider that the management plan includes an adequate set of proposals to adequately deal with the invasive species on the site. I would recommend to the Board, should they favour granting permission, that a condition is attached to a permission to ensure the implementation of this plan.

8.8. **EIS Screening**

8.8.1. The size of the appeal site is a relevant consideration in determining whether an EIS is required in accordance with the provisions of the Planning and Development

³ Regulation 54 of the Habitats Regulations, 2011.

Regulations, 2001 (as amended). Section 10 (b) (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended) states that urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 ha elsewhere is development that requires an EIS. The appeal site is not located within a business district however the appeal site is located within a built-up suburban area on a zoned site in accordance with the provisions of the County Development Plan.

- 8.8.2. The size of the site in the current application which is 1.09 ha falls below the 10-ha threshold and therefore an EIS is not required having regard to Section 10 (b) (iv) of Schedule 5, Part 2 of the Planning and Development Regulations, 2001 (as amended).
- 8.8.3. Schedule 7 of the Planning and Development Regulations, 2001, sets out criteria for determining whether a development would or would not be likely to have significant effects on the environment. This criterion includes characteristics of the proposed development, location of the proposed development and characteristics of potential impacts.
- 8.8.4. In accordance with the 'EIA Guidance for Consent Authorities regarding Sub-threshold Development', 2003, the following is stated "there is a requirement to carry out EIA where competent/consent authority considers that a development would be likely to have significant effects on the environment". The guidelines advise the criteria to be considered for the need for sub-threshold E.I.S. and this includes (i) characteristics of the proposed development, (ii) location of the proposed development, and (iii) characteristics of potential impacts as referenced in Schedule 7. The guidelines outline that there maybe projects below national thresholds in Schedule 5 of the Planning Regulations, 2001(as amended), which are likely to have significant effects on the environment by reference to the use of natural resources, production of waste, environmental emissions or the risk of an accident associated with the use or storage of dangerous substances or a combination of these factors. I would consider that based on the information available that the proposed residential

development is unlikely to have significant effects on the environment having regard to the above criteria.

8.8.5. The guidelines also advise that the environmental sensitivity of a geographical area may also mean that a project is likely to have significant effects on the environment. I have outlined in Section 8.10 below the proximity of the appeal site to Natura 2000 sites and I have assessed the impacts on these Natura 2000 sites. The appeal site also adjoins FitzSimon's Wood pNHA (site code 001703). I would not consider that the proposed development would adversely impact on this adjoining woodland given the nature of the proposed development.

8.8.6. I would conclude that having regard to the characteristics of the proposed development, the location of the proposed development and the characteristics of the potential impacts, that the proposal is not likely to give rise to significant effects on the environment and that an EIS would not be warranted in this instance.

8.9. **Appropriate Assessment Screening**

8.9.1. The Board will note that activities, plans and projects can only be permitted where it has been ascertained that there would be no adverse effect on the integrity of a Natura 2000 site, apart from in exceptional circumstances.

8.9.2. The Department of Environment, Heritage and Local Government Guidelines on 'Appropriate Assessment of Plans and Projects in Ireland, 2009,' recommend that the first step in assessing the likely impact of a plan or project is to conduct an Appropriate Assessment Screening to determine, on the basis of a preliminary assessment and objective criteria, whether a plan or project, alone or in combination with other plans or projects, could have significant effects on a Natura 2000 site in view of the site's conservation objectives. The Guidelines recommend that if the effects of the screening process are 'significant, potentially significant, or uncertain' then an appropriate assessment must be undertaken.

8.9.3. The submitted AA Screening, which accompanied the planning application, assessed potential impacts of the proposed development on existing Natura 2000 Sites. I would acknowledge the AA Screening Report identifies 13 no. Natura 2000 designated sites located within 15km of the proposed site. Table 3.1 of the Screening Report describes all the designated Natura sites and their qualifying interests within a 15km radius of the appeal site and in order of proximity to the appeal site.

8.9.4. The Wicklow Mountains SAC (site code 002122) is located 4.9km to the west of the appeal site and this is followed by the Wicklow Mountains SPA (site code 004040) which is located 5.2km from the appeal site. The qualifying interests for the Wicklow Mountains SAC include the following;

- Oligotrophic waters containing very few minerals of sandy plains (Littorelletalia uniflorae) [3110]
- Natural dystrophic lakes and ponds [3160]
- Northern Atlantic wet heaths with Erica tetralix [4010]
- European dry heaths [4030]
- Alpine and Boreal heaths [4060]
- Calaminarian grasslands of the Violetalia calaminariae [6130]
- Species-rich Nardus grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230]
- Blanket bogs (* if active bog) [7130]
- Siliceous scree of the montane to snow levels (Androsacetalia alpinae and Galeopsietalia ladani) [8110]
- Calcareous rocky slopes with chasmophytic vegetation [8210]
- Siliceous rocky slopes with chasmophytic vegetation [8220]
- Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]
- Lutra lutra (Otter) [1355]

The qualifying interests for the Wicklow Mountains SPA include the following;

- Merlin (*Falco columbarius*) [A098]
- Peregrine (*Falco peregrinus*) [A103]

8.9.5. It is notable that both of these designated Natura 2000 sites are located to the west of the appeal site and significantly upgradient from the appeal site. There is no hydrological connection from the appeal site to either of these designated sites.

8.9.6. There is an SAC (South Dublin Bay SAC, site code 000210) and an SPA (South Dublin Bay and Tolka Estuary SPA, site code 004024) located approximately 5.5 km to the east of the appeal site. The qualifying interests for the SAC include mudflats and sandflats, annual vegetation of drift lines, *Salicornia* and other annuals colonising mud and sand and shifting dunes. The qualifying interests for the SPA include 14 birds. I would note from the documentation on the file that there is no direct connectivity from the appeal site to the designated sites referred to above. The proposed development will be served by the public water mains and the public waste water drainage.

8.9.7. The AA Screening report, submitted by the applicant, concludes that the proposed development will have no direct impacts on established Natura 2000 sites. I would conclude, having regard to the fully serviced nature of the proposed development, the separation distance of the appeal site from any designated natura 2000 site and also the lack of any hydrological connection from the appeal site to any of the designated sites, that the proposed development is not likely to effect any European site.

8.9.8. I would consider that 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 any European Sites, i.e.

site code 000210 and site code 004042, site code 002122 and site code 004040 in view of the sites conservation objectives and a Stage 2 AA is therefore not required.

8.10. **Access**

8.10.1. There is an established vehicular access from the appeal site onto the Sandyford Road. It is proposed to relocate the existing vehicular entrance northwards to accommodate the proposed development.

8.10.2. The submitted drawing C-006 demonstrates an acceptable sightline provision for the proposed development. The demonstrated sightline provision is 49m, at a 2.4m set back distance, in both directions for a 50kph speed limit and this is in accordance with Table 4.2 of DMURS. The Local Authority have no objections to the proposed vehicular access.

8.10.3. I would note that the Transportation Planning Section of the Local Authority sought clarification on a number of issues including an assurance that the applicant will cede land to the Local Authority for future road improvements to the Sandyford Road, provision for footpath and potential future road provision, cycle and car parking provision. I would consider that the applicant has addressed these issues.

8.10.4. The proposed access is acceptable and would not, in my view, give rise to a traffic hazard.

8.11. **Architectural Heritage**

8.11.1. The appeal submission from An Taisce argues that the existing building on the appeal site is of architectural heritage and that the house should be retained and the proposed site layout revised to accommodate the retention of the house.

8.11.2. It is notable that in the previous application (L.A. Ref. D17A/0077) on the appeal site that the reason to refuse permission by the Local Authority did not relate to architectural heritage.

8.11.3. In the current application there is no report from the Conservation Officer, however the house in question is not listed on the RPS nor is the house located within an Architectural Conservation Area. As such the established house, proposed for demolition, would have no protection in terms of architectural heritage.

8.11.4. I noted from my site inspection that although the existing house had unique characteristics, which included a bell tower, that many of its features are not characteristic of any older building. The windows are relatively new and the front elevation is comprised of cement and render which is a new construction and I would conclude that there is no demonstrated evidence that the subject house would be of architectural or historical interest to merit its retention.

8.11.5. I would recommend to the Board that the removal of the existing house would be acceptable in terms of architectural heritage.

9.0 Recommendation

9.1. I have read the submissions on the file, visited the site, had due regard to the County Development Plan, and all other matters arising. I recommend that planning permission be granted for the reasons set out below.

10.0 Reasons and Considerations

Having regard to the zoning objective for the site as set out in the Dun Laoghaire Rathdown County Council, 2016 – 2022, the National Planning Framework, 2018 – 2040, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), Urban Development and Building Heights, Guidelines for Planning Authorities, 2018, and the overall scale, design and height of the proposed development it is considered that, subject to compliance with the

conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, and as amended by plans and submitted to Dun Laoghaire Rathdown County Council on 20th July 2018 and on the 19th September 2018, and 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. The proposed development shall be modified as follows:
 - a. The boundary screen for all balconies on proposed Block A and Block B shall be 1.5m in height and shall be finished in obscure glazing.

Revised drawings showing compliance with the above requirements shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of protecting established residential amenities.

3. The terms and conditions as detailed in the submitted Derogation Licence (Licence no. DER/BAT 2018-79) and submitted Licence to Capture Protected Wild Animals for Education, Scientific or other purposes (Licence No. C0191/2018) shall be carried out in Consultation with the NPWS.

Reason: In order to protect and promote the ecological network of the site and to comply with Policy LHB24 of the 2016 – 2022 Dun Laoghaire Rathdown County Development Plan.

4. 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.

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

Reason: In the interest of public health and to ensure a proper standard of development.

6. That all necessary measures be taken by the contractor to prevent spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

7. Proposals for an 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

house/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

Reason: In the interest of urban legibility.

8. The applicant shall ensure that the car parking spaces for the residential units must be sold off with the units and not sold separately, or let, to avoid non- take up by residents. The applicant shall also give an understanding in this respect, in writing, to be submitted to the Planning Authority.

Reason; In the interest of public safety and the proper planning and sustainable development of the area.

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

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

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.

Reason: In the interests of visual and residential amenity.

11. Each proposed apartment unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

12. The applicant shall ensure that the area of land between the existing Sandyford Road and the required set back proposed low boundary retaining wall with railing along Sandyford Road shall be, reserved free of development and constructed accordingly at the Applicant's own expense.

Reason: In the interest of protecting the future deliverability of the proposed future road improvement scheme of Blackglenn Road / Harold's Grange Road / Sandyford Road.

13. The applicant shall ensure that proposed no. 9 visitor car parking spaces are designated by distreet signage.

Reason: In the interest of proper planning and the sustainable development of the area.

14. The proposed layout shall be in accordance with Drawing No. PI03 submitted by way of further information with the internal road continuing up to the southern boundary of the site and no ransom strips remaining.

Reason: In the interest of clarity and to provide future potential accessibility to adjoining site.

15. Prior to the commencement of development the applicant shall fully implement the proposals as set out in the 'Outline Construction Management and

Biodiversity Plan', submitted to the Local Authority on the 20th July 2018, to remove and dispose of the invasive species on site. Full details, including timing, shall be submitted in writing to the Local Authority for agreement.

Reason: To ensure invasive species which can damage buildings of other built structures and harm biodiversity, is properly and safely disposed of.

16. 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.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

18. Prior to the commencement of development the applicant shall submit full details of the proposed public lighting, including the lighting levels within open areas of the development for written agreement prior to the commencement of development.

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

19. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management

20. The landscaping scheme shown on drg no. 17386-1-100, as submitted to the planning authority on the 19th day of September, 2018 shall be carried out within the first planting season following substantial completion of external construction works.

Reason: In the interests of residential and visual amenity.

21. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area

covered by the crown spread of the branches, or at minimum a radius of 2 metres from the trunk of the tree or the centre of the shrub, and to a distance of 2 metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

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

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

22. Prior to the commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of 3 years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the fine trees on the site.

23. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

24. Prior to the commencement of development the applicant shall submit, for the written agreement of the Planning Authority, further details of the proposed 'potential connection to Fitzsimons Wood' as detailed in the submitted Drawing No. PL03 (Level 0-Floor Plan).

Reason: In order to provide safe and convenient public access to FitzSimons Woods.

25. 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.

26. 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 watermains, drains 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.

27. 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.

Kenneth Moloney
Planning Inspector
27th February 2019