



An
Bord
Pleanála

Inspector's Report

ABP-304178-19

Development	Residential development of 30 no. 1, 2 and 3 bed apartments/duplexes in 2 no. 4-storey blocks.
Location	Lucan Road, Chapelizod, Dublin 20
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	4174/18
Applicant(s)	Wonderglade ULC
Type of Application	Permission
Planning Authority Decision	Grant
Type of Appeal	Third Party
Appellant(s)	Peter Kavanagh
Date of Site Inspection	08 th July 2019
Inspector	Colin McBride

1.0 Site Location and Description

1.1. The appeal site, which has a stated area of 0.3779 hectares, is located a short distance from Chapelizod village centre and on the southern side of the Lucan Road. The appeal site is a vacant site currently overgrown with vegetation. Levels on site increase moving away from the Lucan Road to their highest point adjacent the Chapelizod bypass. The Lucan Road runs along the north eastern boundary of the site with the Chapelizod bypass running along the south western boundary of the site. To the north west are two-storey dwellings that front onto the Lucan Road with a private laneway serving these dwelling running along the north western boundary of the site. To the south east is Chapelizod Court, which is a development of two-storey dwellings accessed from Chapelizod Hill Road further to the south east.

2.0 Proposed Development

2.1. Permission is sought for the construction of a residential scheme of 30 no. 1, 2 and 3 bed apartments/duplex in 2 no. four storey blocks, with units ranging in size from c. 47sqm to c. 110sqm. Block A will have 17 no. units with 5 no. 1 beds units, 9 no. 2 bed units and 3 no. 3 bed units. Block B will have 13 no. units with 5 no. 1 bed units, 5 no. 2 bed units and 3 no. 3 bed units. Units provided with south/east/west/north facing balconies/terraces. All associated site works, services provision, vehicular pedestrian access, car and bicycle parking, open space, bin stores, landscaping and boundary treatment works. In response to further information the position and layout of the vehicular entrance was altered and the number of car parking space provided was increased from 20 to 23.

3.0 Planning Authority Decision

3.1. Decision

Permission granted subject to 17 conditions. Of note are the following conditions...

Condition no. 3: Provision of a 2m footpath along the road frontage of the site.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Planning report (11/12/18): Further information required including the issues raised in the Transportation report, provision of alternative external finishes consistent with the character of the ACA, demonstration of compliance with the City Development Plan in regards to the provision of public open space and submission of a Flood Risk Assessment.

Planning report (14/03/19): The proposal was considered to be acceptable in the context of planning policy, land use zoning, development management standards, visual impact, adjoining amenities and traffic impact. A grant of permission was recommended subject to the conditions outlined above.

3.2.2. Other Technical Reports

Drainage Division (01/11/18): No objection subject to conditions.

Transportation Planning (29/11/18): Further information including demonstration of adequate sightlines and alterations of access arrangements, provision of justification for the level of car parking provided, and the provision of additional bicycle parking.

Drainage Division (26/02/19): No objection subject to conditions.

Transportation Planning (06/03/19): No objection subject to conditions.

3.3. Third Party Observations

3.3.1 A number of submissions were received from local residents in the area. The issues raised included...

- Insufficient parking, inappropriate design, design scale and visual impact, out of character within an ACA, adverse impact on adjoining amenities, inadequate detail of boundary treatment, more detail required regarding cycling facilities provided on site, disruptive impact of the proposal on adjoining amenity and wildlife on site.

4.0 Planning History

4.1 3359/14: Permission granted for the construction of 19 no. residential units and associated site works on the appeal site.

4.2 PL29S.215708: Permission granted of the construction of 49 residential units and associated site works at No.688 Lucan Rd & No.1 Chapelizod Court.

5.0 Policy Context

5.1. Development Plan

The relevant Development Plan is the Dublin City Development Plan 2016-2022. The site is zoned Z1 with a stated objective “to protect, provide and improve residential amenities”.

The site is located within an Architectural Conservation Area.

QH1: To have regard to the DEHLG Guidelines on ‘Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities’ (2007), ‘Delivering Homes Sustaining Communities – Statement on Housing Policy’ (2007), ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2015) and ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual: A Best Practice Guide’ (2009).

QH6: To encourage and foster the creation of attractive mixed-use sustainable neighbourhoods which contain a variety of housing types and tenures with supporting community facilities, public realm and residential amenities, and which are socially mixed in order to achieve a socially inclusive city.

QH7: To promote residential development at sustainable urban densities throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH18: To promote the provision of high quality apartments within sustainable neighbourhoods by achieving suitable levels of amenity within individual apartments, and within each apartment development, and ensuring that suitable social infrastructure and other support facilities are available in the neighbourhood, in accordance with the standards for residential accommodation.

CHC4: To protect the special interest and character of all Dublin's Conservation Areas. Development within or affecting a conservation area must contribute positively to its character and distinctiveness, and take opportunities to protect and enhance the character and appearance of the area and its setting, wherever possible.

Section 16.4 Residential Density:

The Regional Planning Guidelines settlement hierarchy designates Dublin city centre and the immediate suburbs as a gateway core for international business, high density population, retail and cultural activities. The guidelines indicate that development within the existing urban footprint of the metropolitan area will be consolidated to achieve a more compact urban form, allowing for the accommodation of a greater population than at present.

The Department of Environment, Heritage and Local Government (DEHLG) Guidelines on Sustainable Residential Development in Urban Areas 2009 supercede the 1999 Guidelines for Planning Authorities on Residential Density. In this context, Dublin City Council will promote sustainable residential densities in accordance with the standards and guidance set out in the DEHLG Guidelines on Sustainable Residential Development in Urban Areas and having regard to the policies and targets in the Regional Planning Guidelines 2010 – 2022 or any Regional Spatial and Economic Strategy that replaces the regional planning guidelines.

Sustainable densities promoting the highest quality of urban design and open space will be sought by the City Council in all new developments. The density of a proposal should respect the existing character, context and urban form of an area and seek to protect existing and future residential amenity. Public transport capacity will also be used to determine the appropriate density allowable.

An urban design and quality-led approach to creating urban densities will be promoted, where the focus will be on creating sustainable urban villages and neighbourhoods. A varied typology of residential units will be promoted within neighbourhoods in order to encourage a diverse choice of housing options in terms of tenure, unit size, building design and to ensure demographic balance in residential communities.

All proposals for higher densities must demonstrate how the proposal contributes to place-making and the identity of an area, as well as the provision of community facilities and/or social infrastructure to facilitate the creation of sustainable neighbourhoods.

5.2 National Policy

Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018).

The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018) build on the wider national policy objective to provide more compact forms of urban development as outlined in the National Planning Framework. It is acknowledged that increasing building heights has a critical role to play in addressing the delivery of more compact growth in urban areas, particularly cities and large towns.

SPPR1:

In accordance with Government policy to support increased building height and density in locations with good public transport accessibility, particularly town/ city cores, planning authorities shall explicitly identify, through their statutory plans, areas where increased building height will be actively pursued for both redevelopment, regeneration and infill development to secure the objectives of the National Planning Framework and Regional Spatial and Economic Strategies and shall not provide for blanket numerical limitations on building height.

SPPR3:

It is a specific planning policy requirement that where;

- (A) 1. an applicant for planning permission sets out how a development proposal complies with the criteria above; and
2. the assessment of the planning authority concurs, taking account of the wider strategic and national policy parameters set out in the National Planning Framework and these guidelines;

then the planning authority may approve such development, even where specific objectives of the relevant development plan or local area plan may indicate otherwise.

(B) In the case of an adopted planning scheme the Development Agency in conjunction with the relevant planning authority (where different) shall, upon the coming into force of these guidelines, undertake a review of the planning scheme, utilising the relevant mechanisms as set out in the Planning and Development Act 2000 (as amended) to ensure that the criteria above are fully reflected in the planning scheme. In particular the Government policy that building heights be generally increased in appropriate urban locations shall be articulated in any amendment(s) to the planning scheme

(C) In respect of planning schemes approved after the coming into force of these guidelines these are not required to be reviewed.

Guidelines on Sustainable Residential Development in Urban Areas 2009

Appropriate locations for increase densities

Public Transport Corridors:

Walking distances from public transport nodes (e.g. stations / halts / bus stops) should be used in defining such corridors. It is recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans,

and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities.

5.3 Natural Heritage Designations

5.3.1 None in the vicinity.

5.4 EIA Screening

5.4.1 Having regard to nature of the development comprising of the construction of 30 no. apartments and associated site works, 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

6.1. Grounds of Appeal

6.1.1 A third party appeal has been lodged by Peter Kavanagh, 693 Lucan Road, Chapelizod, Dublin 20.

- The site includes the footpath within the red line boundary and such should not be included in terms of calculating plot ratio and density.
- The boundary should be set back and the provision of green space along the road frontage. Such would improve visibility at the entrance to the private laneway.
- There are existing car parking issues within Chapelizod with the lack of sufficient car parking in residential development causing overspill of parking in village (New Row and Maiden Row) and into adjoining residential developments including St. Laurances Grove, Chapelizod Hill Road and Chaeplizod Court. The proposal provides insufficient car parking for the number of units proposed and as required in Area 3 under the City Development Plan and would exacerbate existing car parking issues in the area

- The site and the area it is located in is inadequately serviced in terms of public transport facilities with no significant improvements proposed in future plans (Bus Connect). There is a need for motor transport at this location due to inadequate public transport facilities.
- The level of residential development proposed is unsustainable at this location within Chapelizod Village with inadequate capacity in existing services in the village and inadequate public transport or community facilities at present.
- The height and design of the proposal is out of character with adjoining development and would have an adverse impact on the visual amenities of the area, existing dwellings of architectural heritage values (dwellings to the north west of the site and the wider area which is designated as an ACA.
- The bulk and density of the development proposed is excessive and out of scale with adjoining development and would be detrimental to the visual amenities of the area.
- There is a lack of information regarding boundary treatment with the private laneway adjoining the north western boundary with potential impact on privacy and the overspill of car parking outside the site.
- It is noted that existing community facilities and activities within Chapelizod generate significant traffic and such should have been taken into account when assessing the traffic impact of the proposal.

6.2. Applicant Response

6.2.1 A response has been submitted by McGill Planning on behalf of the applicants Wonderglade ULC.

- The legal boundaries of the site extend to the outer edge of the footpath, excluding the footpath area from the site reduces site area by a minimal amount and has little impact on density levels.
- In response to further information the front boundary wall was altered to allow for a 2m wide footpath and will improve sightlines for the existing private lane to the north west of the site. The proposal will improve traffic safety at this location.
- The level of parking proposed is in line with national guidelines and City Planning policy. The site is in parking zone 3 with the car parking standards

maximum standards with no minimum standards and with consideration of location and access to public transport facilities. The site is accessible to a bus route, there is existing cycle facilities along the Lucan Road and the site is in walking distance of local amenities and recreational facilities. A designated GoCar space is proposed. A Mobility Travel plan was submitted as part of further information. It is noted that the level of parking proposed is sufficient having regard to the location and commuting patterns anticipated. It is noted that it will be a managed development, which will entail control of parking spaces.

- It is noted that the Bus Connect proposal entails provision of a new no. 14 Bus serving Chapelizod Village and potentially a new bus corridor along the Chapelizod bypass within a 2 minute walk of the site.
- The level of public open space provided is sufficient and is above the minimum required and includes hard and soft landscaping and a play area.
- It is note that the provision of additional residential development will provide for demand and support for new community infrastructure.
- In relation visual impact and location within an ACA it is noted that the site is currently vacant, overgrown and unattractive and its redevelopment would be an improvement in terms of visual appearance. There is a variety of design and scale of existing development in the area.
- The design and scale of the proposal would be acceptable in terms of overall visual impact. The proposed development due to the reduction in existing ground levels and the elevated location of adjoining development is not significantly higher in ridge height than existing development on adjoining sites.
- The proposed development is similar in height and scale to development permitted in the area in the recent past with examples cited.
- A secure boundary will be provided along the private laneway to north west with no adverse impact on adjoining amenities or possibility of parking over spilling onto the existing laneway.
- The alterations proposed in response to further information entailed alterations to the front boundary and a repositioning and revised design of the proposed vehicular entrance. The proposal has been designed in accordance

with the Design Manual for Urban Roads and Streets (DMURS) and adequate sightlines are provided. The proposed development would be satisfactory in the context of traffic safety.

6.3. Planning Authority Response

6.3.1 No response.

6.4. Further Responses

6.4.1 Response by the appellant, Peter Kavanagh.

- The appellant reiterates concerns regarding the level of parking proposed noting that such is insufficient to cater for the proposed development leading to overspill into the intervening area and that this is already an issue.
- The appellant reiterates their concerns regarding the design, bulk and scale of the proposal relative to the existing streetscape and character of the area. Noting that the proposal would have an inappropriate visual impact at this location, which is designated an Architectural Conservation Area.

7.0 Assessment

7.1. Having inspected the site and associated documents, the main issues can be assessed under the following headings.

Principle of the proposed development/development plan/national policy

Density/height

Design, scale, and visual impact

Quality of design/residential amenity/development control objectives

Adjoining amenities

Car parking/traffic

Flood

7.2. Principle of the proposed development/development plan policy/national policy

7.2.1 The proposal entails the construction of 30 no. dwelling units (apartments and duplex apartments) in two blocks that are both four-storeys in height. The appeal site is zoned Z1 with a stated objective 'to protect, provide and improve residential amenities'. The provision of residential development is consistent with the zoning objective of the site and established uses on adjoining sites.

7.2.2 The appellant is of the view that the village does not have the capacity for the proposed development with existing services at capacity (schools, doctor, dentist etc.). The site is an infill site close to the centre of the village and only 6km from Dublin City Centre. The site is a zoned and serviced site that is currently underutilised. It is wholly appropriate to seek redevelopment of this site for residential development and such should be an efficient use of the land in question. The appropriateness of the design and scale of the development is to be explored in the following sections of this report.

7.3. Density:

7.3.1 The proposal provides for 30 units on a site with an area of 0.3779 hectares. This a density of 79 units per hectare. This represents a significant increase on prevailing residential density in the area. Development Plan policy and national policy permit for increased densities along public transport corridors. The appeal site is located in Chapelizod Village which is approximately 6km from Dublin City Centre. The site is within walking distance of a bus route into the city centre, is in cycling distance of the city centre, Heuston Station and the Luas line. The site is also close to the centre of Chapelizod village. It would also appear that public transport facilities will potentially improved through future proposals (Bus Connect).

7.3.2 The Guidelines on Sustainable Residential Development in Urban Areas 2009 note that appropriate locations for increased densities include public transport corridors with it "recommended that increased densities should be promoted within 500 metres walking distance¹⁸ of a bus stop, or within 1km of a light rail stop or a rail

station. The capacity of public transport (e.g. the number of train services during peak hours) should also be taken into consideration in considering appropriate densities. In general, minimum net densities of 50 dwellings per hectare, subject to appropriate design and amenity standards, should be applied within public transport corridors, with the highest densities being located at rail stations / bus stops, and decreasing with distance away from such nodes. Minimum densities should be specified in local area plans, and maximum (rather than minimum) parking standards should reflect proximity to public transport facilities”.

7.3.3 I would consider that the site is an appropriate location for higher densities and that such should not be below 50 units per hectare. The density proposed is above 50 units per hectare and is acceptable subject to the proposal being acceptable in terms of design, scale, adjoining amenity and compliance with development management standards. These aspects of the proposal shall be assessed in the following sections of this report. The appellant questions the inclusion of the footpath area within the site in terms of calculating density. I would note that excluding such would have little impact on density levels.

7.4 Design, scale and visual impact:

7.4.1 The appeal site is a vacant site with a steep gradient that increases in level away from the public road up to the boundary with the Chapelizod bypass, which runs along the south western boundary of the site. It is proposed to lower the level on site with the finished floor level of the apartment blocks similar to the level of the Lucan Road. The proposal is for two blocks on site, Block A is located parallel to the Lucan Road and along a similar building line of the existing dwellings to the north west and south east. Block B is located behind Block A and perpendicular to Block A. The ridge height of the blocks is c. 15m. Block B is not particularly visible in the surrounding area due to the alterations in the levels of the site, which will be significantly lower than the existing level where it adjoins the bypass and the fact it is located to the rear of Block A. Block A is four-storeys in height and is well set back from the road with a building line similar to adjoining development. Due to the decrease in existing site levels the overall height of Block A is not significantly higher than the ridge heights of the existing two storey dwellings to the north west fronting onto Lucan Road and the two-storey dwellings to the south east within Chapelizod Court.

7.4.2 The information submitted with the file include photomontages that illustrate the visual impact of the proposal relative to adjoining development. The main visual impact is experienced along Lucan Road. The proposal will not be visible from the bypass due to the significantly lower proposed finished floor levels of the development relative to the bypass. The development also will not be significantly visible from Chapelizod Hill Road with the existing two-storey dwellings within Chapelizod Court meaning views of the development will be partial views and have a minimal visual impact. The visual impact from the Lucan Road would be satisfactory with the proposed development respecting the established building line and providing for a structure that is not significantly above the ridge height of adjoining development. The transition in scale between the proposed development and adjoining development is acceptable, and the design and scale of development has adequate regard to the visual amenities of the area. The appellant notes that the site is an Architectural Conservation Area (ACA) and notes the dwellings to the north west are of architectural heritage value. The overall design and scale of the proposed would be acceptable in context of the visual amenities of the area and have adequate regard to the status of the area as an ACA. The proposed development is an appropriate scale of development and entails active use of a vacant and neglected site. The overall visual impact would be positive.

7.4.3 The external finishes proposed are a mix of render and brick with metal cladding on the roof. The applicants were requested to revise the external finish with the render finish replaced by a stone cladding with two different brick options. I would consider that a condition requiring details of the external finishes to be agreed prior to the commencement of development to be appropriate.

7.5 Quality of design/residential amenity/development control objectives:

7.5.1 The proposal is for 30 residential units with a mixture of one, two and three bed units. The relevant and most up to date standards for apartment development are the Sustainable Urban House: Design Standard for New Apartments (March 2018). In relation to minimum apartment size the requirement is 45sqm, 73sqm and 90sqm for 1, 2 and 3 bed apartment units respectively (SPPR3). All units proposed exceed the minimum standards and in a lot cases are in excess of the minimum standards. It is noted that in order to safeguard higher standards that “the majority of all

apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1, 2 or 3 bedroom unit types, by a minimum of 10%”. This is the case in regards to the proposed development.

7.5.2 Under the same guidelines “it is a policy requirement that apartment schemes deliver at least 33% of the units as dual aspect in more central and accessible and some intermediate locations, i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas, or where it is necessary to ensure good street frontage and subject to high quality design. Where there is a greater freedom in design terms, such as in larger apartment developments on greenfield or standalone brownfield regeneration sites where requirements like street frontage are less onerous, it is an objective that there shall be a minimum of 50% dual aspect apartments. Ideally, any 3 bedroom apartments should be dual aspect”. In this case 24 of the 30 units are dual aspect and compliant with the guidelines.

7.5.3 Appendix 1 contains minimum standards for private amenity space with a requirement of 5sqm, 6sqm and 9sqm for 1, 2 and 3 bed apartment respectively. A minimum depth of 1.5 metres is required for balconies, in one useable length to meet the minimum floor area requirement under these guidelines. These standards are met in all cases. The apartments also meet all relevant standards in relation of internal storage space, ceiling heights, room dimensions outlined in Appendix 1 of the guidelines.

7.5.4 The guidelines note that “communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year. Roof gardens may also be provided but must be accessible to residents, subject to requirements such as safe access by children. These facilities offer a satisfactory alternative where climatic and safety factors are fully considered, but children’s play is not passively supervised as with courtyards. Regard must also be had to the future maintenance of communal amenity areas in order to ensure that this is commensurate with the scale of the development and does not become a burden on

residents". It is also noted that that "for building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25ha, communal amenity space may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality". The City Development Plan (Section 16.10.3) notes in relation to public open space that that "in new residential developments, 10% of the site area shall be reserved as public open space".

7.5.5 There are two main areas of public open space, an area of open space of 202 sqm to the rear of Block A, which includes a childrens play area and is located at a ground level similar to the ground floor of the two blocks and an area of 260sqm located to the rear of the site and at a level equivalent of the second floor of Block B. The total area of public open space is 404sqm and is over 10% of the site area as required under Development Plan policy. I would consider that such is of sufficient quality to service the residential amenity of future residents and taken in conjunction with the level of private amenity space provided, the proposal is satisfactory in terms of the quantity and quality of public and private open space.

7.6 Adjoining amenities:

7.6.1 The adjoining development consists of two-storey dwellings fronting onto Lucan Road to the north west and a housing development of two-storey dwellings, Chapelizod Court to the south east, which is accessed from Chapelizod Hill. The existing levels on site are to be lowered significantly with the provision of 2 no. four-storey blocks. The adjoining development on either side is elevated relative to level of the Lucan Road and the ground floor level proposed for the development. The proposed blocks would have a ridge height higher than adjoining development but the difference in height is not significant or an abrupt transition in scale. Block A is located on a building line similar to the existing dwellings on either side and has its main orientation north east (onto Lucan Road) and south west. I would be satisfied that the design, scale and orientation of Block A has sufficient regard to the residential amenities of adjoining properties and would not result in any overlooking or overshadowing that would be injurious to existing amenities. Block B, which is perpendicular to Block A is similar in height to Block A and despite having different orientation (south east and north west), it is sufficiently separated from the boundaries with the adjoining development and would also have no adverse impact on the amenities of adjoining properties.

7.7 Car parking/traffic:

7.7.1 The proposal entails the provision of a new vehicular access off Lucan Road and in the initial submission the provision of 20 no. off-street car parking spaces on site. In response to a further information request the position and layout of the entrance was revised with the provision of a 2m wide footpath (condition no. 3 requires a 2m wide footpath) and 23 car parking spaces. The position and layout of the proposed entrance would be acceptable in the context of traffic safety and convenience, with adequate provision of sightlines in accordance with the requirements of the Design Manual for Urban Roads and Streets. I would concur with the applicants' claims that the proposed alterations to the road frontage would improve visibility at the vehicular entrance to the laneway running along the north western boundary and allows for access to the rear of the dwellings adjoining the site.

7.7.2 The issue of car parking is one of the main issues raised in the appeal with the appellant noting that insufficient car parking is provided on site with concern about overspill of parking into the adjoining areas of Chapelizod and noting that such is an existing issue within the village. The proposal provides for 23 spaces to serve a development of 30 units. For the purpose of Development Plan policy the site is located in Area 3 where the maximum development plan standard for car parking is 1.5 space per residential units as set down under table 16.1. These are maximum standards and no minimum standards are provided. Maximum standards allow for consideration of the location of the development in the context of how central it is, its accessibility to public transport and for other modes of transport such as pedestrian and cyclists. I would consider that based on the location of the site in Chapelizod Village and its accessibility to public transport (bus), future improvement in public transport (bus route on the Chapelizod bypass with pedestrian access from Chapelizod Hill Road) as well as being within cycling distance of Heuston Station and the Luas line, the site is not totally dependent on car transportation. In this regard I would consider that a shortfall from maximum parking standards is justified and would note that the level of provision of car parking is a high percentage relative to the number of units on site (77%). The appellants have indicated that they have consulted with GoCar about the feasibility of the provision of shared car club space on the site and that there appears to be a willingness to provide such.

7.7.3 In regards to overspill into the intervening area, the road frontage and Lucan Road is a no parking zone. There is pay and display parking in the village however such would be short term. In regards to overspill into adjoining residential developments such are private development and I would note that such appear to be managed developments in this regard (Chapelizod Court had clear signage regarding parking). Notwithstanding such the site is a zoned and serviced site in a location not totally dependent on car transportation and the provision of maximum standards of car parking is not justified.

7.8 Flood

7.8.1 A flood impact assessment was submitted in response to a request for further information. The assessment notes the requirements of the Planning System and Flood Risk Management Guidelines and that residential development is classified as vulnerable development and is subject to a justification if located in Flood Zones A, B or C. The assessment goes through the different types of flooding and their relevancy regarding the site. It is noted that there has been recorded events of fluvial flooding with 3km of the site. It is noted that the CFRAM flood maps provide the probability of flooding in the event of 0.1% AEP (Flood Zone A), 1% AEP (Flood Zone B) and 10% AEP (Flood Zone C). The site does not fall in any of these areas which coincide with the low lying areas adjoining the River Liffey with the site at a level significantly above the ground levels impacted. The site is also note impacted by coastal flooding due its location and ground level. The site is also not impacted by pluvial flooding with adequate surface water and attenuation proposals on site. I am satisfied that the appeal site and proposed development would not be subject to flood risk or exacerbate flood risk elsewhere.

7.9 Appropriate Assessment:

7.9.1 Having regard to the nature and scale of the proposed development and its proximity to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

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

9.0 Reasons and Considerations

Having regard to:

- (a) The provision of the Dublin City Council Development Plan 2016-2022,
- (b) Sustainable Urban Housing: Design Standards for New Apartments-Guidelines for Planning Authorities (March 2018),
- (c) The Urban Development and Building Height - Guidelines for Planning Authorities (December 2018),
- (d) The existing pattern of development at this location,
- (e) The design, scale and layout of the proposed development, and
- (f) The submissions and observations on file,

It is considered that, subject to the compliance with the conditions set out below, the proposed development would be in accordance Development Plan policy, would not detract from the visual amenities of the area, would be acceptable in the context of the amenities of adjoining properties and be satisfactory in the context of traffic safety and convenience. 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, and as amended by the further plans and particulars received on the 19th day of February 2019, 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 interests of clarity.

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

Reason: In the interests of visual amenity.

3. The streets and footpaths within the development shall comply with the requirement and specifications of the Design Manual for Urban Roads and Streets (DMURS) issue in 2013.

Reason: In order to comply with the guidance give in the Design Manual for Urban Road and Streets.

4. Site development and building works shall be carried out only between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

5. No advertisement or advertisement structure, the exhibition or erection of which would otherwise constitute exempted development under the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, shall be displayed or erected on the building or within the curtilage of the site unless authorised by a further grant of permission.

Reason: In the interest of visual amenity.

6. 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.

7. 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.

8. Drainage requirements including the attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services.

Reason: To ensure adequate servicing of the development and to prevent pollution.

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

Reason: In the interest of public safety and the amenities of the area.

10. 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.

11. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

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

12. 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.

13. 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.

14. 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. The contribution shall be paid prior to the 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

Colin McBride
Planning Inspector

09th July 2019

