



Development

Permission for a mixed use development scheme (c.13,076sq.m) ranging in height from 1-14 storeys, including a ground floor mezzanine level, arranged around a communal area of open space of c. 1,014sq.m Consisting of 3 no. neighbourhood retail units at ground floor level (c. 781sq.m, c.559sq.m & c. 181sq.m.), plant and refuse store rooms; a 2 storey crèche unit at ground floor and mezzanine floor levels (c. 390sq.m) and 84 no. apartments arranged across the 1st to 13th floors with balconies, terraces and winter gardens provided to all elevations. The provision of 65 parking spaces in lieu of storage in the existing basement level -3; 5 no. motor cycle spaces in the permitted existing basement level -1 and 136 no. bicycle spaces in proposed basement level -1. A new lift access in basement level to serve the proposed apartments. Vehicular access to the basement

levels will be form the existing ramp to the east of the site via Blackthorn Road, with pedestrian access to the proposed development provided from Blackthorn Drive and Blackthorn Road. The development will also include piped infrastructure and ducting; green roofs; 84 solar panels and plant at roof level; site landscaping; on-street cycle parking facilities; boundary treatments and all associated site development and excavation works above and below ground. The development will also include minor hard and soft landscaping with to the public footpaths adjoining the site at Blackthorn Drive and Blackthorn Road.

Location

Site of the previously permitted Block B4 (c. 0.33ha) of the Beacon South Quarter Mixed use scheme, located at the junction of Blackthorn Drive and Blackthorn Road, Sandyford Business Estate, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D18A/0785.

Applicants

Irish Residential Properties REIT PLC.

Type of Application

Permission.

Planning Authority Decision

Grant with conditions.

Type of Appeal

Third Party

Appellants

Apex Daleridge Management
Company Limited.

Observers

None.

Date of Site Inspection

22nd May 2019.

Inspector

Dáire McDevitt.

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1.0 Site Location and Description

- 1.1.** The site forms part of the Beacon South Quarter development in Sandyford. The site has been partially developed with a basement carpark constructed at the time the overall scheme was constructed. The permitted building under the parent permission at this location within the scheme was not constructed and the site at present is unfinished and bounded by hoarding along its roadside edges. The current proposal seeks to finish out this unfinished element/site within the western part of the larger Beacon South Quarter development.
- 1.2.** The site, with a stated area of c.0.33hectares, is a prominent corner site within the Beacon South Quarter development, it forms the corner of Blackthorn Road and Blackthorn Drive. It is bounded to the southeast by a two storey commercial structure (Londis and Musashi Noodle Bar), beyond this is the 4 storey Apex Building (appellant) with the access road to the basement car park running along the south eastern side of the Apex building. On the opposite side of the Blackthorn Drive/Blackthorn Road junction is the Beacon Hospital and the Beacon Hotel

2.0 Proposed Development

Permission for a mixed use development scheme (c.13,076 sq.m) ranging in height from 1-14 storeys, including a ground floor mezzanine level, arranged around a communal area of open space of c.1,014sq.m. Consisting of:

- 3 no. neighbourhood retail units at ground floor level (c. 781sq.m, c.559sq.m & c. 181sq.m.), plant and refuse store rooms;
- a 2 storey crèche unit at ground floor and mezzanine floor levels (c. 390sq.m);
- 84 no. apartments arranged across the 1st to 13th floors with balconies, terraces and winter gardens provided to all elevations.
- The provision of 65 parking spaces in lieu of storage in the existing basement level -3; 5 no. motor cycle spaces in the permitted existing basement level -1 and 136 no. bicycle spaces in proposed basement level -1.

- A new lift access in basement level to serve the proposed apartments. Vehicular access to the basement levels will be from the existing ramp to the east of the site via Blackthorn Road, with pedestrian access to the proposed development provided from Blackthorn Drive and Blackthorn Road.
- The development will also include piped infrastructure and ducting; green roofs; 84 solar panels and plant at roof level; site landscaping; on-street cycle parking facilities; boundary treatments and all associated site development and excavation works above and below ground. The development will also include minor hard and soft landscaping with to the public footpaths adjoining the site at Blackthorn Drive and Blackthorn Road.

2.1. Residential Unit Mix:

- 12 no. 1 bedroom units
- 59 no. 2 bedroom units.
- 13 no. 3 bedroom units.

2.2. Documentation Included with the application:

- Plans and Drawings.
- Planning Report.
- Engineering Planning Report.
- 3D Visualisations.
- Accommodation Schedule.
- Area Schedule.
- Apartment Schedule.
- Architects Design Rationale.
- Landscape Design Statement.
- Landscape Plan

- Outline Construction Management Plan.
- Flood Risk Assessment
- BRE Client Report.
- Framework Travel Plan.
- Transport Assessment.
- Daylight, Sunlight and Overshadowing Report.
- Planning Stage Sustainability Report/Energy Statement.
- Life Cycle Report.
- Letter from DLR Infrastructure & Climate Change Department containing pre application comments.

2.3 Further Information (21st December 2018).

Further Information Response included:

- Retail Impact Assessment.
- Daylight Design Note.
- 3D Visualisations.
- Transport Insights Report
- Waste Management Assessment.
- BRE Client Report (including an assessment wind microclimate on balconies).
- Landscape Plan.
- Land Registry details.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to **33** standard conditions.

Conditions of note include:

No.2 refers to the curved balconies to the corner to be enclosed and the omission of the metal clad fascia canopy located on the southern elevation from the 13th floor terrace and the proposed dark stone cladding extended in order to maintain a continuous capping height to the corner block and punch opening provided.

No. 3 only 34 additional car parking spaces shall be provided on the existing basement level -3. The remainder of the existing basement level -3 shall only be permitted for non-vehicular storage.

3.2. Planning Authority Reports

3.2.1. Planning Reports (4th October 2018). A 16 point further information request issued relating to: 1) requirement for a Retail Impact Assessment (RIA), 2) compliance with SUFP2, 3)rearrangement of apartments No. 105 and 205 to improve the ADF for living areas, 4) revised design of the corner element, 5) finishes & materials, 6) clarification regarding Apart No. 1201, 7) refuse storage, 8)site boundary treatment, 9) play areas associated with the crèche, 10) CFD analysis of wind comfort on balconies, 11) green roofs and surface water drainage, 12)clarify the need for the additional car parking over and above what would be required for the additional 20 units, 13) carparking details for all spaces associated with BSQ, 14) vehicle movement and manoeuvres along the access road, 15) cycle parking and 16) submission raised the issue of the redline boundary encroaching onto adjoining lands.

This was addressed to the satisfaction of the planning officer and a recommendation to grant permission was contained in the undated Planning Report countersigned by the Director of Services on the 25th January 2019.

3.2.2. Other Technical Reports

Transportation Planning (2nd October 2017 and 22nd January 2019):

Following a detailed further information request relating to carparking allocation, access road and provision for cyclist the Transportation Planning Division was satisfied that the applicant had addressed the outstanding issues raised in the

further information. The Transportation Planning Division noted no further objections subject to appropriate conditions being attached to any grant of planning permission.

Municipal Services Department (20th September 2018 & 22nd January 2019):

Surface water drainage: No objection subject to condition.

Flooding: The conclusions contained in the SSFRA are accepted and no objection subject to condition.

Waste Section (28th August 2018 & 16th January 2019): A details construction and demolition waste management plan is required. The report raises issues relating to the larger Beacon South Quarter Scheme, such as the gym, cinema, etc. These are beyond the scope of the current application and therefore do not form part of this assessment. A detailed Environmental Waste Management Operational Plan is also required.

Housing Department (5th September 2018): this sets out the Council's position in relation to Part V and the requirement for the appropriate condition to be attached.

EHO (18th September 2018 & 7th January 2019): Further information recommended relating to refuse and waste storage was addressed to the satisfaction of the EHO. Compliance with Part F Ventilation of the Building Regulations was also highlighted.

A. Devonport (Senior Executive Architect) (1st October 2018 & 17th

January 2019): comments regarding elevation design, finishes and materials. Recommendation that the curved balconies be enclosed to enhance the visual aesthetic of the corner and provide the occupants with usable open space. The metal clad fascia should be removed from the 13th floor terrace to maintain a continuous capping height in the corner block in line with other suggestions to order and simplify the façade.

3.3 Prescribed Bodies

Irish Water (20th September 2018): No objection subject to notes.

4.0 Planning History

There is extensive planning history associated with the Beacon South Quarter mixed use development since the parent permission **Planning Authority Reference No. D04A/0618**. This was the subject of extension of duration applications. Permission expired on the 3rd August 2017.

Planning Authority Reference No. D04A/0618 refers to a grant of permission for a mixed use development on a c. 5.23hectare site consisting of c.10,396sq.m of retail warehouse accommodation (11 units), c.1,722 sq.m of motor showroom accommodation, c. 5,066sq.m of local retail accommodation, c.732sq.m café/bar, c. 1,891sq.m of residential community use, c. 1,379sq.m of cultural use, a c. 1,644sq.m crèche, c. 1,607sq.m leisure (including Gymnasium and swimming pool), c. 3,321 sq.m live/work accommodation (39 1 bed live/work units) and c. 73,770sq.m residential (753 units. Three basement levels of car parking/cycle parking/storage etc (1874 car parking spaces of which 1,210 are at basement level and 449 in existing multi-storey carpark).

As part of this permission an 8 storey building was granted on the application site comprised of a ground floor car showroom and 64 apartments.

Other applications of relevance are:

Planning Authority Reference No. D07A/0131 refers to a grant of permission for changes to Buildings B1, B2 and B3 within the scheme. This permission included the provision of a new basement level -3, retention of part of basement level -3 and reconfiguration of the permitted basement levels -1 and -2 (including revision to the permitted ramp arrangements).

Planning Authority Reference No. D08A/0506 refers to a refusal of permission for development similar that that granted under Planning Authority Reference No. D08A/0874.

Planning Authority Reference No.D08A/0874 refers for a grant of permission for amendments to the overall scheme. This included Building B4 changes

consisting of the provision of 5 no. retail units (GFA of c. 1,722sq.m) in place of the ground floor car showroom.

Other applications noted relating to the overall **Beacon South Quarter Site** are **Planning Authority Reference No. D05A/0452, D05A/0735, D05A/1255, D06A/0724, D06A/1158, D07A/0224, D07A/1300, D07A/1315, D07A/1751, D08A/0074, D08A/0088, D08A/0335, D08A/1373, D08A/0695, D08A/1263, D10A/0039, D11A/180, D12A/0194, D12A/216 and D13A/0297.**

5.0 Policy and Context

5.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

Appendix 15 Sandyford Urban Framework Plan

The site is zoned under land use objective **MIC (Mixed Core Area- Inner Core)** *to consolidate and complete the development of the mixed use inner core to enhance and reinforce sustainable development.*

Maps No. 2 & 3 show allowable plot ratio of 1:2.5 and a height limit of 5-14 storeys.

Section 2.3.2.1 refers to retail development within the mixed use core areas

Section 3.5 Design Principles & Character Areas.

The site is located within **Zone 1: Mixed Use Inner Core**

Objective MC1: It is an objective of the Council to require that a Retail Impact Assessment accompany all convenience and comparison retail development proposal in excess of 300 sq.m GFA.

MC2: Requirement that all Retail Impact Assessments should demonstrate that the scale and nature of retail proposed caters only for the employment population within Sandyford Business District and the residential catchments within walking distance.

MC3 sets out that all applications for proposed retail development identify the nature of the proposed use.

MC4 to limit the number of additional residential units within Zone 1 (MIC) and Zone 2 (MOC) to c. 1,300 residential units.

MC5 refers to public open space requirements.

MC6 refers to private open space requirements.

Transport Objectives:

TAM1 refers to requirement that all future development in the Sandyford Business District achieves a peak hour transport mode split of 45% trips by car drivers (max) and 55% trips by walking, cycling and public transport.

TAM11 refers to the requirement for Mobility Management Plans

Parking Objectives:

TAM12 to manage the provision and use of car parking and cycle spaces and cycle facilities through Travel Plans.

TAM13 relates to appropriate car parking controls on all public roads in the area.

TAM14 refers to the encouragement of alternatives to the provision of on-site parking.

TAM15 refers to carparking standards.

Section 49 Supplementary Development Contribution Scheme (Luas Line B1) applies.

5.2. Guidelines

Project Ireland 2040 - National Planning Framework 6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which **Objective 27** seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. **Objective 33** seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Objective 35 seeks to increase densities in settlements, through a range of

measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (March 2018).
- 'Design Manual for Urban Roads and Streets' (DMURS).
- 'Childcare Facilities – Guidelines for Planning Authorities'.
- 'Retail Planning - Guidelines for Planning Authorities'.

5.3. Natural Heritage Designations

The nearest designated European sites are:

South Dublin Bay & River Tolka Estuary SPA (site code 004024), c. 2.3km to the south east.

South Dublin Bay cSAC (site code 000210) is c. 2.3.km to the south east.

Dalkey Islands SPA (site code 004172) is c. 7.9km to the southeast.

Rockbill to Dalkey Island cSAC (site code no, 003000) is c. 8.3km to the south east.

5.4. EIA Screening

Having regard to the nature of the development, comprising the construction of a 14 storey building (84 apartments, 3 retail units and a crèche), use of existing basement carpark (new spaces proposed within the existing carpark) and the urban location of the site, there is no real likelihood of significant effects on the

environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 The Appeal

A third party appeal was lodged by Apex Daleridge Management Company Limited, Unit 7A Sandyford Business Centre, Blackthorn Road, Sandyford, Dublin 18.

The appellants welcome the development of this section of the overall Beacon South Quarter Scheme that has been left undeveloped, apart from 3 basement levels for a number of years.

6.1. Grounds of Appeal

The four grounds of appeal are:

1. The amount of traffic generated by the proposed development has been understated.
2. The complexity of traffic movements on the local access road has not been properly considered.
3. The decision fails to ensure that traffic using the ramps to the basement carpark will be confined to that related to the proposed development.
4. A detailed construction traffic management plan should form part of the proposed application given the scale of the development and the context as part of a functioning commercial centre.

The grounds of appeal are summarised as follows:

6.1.1 The amount of traffic generated by the proposed development has been understated.

- The proposed development includes three levels of basement car parking. Only two of these levels have been taken into account in estimating the traffic volumes arising from the proposed development.

- The Council's Transportation department in its assessment only took into account the additional traffic over and above that would arise from the previous planning permission which is no longer relevant as it has expired.
- Insufficient consideration has been given to the possibility that cars parked elsewhere in the underground car park may use the access ramps to the basement carpark underneath the proposed development.
- The Framework Travel Plan states that as part of the application a total of 125 car parking spaces to be provided in basement level -1 (60 spaces) and -3 (65 spaces). However, it is noted that the spaces at basement level -1 are already allocated to existing apartments in block B2 and that these spaces will be re-allocated to level -2. It is reasonable to assume that the users of car parking spaces on level -2 would also use the access ramps to level -1 and -3 of the basement carpark. The Transport Assessment only takes account of the proposed 84 apartments using the ramps and not the existing residents of Block B2. As there are 65 spaces that will be re-allocated from basement level -1 to level -2, the traffic generation underestimate is in the order of two thirds: 15 car parking spaces instead of 190 as it is unreasonable to assume that the existing residents will not use the ramps.
- The Council's Transportation Department was satisfied with the TIA provide by the applicants. The assessment by the Transportation Department suggests that the traffic generation of the proposed development was only considered in comparison to the previous planning permission D04A/0618 which was for 64 apartments. The proposed development should be considered on its merits in terms of assessing whether the traffic generated by it would constitute a traffic hazard by introducing car movements in a shared surface environment where also a crèche is proposed. The report should, therefore refer to 84 apartments and not 20.
- The shared surface of the local access road is designed for low traffic volumes, lacks a footpath in parts and appears to be inappropriate for the increased traffic movements that would result from the proposed

development. The L-shaped road on the side near the appellants building is in need of remedial work and it is unclear from the details submitted who will be responsible for the maintenance of this surface.

- Insufficient consideration has been given to the possibility that cars that are parked elsewhere in the underground carpark may use the access ramps to the basement carpark underneath the proposed development. Proposal include restricted access using a swipe card. The appellant is of the view that the use of a swipe card should also be used for exiting the carpark via the ramps to restrict egress movements.

6.1.2 The complexity of traffic movements on the local access road has not been properly considered.

- The L-shaped access road is a shared surface design and accommodates in its current state a number of different vehicles and pedestrian categories that are summarised in section 3.1 of the grounds of appeal. The proposed development would add a number of categories, this are set out in section 3.2.
- The appellant's building, The Apex Building, has peak traffic from 8:30am to 9:30am in the morning and from 5pm to 6pm in the evening. This would correspond with the peak flow of apartment dwellers leaving for and returning from work.
- The local access road is a shared surface road with two separate sets of ramps to basement carparks (one to the Apex Building and one to the three level basement carpark under the proposed development), there is also a 90 degree angle in the L-Shaped local access road. All of which will lead to significant traffic movement conflicts as listed in section 3.4 of the appeal document.
- The proposal for a oneway system would meant that the access junction from Blackthorn Drive would facilitate inbound movements only with the result that all outbound movements would need to access the adjoining road system via the junction with Blackthorn Road. This means that outbound traffic leading to likely backing up of traffic blocking the basement carpark ramps.

6.1.3 The decision fails to ensure that traffic using the ramps to the basement carpark will be confined to that related to the proposed development.

- The documentation submitted with the application suggests that the use of the ramps to the basement carpark would be restricted to the occupants of apartments in the development and the staff of the crèche.
- The appellant is concerned that the restricted use of the basement ramps may not be enforced in the future.
- All levels and all areas of the basement carpark under the Beacon South Quarter development (c. 2000 spaces) are interconnected with no physical separation between the different sections and levels.
- No condition is attached regarding the use of swipe cards to access the carpark via the basement ramps which is fundamental to accepting the traffic generation on the local access road.
- Suggested wording of a condition is attached.

6.1.4 A detailed construction traffic management plan should form part of the proposed application given the scale of the development and the context as part of a functioning commercial centre.

- Taking into account the location of the site within a high density urban development block surrounded by busy roadways it is considered imperative that at the stage of consideration of the planning application detailed proposals and impact assessment of the construction traffic is provided.
- A detailed Traffic Management Plan should be submitted for the consideration by the Board.

6.1.5 Conclusion:

- The proposed development includes three levels of basement car parking. Only two of these levels have been taken into account in estimating the traffic volumes arising from the proposed development. The traffic generation that results from this underestimate is in the order of two thirds of the correct number: 125 car parking spaces instead of 190.

- The assessment by the Transportation Department that the proposed development ‘would not result in a significant increase to the safety of vulnerable road users of the L-shaped local access road’ must be considered to be flawed as it fails to take into account that the previous planning permission for 64 apartments has expired and is no longer relevant.
- The planning authority has given insufficient consideration to the possibility that cars that are parked elsewhere in the underground car park may use the access ramps to the basement car park underneath the proposed development.
- The local access road is a shared surface road with many conflicting categories of road users. The additional traffic movements in and out of the basement car park at a point of the local access road where turning movements are difficult because of a 90 degree bend in the road combined with a crèche facility, are likely to result in a traffic hazard as a result of conflicting traffic movements of both cars and pedestrians.
- It is respectfully submitted that if the Board consider granting planning permission a condition should be attached which ensures that access and egress to and from the basement car park underneath the proposed building should be restricted to users of car parking spaces on level -1 and -3 only.
- It is respectfully submitted that if the Board consider granting planning permission, the applicant should be asked to submit a construction traffic management plan to the satisfaction of the Board and that compliance with this plan should be a condition attached to the permission.

6.2. Applicant Response to the third party appeal.

This is mainly in the form of a rebuttal. The response includes a report prepared by Transport Insights. Points of note include:

- The proposal seeks to finish out an unfinished section of the larger Beacon South Quarter Mixed use development. Under PA Ref. No.

D04A/0618 permission was granted for 'Block B4' at this location. The basement carpark section was constructed but the block was not.

- The permitted building under D04A/0618 was an 8 storey building comprising a car showroom use at ground floor level with 64 apartments above. This permission expired in August 2017.
- Under PA Ref. No. 08A/0874 permission was granted for a number of amendments to the overall scheme, including the change from car showroom to 5 no. retail units on the ground floor of Block 4.
- There is a clear precedent for the nature and scale of the development at this location.
- The design, scale and height of the proposed building complies with the requirements of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Sandyford Urban Framework Plan.
- The technical assessments submitted with the application clearly demonstrate the proposed development can be accommodated on the subject site, with no negative impacts arising to the receiving environment or neighbouring buildings at this location.
- The grounds of appeal are largely related to items which fall outside the scope of the current planning application, including those concerning the previously permitted ramps to the existing basement carpark, which are operational considerations.
- The current proposal seeks to increase the residential accommodation from 64 units previously permitted on site to 84 units. However the combined proposed retail floor space of c.1,521sq.m is less than that previously permitted at this location. The current proposal also includes a crèche.
- The current proposal seeks to increase the height from 8 to 14 storeys. This complies with the Sandyford Urban Framework Plan.
- The Transport Assessment submitted assessed 84 apartments, 3 retail units and crèche and not 20 apartments as stated by the appellant.

- An outline construction management plan was submitted with the application. Given that a contractor has not yet been appointed, this document outlines the general activities required for the construction of the proposed development. It is standard practice that on appointment of a contractor a detailed construction management plan will be prepared and submitted to the Planning authority for approval as is common practice. Condition no. 20 of the Planning Authority's Notification of Decision addresses this.

A response prepared by Transport Insights addresses the technical issues raised in the grounds of appeal. Points of not include:

- In compliance with condition No. 3 of the planning authority's notification of decision. The following is proposed: 34 no. car parking bays at basement level -3, this represents a reduction of 31 no. bays. Basement car parking for residents of Block B2B (64 bays) currently provided at basement level -1 shall be accommodated instead at basement level -2.
- Vehicular access/egress to/from car parking within the basement car park is proposed via an existing ramp, this was constructed as part of the original Beacon South Quarter development on to a local access road. This access has remain closed with access currently to the basement car parking from Carmanhall Road/ Bracken Road. The use of swipe cards would restrict access. The Council's Transportation Division (report dated 18th January 2019) no objection subject to conditions.
- The car parking for the residents of the proposed development (Block B4) will be provide on levels -1 and -3, with vehicular access via the existing ramps. Access will be restricted through the use of swipe cards. Existing residents of Block B2B will use the existing parking bays on level -2 and will access the carpark via Carmanhall Road/ Bracken Road. They will not be issued with swipe cards. The issuing of swipe cards will be managed the applicant and his facilities manager, letter to this effect included with the response.

- The traffic impact assessment has considered all components of the development, namely the 84 no. apartments, retail elements and crèche. It has not been made by reference to the previous grant of permission for 64 no. apartments, and instead considers traffic impacts by comparison to a do-nothing scenario representing an undeveloped Block B4 site.
- The analysis carried out is underpinned by robust trip generation data extracted from the industry standard TRICS trip generation database), the development was forecast to result in the following small increase in traffic in the more critical PM peak (17:00 to 17:59hrs):
 - L-shaped local access road/Blackthorn Road Junction: 1.3%.
 - L-shaped local access road/Blackthorn Drive junction: 3.3%.
- Such small increases in traffic through junctions at either end of the L-shaped local access road would therefore clearly have no material impact on their operation.
- No evidence has been provided by the appellant in relation to the claimed poor condition of the L-shaped access road.
- The L-shaped access road and access ramps to the basement carpark predate the current application and were granted permission as part of the overall Beacon South Quarter development granted permission under PA Ref. No. D04A/0618. With the exception of the provision of a footpath along the northern boundary of the application site, no further changes to the layout of this road are proposed.
- Reference to a suggested one-way system in the grounds of appeal is noted. This does not form part of the current proposal and furthermore it is not a proposal that the applicant is pursuing.

6.3. Planning Authority Response

Response received **15th March 2019** contains comments from the **Transportation Planning Division**. The main points are summarised as follows:

Regarding Item No. 1:

- The car spaces of basement level -2 and -1, their use and the traffic generated, the access/egress arrangement and road layouts are fundamentally all as proposed and permitted/granted in the previous DL RCC PL. Ref. D04A/0618 and D07A/0131. As these are fundamentally unchanged from the previous permitted/granted planning permissions. Transportation Planning have no reason/justification to now consider them unacceptable. Thus, from a Transportation Planning Perspective, the relevant issue(s) is the provision of the crèche and the additional apartments, the associated additional car parking spaces on basement level -3, and the additional traffic generated.
- The Transportation Planning department is satisfied that the development, and the traffic generated on the L-shaped access road as a result of the proposed development, would not compromise the safety of vulnerable road users of the L-shaped access road.
- The Transportation Department in its assessment only took into account the additional traffic over and above that would arise from the previous planning permission. The fact that this has expired is no reason to now consider that what was permitted/granted previously to now be unacceptable.
- The current restrictions relating to the use of the ramps is a matter for the complex's management company. The current restriction on their use was not required under condition attached to the planning permission, therefore their use can be reversed at any stage. The proposal to use swipe cards to access the ramps under the current application is an operational matter for the applicant and the management company. The Planning Authority did not attach a condition relating to the access ramps but would take a positive view of

consideration by An Bord Pleanála of the attachment of a condition on the use of the ramps.

- The complexity of traffic movements on the local access road is akin to that previously assessed and granted permission. The additional movement associated with the crèche and the additional apartments and associated additional carparking spaces on basement level -1 will not compromise vulnerable road users of the L-shaped access road.
- The outline construction management plan is acceptable and it is acceptable practice that a detailed one is required by condition.

Response received **11th April 2019**:

The Board is referred to the previous planners report. It is considered that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.4. Observations

None.

6.5. Further Responses

6.5.1 Applicant's Response to the Planning Authority's Response containing comments from the Transportation Planning Division (24th April 2019)

This mainly reiterated information submitted as part of the planning application and with their response to the appeal. The applicant also welcomes the Transportation Planning Department's comments.

6.5.2 Appellants response to the Applicant Response to the appeal and to the Council's Transportation Planning Departments comments (26th April 2019)

This is mainly in the form of rebuttal. Points of note include:

- It is not accepted that the grounds of appeal are outside the scope of the planning application or relate to operational matters. As no planning

permission currently exists on the site, it is important that both the planning authority and the Board consider the proposed development 'de novo' and the assertion by the Transportation Department that only the additional traffic over and above the previous planning permission needs to be considered is flawed and incorrect.

- Notwithstanding the response letters to the appeal submission, the appellants remain of the opinion that the additional traffic movements in and out of the basement carpark are likely to result in traffic hazard. This arises from the conflicting traffic movement of both cars and pedestrians at a point of the local access road where turning movements are difficult because of a 90 degree bend in the road in combination with a proposed crèche facility.
- It is respectfully submitted that if the Board should consider granting planning permission a condition should be attached which ensures that the use of the ramps for access and egress to and from the basement car park underneath the proposed building shall be restricted to users of car parking spaces on level -1 and -3 underneath the building only.
- Having regard to the infill nature of the development site in a mature environment bounded by busy roads on two sides and a shared surface roadway on one, it is considered that construction traffic must be considered at the stage of the planning application. It is respectfully submitted that is the Board should consider granting planning permission, the applicants should be asked to submit a construction traffic management plan to the satisfaction of the Board and that compliance with this plan should be a condition attached to the permission.

7.0 Assessment

The principle of a mixed use building was considered acceptable under the parent permission for the Beacon South Quarter development (PA Ref. No. D04/A/0618). The current application differs from that previously permitted as follows: The current proposal is for a 14 storey building (previously 8 storeys), 84 apartments (previously 64), a crèche and 3 retail units with a combined gfa

c. 1521sq.m (previously permitted retail had a gfa of c. 1722sq.m under PA Ref. No. D08A/0506).

The principle of a building at this location, issues relating to policy, the overall design, height and scale have not been raised by the appellants. The proposed development broadly complies with the standards set out in local and national policy and I do not propose to revisit them by assessing the application de novo.

The focus of this appeal is on traffic generated by the development and the use of existing ramps to the basement carpark accessed via an existing access road. The grounds of appeal relate to technical matters regarding traffic generation and movements, complexity of movements and the capacity of access road to accommodate the additional traffic movements arising from the proposed development. The issue of appropriate assessment needs to be addressed. The grounds of appeal are:

- Traffic generated by the proposed development.
- Complexity of traffic movements on the local access road.
- Use of Ramps to access the basement carpark
- Construction Traffic Management Plan
- Appropriate Assessment

7.1 Traffic generated by the proposed development.

7.1.1 The appellant has raised concerns that the levels of traffic associated with the development comprising of 84 apartments, 3 retail units and a crèche would constitute a traffic hazard and that the Planning Authority's assessment of the traffic impacts is flawed as it only considered traffic above and over that previously permitted for the site (64 apartments and retail) .

7.1.2 This has been refuted by both the applicant and the Planning Authority whom have set out that for the most part the proposed development will use existing carparking spaces that were provided as part of the overall Beacon South Quarter development, including the provision for the permitted development on site that has now lapsed (64 apartments and retail). The use of existing spaces accessed via an existing permitted ramp should not be taken to raise new traffic

implications from that previous assessed under the parent permission. I note that 1874 car parking spaces were permitted under the parent permission for the Beacon South Quarter development, this increased overtime to 2072.

7.1.3 I have examined the history of the site and the documentation on file and I concur in this instance with the Planning Authority. The additional traffic that arises from the additional 20 units and the crèche as part of the current application is at the crux of this application. There is ample carparking provision within the basement carpark to cater for 64 apartments.

7.1.4 93 carparking spaces are required to cater for the proposed development, 64 of which are existing spaces on level -1 and 34 new spaces would be provided on level -3 to replace existing storage area. Therefore the provision of an additional 34 spaces forms part of the current application and not the provision of 93 spaces. I consider that the proposed parking provision complies with the requirements set out in the Sandyford Urban Framework Plan and the Dun Laoghaire Rathdown County Development Plan.

7.1.5 The appellants has not included an independent TIA nor provided supporting documentation that the additional traffic generated above and beyond that which can be currently accommodated within the existing carparking provision. Given the location of the application site adjoining public transport routes and based on the information available on file I consider that the use of existing carparking spaces and the provision of 34 additional spaces within the basement is sufficient for the proposed development.

7.2 Complexity of traffic movements on the local access road.

7.2.1 The appellants are the opinion that the additional traffic movements in and out of the basement carpark are likely to result in traffic hazard. This arises from the conflicting traffic movement of both cars and pedestrians at a point of the local access road where turning movements are difficult because of a 90 degree bend in the road in combination with a proposed crèche facility.

7.2.2 The appellant has requested that the traffic be assessed from first principles given the complexity of traffic movements on the L-shaped access road which in the appellants view would constitute a traffic hazard. While I acknowledge that the building which contained 64 apartments and 5 retail units was not constructed, the carparking associated with same was provided at the time the

overall Beacon South Quarter development was built. The restrictions on using the access ramp to the basement carpark off the L-shaped access road to the rear of the appellants building was not imposed by condition. This appears to have been an operational decision by the management company which could be reversed at any stage and this access road used (as per the parent permission) to access the basement carpark off Blackthorn Road.

7.2.3 I consider it, therefore unreasonable to assess the carparking provision and access arrangements from first principles as the infrastructure is in place to accommodate the requirements for 64 apartments. I would direct the Boards attention to the nature of the traffic and that the additional traffic in question relates to 20 apartments and a crèche. The access road at present serves a multitude of users and is the subject of unauthorised parking along sections that are clearly demarcated with double yellow lines. The additional movements on the existing access road would not be to such an extent that they would constitute a significant increase in traffic movements from that which would arise on this road if the barrier to the basement carpark was removed and the ramps used. Obstructions to road users from the level of traffic associated with the additional movements above and beyond which at present can use this access road would not constitute a traffic hazard.

7.3 Use of Ramps to access the basement carpark

7.3.1 The appellants have also raised concerns in the grounds of appeal that the planning authority has given insufficient consideration to the possibility that cars that are parked elsewhere in the underground carpark may use the access ramps to the basement carpark underneath the proposed development. And have requested that a condition be attached in the event of a grant of permission that the use of swipe cards should also be required for exiting the carpark.

7.3.2 As mentioned in section 7.2 above, the current application before the Board proposes to use existing ramps to the basement level carpark. There is no condition attached to the parent permission which restricts the use of these ramps. From the available information on file it would appear that the decision not to use this access to the basement level carpark was taken by the management company in charge of the Beacon South Quarter. The applicant

has stated that they propose to restrict the use of this means of access by providing swipe cards only to the residents of the proposed 84 units which form part of the current application. I consider this an operational matter for the management company as given the lack of subdivision and barriers within the basement car park levels I am of the view that the use of a planning condition relating to this matter would not be appropriate.

7.4 Construction Traffic Management Plan

7.4.1 The appellants in the grounds of appeal noted that taking into account the location of the site within a high density urban development block surrounded by busy roadways it is considered imperative that at the stage of consideration of the planning application detailed proposals and impact assessment of the construction traffic should be provided.

7.4.2 It is standard practice that on appointment of a contractor a detailed construction management plan is prepared and submitted to the Planning authority for approval. This would address how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the development is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

7.4.3 I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration. I am satisfied that any outstanding issues could be required by condition if the Board is of a mind to grant permission.

7.5 Appropriate Assessment

7.5.1 The applicant submitted an Appropriate Assessment Screening paragraph (section 12.0 of the Planning Application Report), this concluded that a stage 2 appropriate assessment was not required. This was deemed acceptable by the Planning Authority.

7.5.2 The nearest European sites are South Dublin Bay & River Tolka Estuary SPA (site code 004024), South Dublin Bay SAC (site code 000210), Dalkey Islands SPA (Site code No. 004172) and Rockabill to Dalkey Island cSAC (Site code No. 003000). There are no direct links with these sites.

7.5.3 The site is a serviced urban site, which neither lies in or near a Natura 2000 site. The nearest such sites are at a considerable distance and there are no direct connections between them and the development site. Having regard to nature and scale of the proposed development, the nature of the receiving environment and the distance to the nearest European sites, 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.

8.0 Recommendation

I recommend therefore that planning permission be granted subject to the conditions as set out below.

9.0 Reasons and Considerations

Having regard to the design, height, scale and massing of the proposed development, the provisions of the Sandyford Urban Framework Plan and the provisions of the Dun Laoghaire County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable residential density in this accessible urban location, would not seriously injure the residential or visual of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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.

Prior to the commencement of development the applicant shall provide, for the written agreement of the planning authority, full details of the proposed external design / finishes in the form of samples and on site mock ups. These details shall include photomontages, colours, textures, specifications which shall be submitted prior to the commencement of development, for the written agreement of the planning authority. Details of the longevity of the materials proposed and the overall long term maintenance of same shall also be submitted and agreed in writing.

Revised drawings, where required, showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenities.

3. Prior to the commencement of development details of shopfront design and signage shall be submitted to and agreed in writing with the Planning Authority.

Reason: In the interest of visual amenities.

4. No amalgamation or subdivision of retail units shall take place without a prior grant of planning permission.

Reason: To control the layout and scale of development in the interest of protecting the vitality and viability of the area.

5.

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

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

6. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

(a) Prior to the commencement of development the developer shall submit for the written agreement of the planning authority revised plans and particulars which show only 34 no. additional car parking spaces shall be provided on the existing basement level -3. The remainder of the existing basement level -3 shall only be permitted for non-vehicular storage use.

(b) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.

(c) Pedestrian crossing facilities shall be provided at all junctions;

(d) The materials used in any footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site

(f) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

7. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

8. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

9. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

10. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

11. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them,

no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission

Reason: To protect the visual amenities of the area.

12. 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.

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

Reason: In the interest of residential and visual amenity.

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

Reason: In the interests of amenity and public safety.

15. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works

commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, sustainable drainage and flooding.

16. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

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 residential development, the applicant shall submit for agreement in writing with the planning authority, a Building Life Cycle report, in compliance with Section 6.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018.

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

19. 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.

20. 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.

21. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme, made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the

application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

22. 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.

Dáire McDevitt,
Planning Inspector

4th June 2019