



An
Bord
Pleanála

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

Inspector's Report ABP-304469-19

Strategic Housing Development

253 no. apartments and associated works.

Location

Greenacres, Longacre and Drumahill House, Upper Kilmacud Road, Dundrum, Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Crekav Trading GP Ltd

Prescribed Bodies

Irish Water

NTA

TII

An Taisce

County Childcare Committee

Observer(s) See Appendix 1

Date of Site Inspection 27th June 2019

Inspector Ciara Kellett

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1.0 Introduction

- 1.1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is located off the R826 Upper Kilmacud Road, Dundrum, Co. Dublin. The site is to the south of this road almost midway between the Drummartin Link Road to the east and Overend Avenue to the west. Dundrum Town Centre is c.1km to the south-west of the site and the LUAS stops, Balally and Kilmacud, are c.800m to the south-west and south-east respectively. Sandyford Business Park is c.2km to the south-east and the M50 Motorway is accessed via the Drummartin Link Road c.2km to the south.
- 2.2. The Upper Kilmacud Road area is primarily a residential area comprising mostly of two storey semi-detached and detached dwellings. In addition, there are a number of recently constructed and permitted apartment blocks further along and in the vicinity of Upper Kilmacud Road. The Airfield Heritage Gardens and Family Farm is located to the immediate west and south of the site. To the immediate east of the site lies the Holywell Housing estate comprising a mix of detached, semi-detached and terraced dwellings. A row of 9 dwellings known as Drumahill bound the lower eastern edge of the site, while a well-established green area with mature trees and hedgerows serving Holywell and Drumahill residential developments bounds the upper eastern half of the site. Considerable mature tree cover characterises the residential properties and the public open space in this housing estate.
- 2.3. The site itself comprises three individual plots of land, Greenacres, Long Acre and Drumahill House. The Greenacres land forms the bulk of the site and bounds the Airfield estate to the west and south. This portion of land was subject to previous planning applications and there is an extant permission on this portion of the site for apartment blocks. Vehicular and pedestrian access exists from the Upper Kilmacud Road and the site presently accommodates a two/two-and-a-half storey house, known as "Green Acres", set within the grounds. Historically, this house was used as

a convent. The grounds are somewhat overgrown, and they include mature and semi-mature, predominantly deciduous trees of varying quality.

A narrow strip of land known as Long Acre runs to the east of the Greenacres site. This strip of land formed a boundary between the Greenacres site and the 9 houses known as Drumahill, as well as Drumahill House itself.

The site of Drumahill House now forms part of the overall site. The Drumahill House is a 1930s style dwelling that appears to have been recently vacated with an access onto Upper Kilmacud Road.

2.4. The overall site now comprises a total site area of c.1.76 Hectares and slopes gently towards the south. It is characterised by well-established mature trees along all boundaries and is screened from Upper Kilmacud Road and the surrounding dwellings as a result. Neither Greenacres nor Drumahill House are Protected Structures.

2.5. Appendix A includes maps and photos.

3.0 Proposed Strategic Housing Development

3.1. The proposed development provides for the following:

- Demolition of 2 no. houses and ancillary buildings on site
- Construction of 3 no. apartment blocks ranging in height from 4 to 6 storeys, comprising 253 no. apartments and associated tenant amenity space
 - 25 units provided for Part V in Block B
- A crèche of 236 sq.m, with associated external play space and 5 staff car parking spaces
- 212 no. car parking spaces resulting in a rate of 0.8 spaces per unit, 7 motorbike parking spaces, and 348 no. bicycle spaces at basement level plus 52 visitor bike spaces at ground level (totalling 400 bicycle spaces).

- The apartment mix is as follows:

Apartment type	No.	Percentage
1 bed apartment	115	45
2 bed apartments	115	45
3 bed apartments	23	9
Total	253	100

- 2 vehicular and pedestrian accesses off Upper Kilmacud Road – one directing cars and cyclists to the underground basement parking area and the other for visitors, emergency vehicles, drop-off and set-down area. The accesses are in the approximate location of the existing accesses serving Greenacres and Drumahill House
- Pedestrian access to the Holywell estate
- Landscaping and boundary treatment
- ESB Substation
- Cycle lane along Upper Kilmacud Road

3.2. Development Parameter Summary

Parameter	Site Proposal
No. of apartments	253
Site Area	1.76Ha
Density	143.75 units per Ha
Creche	236sq.m catering for 41 children
Building Height	All 3 blocks range from 4 – 6 storeys
Site Coverage	25%
Dual Aspect	59.7% dual/triple aspect
Car Parking	212 spaces

Bicycle parking	400 spaces
Part V	25 units
Public Open Space	3,833sq.m

3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.

3.4. In addition to the architectural, landscaping and engineering drawings, the application was accompanied by the following reports and documentation:

- Application Form & Appendices
- Newspaper Notice
- Site Notice
- Planning Report
- Planning Statement of Consistency
- Response to An Bord Pleanála Opinion
- Cover Letter to ABP & Schedule
- Cover Letter to DLRCC & Schedule
- Landscape Design Report
- Landscape Plan Register
- Screening for Environmental Impact Assessment
- Schools Demand Assessment
- Part V Pack
- Architectural Design Statement inc. Housing Quality Audit, Childcare Services assessment
- Outline Construction Management Plan
- Outline Construction & Demolition Waste Management Plan

- Traffic Impact Assessment
- Engineering Services Report
- Site Specific Flood Risk Assessment
- Mobility Management Plan
- Operational Waste Management Plan
- Building Lifecycle Report
- Estate & Common Area Management Strategy
- Daylighting and Sunlighting Analysis
- Energy Analysis Report
- Site Lighting Layout
- Outline Construction Environmental Management Plan
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Arboricultural Report
- Architectural Heritage Assessment
- Access Report
- Fire Safety Report
- Landscape & Visual Impact Appraisal
- Verified Visual Impact Images
- Archaeology and Built Heritage Assessment

4.0 Planning History

4.1. There have been two recent planning applications on the Greenacres portion of the site. In summary:

- **ABP Ref. PL 06D.248265:** ABP granted permission in September 2017 for 120 no. apartments in 2 blocks ranging in height from 2-5 storeys with a 6th

storey penthouse/communal room on Block A, over basement parking, following a third-party appeal to Dun Laoghaire Rathdown County Council's decision to grant permission.

- **ABP Ref. PL 06D.246030:** ABP refused permission in May 2016 for 130 apartments in 4 separate blocks ranging from 5 to 6 storeys over podium car parking for 2 reasons:

1. The proposed development is located in an area zoned "to provide for and/or improve residential amenity" in the Dún Laoghaire/Rathdown County Development Plan 2016 to 2022. It is considered that the height of the proposal, increased by placement over a parking area, together with proximity of windows and balconies to nearby boundaries would give rise to overbearing and overlooking of those properties, particularly to the east, and would, therefore, seriously injure the amenities of properties in the vicinity and would not be in accordance with the proper planning and sustainable development of the area.

2. Having regard to the limited separation distances between the proposed apartment blocks, and their relationship with the proposed shared open space, together with the monolithic aspect of the area facing to the open space and walkway at the eastern side of the development, it is considered that the proposed development would provide a poor standard residential amenity and would, therefore, seriously injure the residential amenities of future residents.

5.0 Section 5 Pre Application Consultation

Notice of Pre-Application Consultation Opinion – Ref. ABP-303691-19

- 5.1. A section 5 pre-application consultation took place at the offices of An Bord Pleanála on the 20th March 2019 and a Notice of Pre-Application Consultation Opinion issued within the required period, reference number ABP-303691-19. An Bord Pleanála issued notification that it was of the opinion that the documents submitted with the request to enter into consultations, constituted a reasonable basis for an application for strategic housing development.

5.2. The prospective applicant was advised that the following specific information was required with any application for permission:

- A life cycle report shall be submitted in accordance with section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). This report should specifically address proposed materials and finishes and the requirement to provide high quality and sustainable finishes and details. Particular attention is required in the context of the visibility of the site and to the long-term management and maintenance of the proposed development.
- A report detailing the extent of car parking proposed, having regard to the location of the site and its proximity to public transport services.
- Traffic Impact Assessment.
- A report identifying the demand for school places likely to be generated by the proposal shall be submitted in accordance with section 4.4 of the Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Additional drainage details having regard to the report of the Drainage Division of the planning authority, as contained in Appendix B of the Chief Executive Report dated 25th February 2019, together with report of Irish Water to An Bord Pleanála dated 6th March 2019.
- A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to overlooking, overshadowing, overbearing and noise. The report shall include full and complete drawings including levels and cross-sections showing the relationship between the proposed development and adjoining residential development.
- Daylight and Sunlight Analysis.
- Archaeological Impact Assessment.
- Waste Management Plan.
- Schedule of accommodation.
- A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, where proposed. A Tree

Survey should also be submitted which clearly outlines which trees are proposed for removal, together with tree and root protection measures proposed for those trees to be retained. The applicant should also submit a report which details the rationale for the removal of the granite wall along the boundary with Holywell. Additional cross sections, CGIs and visualisations should be included in this regard.

- A site layout plan indicating what areas, if any, are to be taken in charge by the planning authority.

5.3. Finally, a list of authorities that should be notified in the event of the making of an application were advised to the applicant and included:

- Irish Water
- National Transport Authority
- Transport Infrastructure Ireland
- Coras Iompair Eireann
- Commission for Railway Regulation
- Dun Laoghaire Rathdown Childcare Committee

5.4. **Applicant's Statement**

5.4.1. Subsequent to the consultation under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the Board's opinion was that the documentation submitted would constitute a reasonable basis for an application for strategic housing development. Therefore, a statement in accordance with article 297(3) of the Planning and Development (Strategic Housing Development) Regulations 2017, is not required.

6.0 **Relevant Planning Policy**

6.1. **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 include:

- Objective 27 which 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 which 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 which 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.

6.2. **Section 28 Ministerial Guidelines**

6.2.1. 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 section 28 Ministerial Guidelines are:

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’) 2009.
- ‘Design Standards for New Apartments – Guidelines for Planning Authorities’ (updated 2018).
- ‘Design Manual for Urban Roads and Streets’.
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’).
- ‘Childcare Facilities Guidelines for Planning Authorities’.
- ‘Urban Development and Building Heights – Guidelines for Planning Authorities’, (2018).

6.3. **Local Planning Policy**

Dun Laoghaire Rathdown County Development Plan 2016-2022

6.3.1. The site is zoned ‘A – To Protect and/or Improve Residential Amenity’ as indicated on Map 5 of the County Development Plan. Residential development is ‘permitted in

principle' under this zoning objective while childcare service is 'open for consideration'.

- 6.3.2. Dundrum is designated a Major Centre in the Metropolitan Area in the Core Strategy Figure 1.1. The site is included in Figure 1.3 as part of the 410Ha of serviced land which are to yield 18,000 residential units. It is further noted that "*In addition to the major parcels of zoned development land detailed above, the ongoing incremental infill and densification of the existing urban area will generate, over time and on a cumulative basis, relatively significant house numbers*". It is stated that a new Local Area Plan is to be prepared for Dundrum during the life of the County Plan. The site is located just outside the indicative map for the Local Area Plan which states that Airfield Estate will form the eastern boundary of the LAP.
- 6.3.3. Chapter 2 outlines that the Council is required to deliver c.30,800 units over the period 2014 – 2022. It is stated that the Council in seeking to secure this objective will focus on three strands, namely: increasing the supply of housing; ensuring an appropriate mix, type and range of housing; and, promoting the development of balanced sustainable communities.
- 6.3.4. Housing policies set out in section 2.1.3 include policy **RES3**: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas; **RES4**: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels, and **RES7**: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.
- 6.3.5. Other policies which relate to sustainable land use and travel include **ST2**: Integration of Land Use and Transportation Policies, **ST19**: Travel Demand Management, **ST23**: Car Clubs and **ST27**: Traffic & Transport Assessment and Road Safety Audits.
- 6.3.6. Section 4.2 considers Open Space and Recreation including Policy **OSR5**: Public Open Space Standards.
- 6.3.7. Section 7.1.3 refers to Community Facilities including Policy **SIC11**: Childcare Facilities.

- 6.3.8. Chapter 8 refers to Principles of Development and contains the urban design policies and principles for development including public realm design, building heights strategy, and car and cycle parking. Policy **UD2** requires Design Statements for all medium to large developments, and **UD6** refers to Building Height Strategy.
- 6.3.9. Appendix 9 details the Building Height Strategy. Section 4.8 focuses on residual suburban areas not already included within boundaries of the cumulative areas of control. Kilmacud is identified as being one such area. It states that a general recommended height of two storeys will apply. It further states that a maximum of 3-4 storeys may be permitted in appropriate locations - for example on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity. Furthermore, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'.
- 6.3.10. Upward Modifiers are detailed in section 4.8.1. It is stated that Upward Modifiers may apply where: the development would create urban design benefits; would provide major planning gain; would have a civic, social or cultural importance; the built environment or topography would permit higher development without damaging appearance or character of an area; would contribute to the promotion of higher densities in areas with exceptional public transport accessibility; and, the size of the site of e.g. 0.5Ha could set its own context.
- 6.3.11. It is stated that to demonstrate to the Planning Authority that additional height is justified, it will be necessary for a development to meet more than one 'Upward Modifier' criteria.

6.4. **Applicant's Statement**

- 6.4.1. The applicant has submitted a statement of consistency with relevant policy as required under Section 8(1)(iv) of the Act. Of note:

National Policy

- The proposal is consistent with Pillar 3 and Pillar 4 of the Rebuilding Ireland Action Plan.

- Consistent with the National Planning Framework Objectives as homes are located in a place that can support sustainable development including being accessible to a range of services, and encouraging use of public transport, walking and cycling.
- Enables the consolidation of a strategically located site within the urban envelope of County Dublin in accordance with the Draft Regional Spatial & Economic Strategy.
- Responds to each of the 12 criteria listed in Urban Design Manual – A Best Practice Guide 2009.
- Meets criteria of Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) because the site is well served by public transport with high capacity, is sensitively designed and is in line with the County’s Building Height Strategy in addition to Government Policy and responds to the surrounding context.
- Fully accords with Sustainable Urban Housing: Design Standards for New Apartments (2018) as it is a highly accessible site, is within reasonable walking distance of high capacity urban public transport stops, and within walking distance of significant employment centres of Sandyford and Dundrum Town Centre.
- Is accompanied by a Housing Quality Assessment (HQA) which demonstrates compliance with relevant quantitative standards required under the Apartment Guidelines 2018. Car Parking at a rate of 0.8 spaces per unit is justified as it relates to the site’s accessibility to public transport and employment zones.
- Exceeds the cycle space standards set out in the County Development Plan.
- Proposal accords with Childcare Guidelines as applying the ratio of 20 childcare places to 75 dwellings (discounting 1 bedroom units) space for 41 exceeds the minimum requirement.
- Site encourages sustainable and smarter travel.

Local Policies

- Site is zoned objective *A - To Protect and/or Improve Residential Amenity*. Residential development and creches are permitted in principle.
- Supports achievement of the core strategy by delivering high quality homes in the metropolitan area.
- Complies with Policy RES3 by providing density while avoiding overlooking, overshadowing and a negative impact on residential amenities.
- HQA demonstrates compliance with policy RES7 and Chapter 8 Development Management Standards.
- Creche of 236sq.m provided in accordance with policy SIC11.
- The Apartment Guidelines 2018 state the Planning Authority must consider a reduced overall car parking standard at 'Intermediate Urban Locations'. A reduced rate of 0.8 is proposed having regard to location.
- Landscape Plan is submitted showing site coverage at 25% with a total communal space of 3,833sq.m and compliance with private amenity space standards.
- Falls into 'first group' of sites in Appendix 9 where taller buildings are promoted.
- Complies with Part V.

7.0 **Third Party Submissions**

7.1. 35 third party submissions were received by the Board. The list of third parties is included in Appendix 1. The submissions were made mostly by local residents of Holywell housing estate (including the Drumahill residents), Eden Park Avenue and Road, Upper Kilmacud Road and other residents in the wider area, as well as a submission from Airfield House and Farm. There is considerable overlap in the issues and I have amalgamated the issues to avoid repetition. In summary they include:

7.2. **Height, Scale and Density**

These issues were raised by almost every objector:

- Development not in keeping with its context
- Scale of development is excessive
- Density is significantly greater than extant permission which provides for 120 apartments c.98 units per Ha, while this proposal is for 253 units on 1.76Ha at a density of c.144 units per Ha
- Density is in excess of Development Plan Guidelines for a suburban area – site is not part of a town
- 6 storeys is in excess of anything else around it and far in excess of the recently permitted or under construction developments of nearby Sorohan Developments at 4 storeys. This proposal shows no respect to the surrounding developments
- Concerns raised by Inspector of extant permission for the development when it was 4 storeys – it is now 6 storeys
- Overdevelopment of the site
- The scale and height will negatively impact and detract from the character of the surrounding area
- There is too abrupt of a transition between the surrounding developments that are 2-storey to this 6-storey proposal
- Dominates the skyline
- Contravenes the Building Height Guidelines
- Blatantly disregards the previous ABP reasons for refusal
- CGI's do not adequately illustrate the impact
- Located at the highest point of the Upper Kilmacud Road adding to the impact of the 6 storeys
- More family homes are needed – not apartments; unsuitable location for apartments of this scale

- The impact on Eden Farm house along the western boundary has not been adequately assessed

7.3. **Impact on Residential Amenities**

These issues were raised by almost every objector:

- Holywell and Drumahill residents will suffer serious impacts to their residential amenities
- Development will have an overbearing effect on these dwellings particularly the Drumahill houses
- Loss of privacy and overlooking
- Pedestrian access to Holywell Estate is completely unacceptable and will cause security issues
- Removal of trees will exacerbate the overbearing impact
- Block B is now closer to Drumahill
- Loss of sunlight and daylight to adjacent residences
- Overbearing impact on dwellings on Upper Kilmacud Road
- Noise will be an issue
- Insufficient public open space provided for new residents – will overflow onto Holywell green space

7.4. **Visual Impact**

- Loss of trees along eastern border will add to the visual impact
- Loss of trees for cycle lane along Upper Kilmacud Road can be avoided
- Visual impact on the adjacent dwellings will result in serious injuries to the visual amenities of the residents
- There will be a loss of views towards the Dublin Mountains and towards Airfield

7.5. **Traffic, Transport and Parking**

- Insufficient parking provided - overflow parking will occur in Holywell as a consequence and the pedestrian access between developments will encourage this
- Access onto Upper Kilmacud Road is at the narrowest point
- Traffic is currently excessive without this development including new residents, crèche drop-offs and visitors
- The LUAS is already full at this location – cannot cope with the addition of further development
- There are no footpaths in this location
- Object to cycle path because it involves the removal of significant trees that characterise the area

7.6. **Architectural Heritage**

- Neither house is on the list of Protected Structures but nonetheless both contribute to the character of the area and should not be demolished
- Both houses should be incorporated into the scheme
- Will impact on Airfield which is a Protected Structure
- Towers above the ACA

7.7. **Infrastructure**

- Flooding occurs outside the proposed access (photos included)
- Insufficient water pressure already without adding to demand
- Schools already under pressure
- There are no shops in the vicinity

7.8. **Airfield**

A submission was received from Airfield House and Farm. Having regard to the different nature of the issues raised (i.e. non-residential) I have summarised them separately. They include:

- Support the principle of sustainable use of this site, but the unique land use character in this location requires a sensitive design approach of an appropriate scale, height, design and density respecting the context, setting and educational value of Airfield
- By reason of excessive scale, density and height the proposal will impact on the amenity value of Airfield and on the unique setting of the Protected Structure
- Will affect character, setting and operation of the development
- It is closer to the boundary with Airfield than the extant permission
- It is visually intrusive, overbearing and will cause overshadowing
- It fails to integrate successfully with Airfield
- Does not comply with SPPR3
- Excessive height – the full 6 storeys is just 5.2m from the boundary
- The significance of the visual impact on Airfield has been underestimated
- It is not in compliance with Guidelines and should be subject to a downward modifier – not an upward modifier
- Shadow Analysis did not include Eden House or the educational facilities adjacent to the western boundary.
- No contiguous drawing with Airfield has been provided – aerial images included to assist in understanding impact on Airfield
- Modifications to the design are suggested to reduce density and scale if the Board do not refuse permission.

8.0 Planning Authority Submission

8.1. Overview

- 8.1.1. The planning authority, Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016 which was received by the Board on 10th July 2019. It summarises the observer comments as per section 8(5)(a)(i) and the views of the relevant elected members as

expressed at the Dundrum Area Committee Meeting held in Dundrum on 24th June 2019, as per section 8(5)(a)(iii). The matters raised in both summaries are similar to those stated in the submissions above, and the Planning Authority's planning and technical assessments, below.

8.2. Views of Elected Members

8.2.1. A summary of the views is as follows:

- Increase in height is based on access to LUAS but there are already capacity issues with LUAS
- Impact on road infrastructure/impact on traffic
- Overbearing height on dwellings in immediate area
- Small provision of 3-bed units
- Proposal does not meet 'Building Heights Strategy' in the Development Plan
- Pedestrian access to Drumahill/Holywell will lead to increased car parking issues for these residents
- Does not cater for family homes
- Scheme is 1 – 2 storeys too high/impact on surrounding houses and Airfield
- Cycle infrastructure is sub-standard
- Visuals are not representative of impact on Airfield
- Lack of car parking spaces
- Increased traffic as a result of creche
- Bus services lacking
- Upper Kilmacud Road is a dangerous road
- Development is out of context with existing sylvan character of area
- In breach of policy RES3 of Development Plan
- False sense of security for cyclists near dangerous junctions
- Unsatisfactory not to have received submissions from public before 24th June 2019.

8.3. Planning Analysis

8.3.1. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) is outlined in Section 11 of the Report and may be summarised as follows:

- **Principle of Development:** Delivery of housing on this site less than 1km from LUAS is consistent with strategic outcome of the NPF; notes NTA support proposal; notes zoning of site and zoning of Airfield and section 8.3.2 of the Development Plan which refers to transitional zonal area; and, concludes that the proposal is considered acceptable in principle.
- **Demolition:** Notes demolition of two houses and Conservation Officer comments on previous applications. Principle of demolition of Green Acres has been accepted under previous planning history. Demolition of Drumahill House as raised by An Taisce – notes applicant's Architectural Heritage Assessment and concurs that demolition of both houses is acceptable.
- **Density:** Refers to national policy which encourages increased density in appropriate locations. Notes the Regional Spatial and Economic Strategy (RSES) encourages increases in density within the built-up area of Dublin city and suburbs – this site falls within this area. Notes RES3 of the Development Plan states minimum density shall be 35 units/ha. Higher densities of 50 units/ha apply where a development is within 1km of a LUAS line and/or 1km of a town or district centre which applies to the subject site. In light of Guidelines and policy and the site's location in a suburban part of the built-up area of Dublin city and Suburbs, proximity to public transport and Dundrum Town Centre, the density is considered acceptable.
- **Layout and Design:** In broad terms, Planning Authority welcome the layout and design. Zigzag appearance helps ensure the scheme is not overly bulky or heavy. Form and appearance – visual impact of scheme is considered acceptable – material palette is cognisant of the surrounding area and site circumstances and is therefore welcomed along with splayed reveals for balconies.
- **Height, Scale and Transitional Zone:** Site is located outside the cumulative areas of control and in the residual suburban area of Kilmacud within which

for this area a general height of two storeys is recommended. Maximum height of 3/4 storeys will apply in established commercial cores. In certain circumstances a modification upwards or downwards by 1 or 2 storeys may be appropriate. Refers to extant permission for the site (Reg. Ref. D16A/0818) which entails a development up to 6 storeys high (including the penthouse/communal room). Notes that the Planner and the Board agreed that the height of that development was not a particular concern that should result in a reason for refusal. Notes current scheme varies in height from 3 storeys (above podium) to 6 storeys with the height increasing moving away from Airfield and the residential area to the east. Notes earlier refusal (Reg. Ref. D15A/0660) for 4 separate blocks of between 5 and 6 storeys were considerably bulkier and more monolithic in appearance than present scheme. Notes Department of Housing Guidelines on Urban Development and Building Heights published in December 2018, subsequent to the two referenced applications, supports increased heights and densities in locations such as the subject site. Further notes that the SPPRs within these guidelines take precedence over any conflicting policies and objectives of Development Plans. Concludes that while the proposal does not comply with the Planning Authority's Building Heights Strategy, it does perform well from first principles including the preservation of residential amenity.

- **Residential Amenity:** Vast majority of future residents will enjoy a notable amount of privacy but concerns about distance of 14m between corners of Block A and Block C. Existing residents will no doubt feel some loss of privacy and visual intrusion as a result of proposal against a backdrop of a largely undeveloped site – area is now developing into an increasingly suburban area - given its location in close proximity to Dublin City is in accordance with sustainable planning. Given distances involved, location, orientation of windows at angles as well as landscaping scheme consider development is in compliance with Development Plan standards. There is no undue loss of residential amenity to adjoining properties by way of overlooking, overshadowing or loss of light.
- **Quality of Residential Units:** Scheme is assessed in detail against SPPRs 1, 2, 3, 4, 5 and 6. Notes third party comments in relation to dual aspect but

does not agree with their interpretation. Considers that internal storage requirements, private amenity space and security considerations are met in accordance with SPPR6. Refers to acceptability of Communal Facilities, Access and Services, Refuse Storage, Communal Amenity Space, and Children's play area.

- References bicycle parking - notes Basement/Ground floor drawing indicates provision of 360 parking spaces and provision of an additional 52 at ground level as indicated on the document 'Estate & Common Area Management Strategy'. A ratio of 1.6 spaces per unit and 1 no. visitor space per 5 units is proposed which is in excess of Development Plan standards but marginally short of guidelines standards. Notes 1 space short of Development Plan standards for Motorcycle spaces. Notes Transportation Department comments, and NTA comments regarding location of cycle parking. Transportation Department Report concurs with NTA submission and recommends a condition is attached in relation to the proposed gradient and cycle lane width – however Planning Authority consider gradient is substantially compliant and do not recommend a condition. Conclude that the proposed bicycle/motorcycle provision is acceptable.
- **Car Parking:** Notes section 4.8 of Guidelines state that quantum of car parking will vary, and Planning Authority is required to consider a reduced carparking standard for intermediate urban locations. Considers that visitor spaces and creche spaces might work better if spaces were mixed/dual use. Refers to Table 8.2.3 of Development Plan which requires 276 car parking spaces for the subject site giving an overall ratio of 1.1 spaces per unit. Transportation Department have stated they are not in favour of reduction to 0.84 and a total of 253 spaces to serve 253 units would be deemed acceptable. Planning Authority concur as there is a requirement for car storage – scheme is not a 'Build-to-Rent' where reduced car parking is accepted. Planning Authority recommend REFUSAL due to deficiency of car parking spaces. Notes there is little in the way of residual publicly available car parking provision such that might allow for a relaxation.

- **Permeability:** Provision of pathways through and around development welcomed. Request that a condition is applied requiring that the gate between site and Holywell is removed and link is provided with 24 hour access.
- **Cycle Lane:** Note Transportation preference is Option B for cycle lane and a condition should be applied.
- **Surface Water Drainage:** Following constructive engagement requirements of Municipal Services are satisfied subject to conditions.
- **Ecology:** Conclusion of Ecological Impact Assessment which considers that any impacts would be limited, localised and reversible is deemed acceptable.
- **Flood Risk Assessment:** Surface Water Drainage department consider the Site-Specific Flood Risk Assessment provides sufficient evidence that the proposal is in accordance with the Development Plan.
- **Open Space, Landscaping, Trees and Hedges:** Open space provision is over twice that required by Apartment Guidelines. Notes trees are to be removed but will be replaced where needed to retain sites character including a planted buffer to Upper Kilmacud Road. Works are considered acceptable.
- **Other Issues:** Part V: proposal is acceptable; AA/EIA: ABP are competent authority; Taking in Charge: note relevant drawing; Archaeology: note report; Development Contributions: Standard contributions apply.

8.3.2. In conclusion, the Planning Authority recommend that permission is **refused** for 1 reason as follows:

The proposed car parking/car storage provision is deficient by reference to Table 8.2.3: Residential Land-Use Car Parking Standards of the 2016 – 2022 County Development Plan and is inconsistent with the relevant standards as set out in the Apartment Guidelines 2018 which would give rise to unacceptable levels of on-street parking and overspill in an area with little in the way of residual publicly available car parking. The proposed development would therefore seriously injure the amenities of the area and endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and development of the area.

8.4. Inter-departmental Reports

8.4.1. Housing Dept:

- Applicant proposes to comply with Part V by way of transfer of 25 units.
- Note that the on-site proposal is capable of complying with the requirements of Part V of the Planning and Development Act 2000 as amended, the County Plan and the Housing Strategy 2016-2022, subject to agreement being reached on land values and development costs and funding being available.

8.4.2. Waste Management:

- Recommend submission of Detailed Construction Waste Management Plan
- Generally satisfied with outline Construction Environmental Management Plan, outline Construction Management Plan and outline Construction & Demolition Waste Management Plan submitted.

8.4.3. Drainage Planning

- Applicant has submitted a report and drawings that generally satisfy the requirements of Drainage Planning subject to comment on basement car parking and conditions.
- With respect to flooding consider assessment is appropriately detailed and provides sufficient evidence to pass Development Management Justification Test.

8.4.4. Parks & Landscape

- Recommends conditions in relation to site clearance, arboricultural consultant, Tree Bond, Open space, and Landscape.

8.4.5. Transportation Department

- 212 spaces proposed includes 7 for creche. 205 are for residential use which is 0.81 spaces per unit. 2 car club spaces are proposed at basement level.
- Consider this unacceptable – note proximity to LUAS but consider 1 car space per unit is more appropriate. 253 spaces for 253 apartments.

- Reliance on reduced level of car ownership is not deemed sufficient to avoid potential for negatively impacting on adjoining neighbourhood roads and overspill parking.
- Quality Audit: recommend applicant complies with measures and item 3.8 to be conditioned.
- Concur with NTA submission regarding concern over gradient and cycle lane width of vehicle ramp to basement as well as lack of distribution of long stay cycle parking. Quality Audit item 3.8 identifies problem with convenience of access to Block A – design response not considered adequate – ease of access to and from any apartment block cores not facilitated.
- Number of cycle spaces exceeds DLR standards but not Apartment Guidelines which require 414 resident spaces and 127 visitor spaces.
- Recommend condition to consider relocating some Block A spaces or adjust access routes.
- Cycle path – preference is Option B – continuation of the existing cycle track westwards. Recommend it is continued along the entire roadside front.
- Recommend conditions.

8.5. Recommended Conditions

8.5.1. Section 15 of the Report recommends 37 conditions if permission is granted. It is noted that in previous cases some specific technical conditions are replaced with generic conditions referring to the requirements of the PA/Council. It would be helpful if the Board in these instances would tie them back to the specific requirements as set out in the reports of the technical department in the interest of clarity and for the avoidance of doubt.

8.5.2. A summary of conditions is outlined as follows:

1. Plans and Particulars
2. Written agreement on materials
3. Each unit to be used as a single unit
4. Prevent mud, dirt, debris onto road

5. Naming and numbering scheme
6. All services underground
7. Part V
8. Taking in Charge and private management company
9. Archaeology
10. Option B footpath and cycle lane at developer's expense
11. Full details of cycle track to be agreed
12. Basement car park in accordance with Development Plan
13. Written agreement of detailed drawings of cycle parking areas
14. Carry out recommendations of Quality Audit
15. Quality Audit to be carried out at Stage 3
16. Electric Vehicle Charging points – 1 per 10 residential units
17. At least 2 creche drop off car spaces
18. All works on public road at applicant's expense
19. Obtain a road opening licence
20. Construction parking, deliveries etc. to be formally agreed
21. Comply with arrangements submitted in Outline Construction Management Plan
22. Mobility Manager details
23. Implement Mobility Management Plan
24. Appoint Travel Plan Co-ordinator and submit annual plan for 3 years
25. All works on public road at developer's expense
26. Written agreement on drainage details
27. Submit a Construction Waste Management Plan
28. Site development works hours of operation
29. All works on public road at developer's expense

30. Engage services of qualified arborist
31. Pedestrian link to the east – gate to be omitted
32. Prior to site clearance works submit written notification to Parks & Landscape section
33. Implement recommendations for Tree Retention and protection works
34. Lodge a Tree Bond of €150,000
35. Submit a Practical Completion Cert to Parks & Landscape
36. Retain services of Landscape Architect
37. Development Contributions

9.0 Prescribed Bodies

9.1. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017 and in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, the applicant was informed that the following authorities should be notified in the event of the making of an application:

- Irish Water
- National Transport Authority (NTA)
- Transport Infrastructure Ireland
- Coras Iompair Eireann
- Commission for Railway Regulation
- Dun Laoghaire Rathdown Childcare Committee

9.2. Submissions were received from the following prescribed bodies with a summary of the response outlined under each:

Irish Water

- IW confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to Irish Water networks can be facilitated.

National Transport Authority (NTA)

- Considers the site provides a key opportunity to deliver residential development on an infill suburban site which accords with a key strategic planning principle in the Transport Strategy.
- Site is within 1km of two LUAS stops, Dundrum Town Centre and within 2km of Sandyford Employment centre – as such it would increase the number of people living within walking distance of public transport and a town centre.
- Supportive in principle of development as it aligns with principles of land use and transport integration.
- Supportive of bicycle parking space numbers but makes recommendations with design and location.

Transport Infrastructure Ireland (TII)

- Proposal to be developed strictly in accordance with the Transport Assessment.

Dun Laoghaire Rathdown Childcare Committee

- No comments to make on application.

An Taisce

- Proposal is too big for its context and does not take account of residential amenities or Airfield Estate.
- Requires demolition of a good habitable house. Demolition of Drumahill House should be assessed against policy AR5 which seeks to retain and encourage rehabilitation of older houses.
- Increase in bulk and massing proposed to achieve the density makes the new proposal incompatible with the residential amenities and character of the area.
- Criteria used by the Board in previous application does not apply here.
- Major visual impact on the two-storey neighbourhood.
- Balance required by policy RES3 has not been achieved – site will be overdeveloped, and density is three times minimum encouraged in Development Plan.

- Proposal would contravene Planning Authority's Building Height Strategy. It is separated from Dundrum Town Centre by the large open space of Airfield – it is not on the edge of a Town Centre. It has a suburban setting and is not in an urban environment.
- Intrusive impact on Airfield and too abrupt a transition on Airfield as well as on Holywell.

10.0 **Environmental Impact Assessment (EIA) Preliminary Assessment**

10.1 The applicant has submitted an EIA Screening Report. The proposed development is below the thresholds of a mandatory EIAR. It is also considered that a sub threshold EIAR is not required in this instance.

10.2 The current proposal is for development of 253 dwellings and is an urban development project that would be in a built-up area but not in a business district. It is, therefore, within the class of development described at 10(b)(i) and 10(b)(iv) of Part 2 of Schedule 5 of the planning regulations. An Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 253 residential units on a site of 1.76ha. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.

10.3 As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is, therefore, precluded and a screening determination is not required.

11.0 Appropriate Assessment

11.1. An Appropriate Assessment (AA) screening report has been submitted by the applicant. It has been prepared by Altamar Ltd.

11.2. I follow the staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government: -

1. Description of the plan or project and local site or plan area characteristics.
2. Identification of relevant Natura 2000 sites and compilation of information on their qualifying interests and conservation objectives.
3. Assessment of likely significant effects-direct, indirect and cumulative, undertaken on the basis of available information.
4. Screening statement with conclusions.

11.3. Project Description and Site Characteristics

The proposed development is as described in the report above and in the application documentation.

11.4. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives

11.4.1. The Report states that there are no Natura sites within the Zone of Influence which is restricted to the site outline, with potential for minor localised noise and light impacts during construction. Drainage and landscaping are further detailed. No significant ecological impacts would be foreseen outside the immediate vicinity of the site.

There is no direct hydrological pathway to Natura 2000 sites. The nearest watercourse is the Slang River which is located the far side of the Airfield Estate and the LUAS line, 500m from the development. There is an indirect pathway from the site via the drainage network to Ringsend WWTP. The site is located in a suburban environment surrounded by trees – but there is no intact biodiversity corridor to Natura 2000 sites.

11.4.2. Table 1 of the Report lists Natura 2000 sites within 10km of the proposed site.

Name and Site Code	Distance
South Dublin Bay SAC (000210)	3.5km

South Dublin Bay and Tolka River SPA (004024)	3.5km
Wicklow Mountains SAC (002122)	6.3km
Wicklow Mountains SPA (004040)	6.7km
North Bull Island SPA (004006)	7km
North Dublin Bay SAC (000206)	8.2km
Knocksink Woods SAC (000725)	8.4km
Rockabill to Dalkey SAC (003000)	9.2km
Glenasmole Valley SAC (001209)	9.2km
Ballyman Glen SAC (000713)	9.8km
Dalkey Islands SPA (004172)	9.0km

11.5. Assessment of Likely Effects

- 11.5.1. Table 2 of the Screening Report provides information on the Conservation Objectives and Features of Interest of each site and assesses potential impact of the project. The site is not within a designated site, thus there would be no direct impacts from the proposed development.
- 11.5.2. For all of the sites it concludes that no significant effects are likely which I concur with, having regard to the lack of a pathway, the sites' conservation objectives and features of interest. With respect to an indirect pathway, it is noted that this is via foul water network to be treated at Ringsend WWTP and having regard to the distances involved, I am satisfied with the findings.
- 11.5.3. With respect to cumulative impacts it is noted that works to Airfield Estate to existing facilities and the creation of new vehicular access were approved in 2011. Other works in the vicinity are mostly small-scale domestic extensions or modifications. No significant cumulative impact is predicted.
- 11.5.4. Having regard to the distance between the proposed development site to the designated sites, the lack of direct hydrological pathway or biodiversity corridor link, and the dilution effect with other effluent and surface run-off, the Report concludes that the development would not give rise to any significant effects to designated sites, which I concur with.

11.6. Screening Statement and conclusions

- 11.6.1. Having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment and proximity to the nearest European site it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment is not therefore required.

12.0 Assessment

- 12.1. In the first instance, I am satisfied that the principle of residential development is acceptable and in compliance with the zoning objectives for the site. The site is zoned 'A – To Protect and/or Improve Residential Amenity'. Residential development is permitted in principle and a creche is open for consideration. Therefore, I do not intend to address further the principle of development.

- 12.2. Pursuant to site inspection and inspection of the surrounding environs, examination of all documentation, plans and particulars and submissions/observations on file, I consider the following the relevant planning considerations of this application:

- Quantum and Density of Development
- Height and Visual Impact
- Residential Amenities Impact
- Development Strategy
 - Design, Form and Layout
 - Open Space, Trees and Recreational Amenity
 - Connections and Permeability
- Transport, Parking, Pedestrian/Cycle Facilities
- Site Services, Surface Water and Flooding
- Social Infrastructure, creche and schools
- Architectural & Archaeological Heritage
- Biodiversity

12.3. Quantum and Density of Development

- 12.3.1. The subject proposal provides for 253 apartments on the 1.76Ha site across three blocks, with all three blocks ranging in height from 4 to 6 storeys. An extant permission exists on the site for 120 apartments in two blocks on the Greenacres portion of the site which is 1.23Ha. The density of the extant permission is c.98 units/ha, while the subject proposal seeks to increase the density to 143 units/ha on the larger site incorporating the Long Acre and Drumahill sites.
- 12.3.2. Almost all objectors to the proposal consider that the quantum and density of the subject proposal is excessive and exacerbates the concerns they had with the extant permission at c.98 units/ha. It is stated by many that what is proposed is too big for its context and does not take account of residential amenities or Airfield Estate.
- 12.3.3. I acknowledge that this is a significant increase on what has already been granted permission on the site, but I have had regard to the relatively recent developments in the vicinity, the area's changing context, the site's location with respect to public transport, as well as policy at a national and local level.
- 12.3.4. From my site visit and a review of recent planning history in the wider area, it is clear that this area (Dundrum/Churchtown/Kilmacud/Goatstown) is in a transition and undergoing major change in its profile of development. As a result, its character is changing from a low density, two storey suburban area into a more urban area with a mix of different types of dwellings, including apartment blocks of varying heights and significantly increased densities. Recent grants of permission, as well as the extant permission on the subject site, are for apartment developments which are clearly at a higher density than the immediate surrounding housing estates of Holywell and Eden Park. Thus, the introduction of apartment dwellings at this location, while introducing a new development type to the immediate vicinity, can be seen as part of the transition of this wider area.
- 12.3.5. Transport will be discussed in greater detail below, but of key importance is the location of two LUAS stops, Balally and Kilmacud, both within 10 minutes walking distance, as well as the No.75 Bus which runs outside the site along Upper Kilmacud Road. Policy at national and local level seeks to encourage development in key locations particularly around public transport nodes. The National Planning Framework (NPF) seeks to deliver on compact urban growth. Of relevance,

objectives 27, 33 and 35 of the NPF (see section 6 above for details) seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. I consider that the subject site complies with those objectives and supports government policy seeking to increase densities and thereby deliver compact urban growth.

- 12.3.6. In addition, as well as being located close to good quality public transport, it is also located within walking distance to major employment bases – the Dundrum Town Centre, Beacon Quarter and Sandyford Business Park.
- 12.3.7. In their submission the Planning Authority refer to Policy RES3 of the County Development Plan and state that it is Council policy to promote higher residential densities at a minimum of 50 units per hectare, in sites within c.1km of LUAS lines and/or within 1km of a town or district centre. They consider that this is one such site and consider the density to be acceptable.
- 12.3.8. The Development Plan states that Serviced Land of 410 Ha, which includes this site, has the potential to deliver 18,000 units over the life of the Plan or 3,300 units per year. Having regard to this, it is clear that increased density is required on these serviced lands.
- 12.3.9. Furthermore, with respect to national policy the Apartment Guidelines 2018 state with respect to location that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. I consider that the increased scale and extent of the proposed development complies with the above in particular as it is close to core urban centres, public transport nodes, close to employment locations and urban amenities. In addition, I am of the opinion that this site could be considered a 'Central and/or Accessible Urban Location' as described in the Guidelines, as it complies with the characteristics described therein and therefore is suitable for higher density.
- 12.3.10. In conclusion, I acknowledge that the density proposed is high and is substantially higher than the surrounding developments. However, having regard to national and local policy, the site's central location in close proximity to major employment zones and in an area in transition, as well as being close to good quality

public transport, I consider that the proposed quantum and density of development is acceptable.

12.4. Height and Visual Impact

- 12.4.1. As well as density, the height and resulting visual impact was referred to in almost every objection. A substantial number of objectors refer to the visual impact on the general area that will result due to the 6 storeys, and consider that it will dominate the skyline. Furthermore, concern is expressed that there are no other developments of 6 storeys in the vicinity and there is an insufficient transition between the existing developments and this.
- 12.4.2. As noted above with respect to density, this is an area in transition. From my site visit and review of the planning permissions in the wider area, this proposed 4 - 6 storey development is not an outlier and there are examples of 4 + storeys already built or recently granted. Recent grants of permission, as well as the extant permission on the subject site for 5 storeys plus 6th storey penthouse/communal room (see Planning History Section 4 above) include: ABP Ref. 249320 on Kilmacud Road for development of two apartment blocks of four storeys; ABP Ref. 248343 for addition of a 7th floor level on Herbert Hill, Sandyford Road, to the west of Overend Way; developments in Beacon Quarter which is c.1.3km to the south-east including a recently granted development for 1 - 14 storeys, ABP Ref. 303738; as well as the developments in and around Dundrum Town Centre. To illustrate this point further, I draw the Board's attention to the Rockfield Development which is located to the south-west of Airfield which has views over Airfield Estate. The Rockfield development is 6 storeys. I acknowledge that some of these aforementioned developments are closer to the recognised town centre of Dundrum, but as previously stated I consider this area to be in transition.
- 12.4.3. Section 4.8 of Appendix 9 of the Development Plan sets out General Principles in relation to height including promotion of higher densities and increased building heights around public transport nodes. It states that a maximum of 3-4 storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes – providing they have no detrimental effect on existing character and residential amenity. I will address Residential Amenities below, but I am satisfied that the subject site is an appropriate

location for increased building heights and will not have a seriously injurious impact on residential amenity.

- 12.4.4. In addition, it states that there will be situations where a minor modification up or down in height by up to two floors could be considered and these factors are known as 'Upward or Downward Modifiers'. The Development Plan requires that it will be necessary for a development proposal to meet more than one 'Upward Modifier' criteria.
- 12.4.5. These modifiers include a number of factors including e.g. it is close to key public transport, within 500m, and the site is large enough (i.e. >0.5Ha) to set its own context. I am satisfied that the Upward Modifiers are partially and wholly satisfied with respect to the subject site – i.e. the site is large enough (fully complies) and is close to public transport, albeit it is c.800m from public transport including two LUAS stops.
- 12.4.6. In their report the Planning Authority note the location of the site in the residual suburban area of Kilmacud and the general recommendations for height in Appendix 9 Building Height Strategy. They also note the most recent grant of permission on the site of a development including a 6th storey penthouse/communal room and note the Board did not consider this height to be a reason for refusal. They further note the publication by the Department of Housing, Planning and Local Government 'Guidelines on Urban Development and Building Heights for Planning Authorities' which supports increased heights and densities in locations such as the subject site. Moreover, it is noted that SPPRs in these Guidelines take precedence over any conflicting policies and objectives of development plans and local area plans. They conclude that while they consider that the development does not comply with the Building Height Strategy, it does perform well from first principles including the preservation of residential amenity. Of importance, I note that the Planning Authority do not consider this to be a material contravention of the Development Plan.
- 12.4.7. An Taisce consider the proposal to be a material contravention of the Building Height Strategy. They refer to the Inspector's Report for the existing extant permission (ABP Ref. 248265) which refers to Upward Modifiers. The Inspector was satisfied that the Upward Modifiers were met. However, the Inspector recommended a partial removal of the 4th storey. I note that the Board did not agree with the Inspector in this respect

and approved the development with the higher 5 storeys plus penthouse and communal room as proposed by the applicant.

12.4.8. The design provides for 4 storeys closest to the boundaries with Drumahill, resulting in the 6-storey element being closest to the centre of the site. The four storey elements are c.26-33m from the rear of the dwellings of Drumahill. The contiguous elevation provided by the applicant gives a somewhat misleading view of the development with respect to Drumahill. Due to the zig-zag nature of the design, the 6-storey element is set well back from Drumahill with intervening landscaping of the various courtyards providing further relief. I will address landscaping below, but I am of the opinion that the landscaping scheme as well as the tree planting scheme along the boundary will reduce the overall impact on Drumahill.

12.4.9. I acknowledge that the proposal will introduce a new feature in the skyline in the immediate vicinity, but I do not consider it to be excessive and it has to be seen in the context of an area in transition. Furthermore, I draw the Board's attention to the photomontages that accompanied the application. I consider that these are a reasonable representation of what the finished development will look like.

12.4.10. With respect to Airfield, as noted above the Rockfield development of 6 storeys is located on the south-west boundary, albeit at a lower ground level, and the residents of that development have a clear view over the estate. I consider that future residents of this development will similarly have a view over the Airfield estate. The Rockfield development does not dominate the skyline nor does it have a detrimental impact on the views to or from the Airfield estate. Without doubt, there will be parts of Airfield where the proposed development will be seen but having regard to the existing surrounding developments and to the substantial landscaping and enclosed nature of a number of activities within Airfield itself (e.g. within the education centre), I consider that this is a continuation of the urbanisation of the setting of Airfield and I am therefore satisfied that this proposal will not have a seriously negative impact on the visual amenities of Airfield Estate.

12.4.11. In conclusion, I consider that 4 – 6 storey blocks are acceptable in this particular location. Having regard to the factors outlined in Appendix 9 of the Development Plan and having regard to the extant permission on the site, I conclude therefore that the proposal is not in contravention of the Development Plan.

Furthermore, having regard to national policy and in particular the Guidelines on Urban Development and Building Heights, December 2018, I am satisfied that the SPPRs therein take precedence over any conflicting policies and objectives of Development Plans. Moreover, I am satisfied that it represents a reasonable response to its context and is stepped down at site boundaries to reduce impacts on adjacent residential properties.

12.4.12. While this development will introduce a new feature in the skyline in the immediate vicinity, it must be seen in the broader context of an area in transition. There are numerous examples of higher buildings being developed in the wider area and having regard to the design and layout within the site, I am satisfied that there will not be a seriously injurious impact to the visual amenities of the area.

12.5. Residential Amenities

12.5.1. Other concerns raised by objectors are the loss of privacy, overlooking, overshadowing and the overbearing impact of the development. One objector considers that the development directly contravenes the zoning objective for the site because the development as currently designed will have undue adverse impacts on the residential amenity of the area. The applicant was specifically requested to address Residential Amenities as Item 6 of the An Bord Pleanála Pre-Application Opinion.

12.5.2. The applicant states that the residential amenities of both the existing and future residents have been fully considered, with challenges addressed and responded to in the design approach. It is stated that the building mass increases in height towards the centre of the site and steps down to all adjacent boundaries such that the 6 storey elements are furthest away from existing residential areas. It is stated that Block B has an effective parapet height of a storey below the other blocks due to the c.3m slope southwards and this is the closest block to Drumahill. An objector states that the houses along Drumahill also sit on the slope such that Block B is still effectively 6 storeys which I agree with. However as noted above the design of the development minimises the proximity of the 6 storeys to the rear of Drumahill. I draw the Board's attention to the drawing of Block B elevations, in particular elevation 3. This block would appear to be the closest to the Drumahill houses. The 4-storey element is the closest to the boundary and the design of the block and its

fenestration has avoided direct overlooking. Moreover, the landscaping plan will further reduce the perception of overlooking.

- 12.5.3. With respect to overshadowing, the applicant has submitted a daylighting and sunlighting analysis. The analysis indicates that the proposed units will receive sufficient daylight. The applicant has carried out a study on the daylight and sunlight impact on neighbouring buildings. It concludes that the dwellings will not be adversely affected by the development.
- 12.5.4. The submission on behalf of Airfield estate states that their development was not included in the overshadowing assessment and that the impact on their educational facilities and on Eden House has not been assessed. I note that Block B is only 5.2m from the boundary with Eden Farm and education facilities. However, having regard to the design there will be minimal overlooking. Furthermore, the Airfield facilities are to the west of the development so unlikely to suffer serious overshadowing.
- 12.5.5. A similar conclusion can be drawn for overbearing impact. I accept that the proposal will be a new feature in the skyline and there may be perception of overbearing impact, but the design has sought to minimise that and when considered with the existing and proposed landscaping I am satisfied that the impact is acceptable.
- 12.5.6. The Planning Authority state that some existing residents will no doubt feel some loss of privacy and visual intrusion but that this is against a backdrop of a largely undeveloped site. It is considered that having regard to the orientation of the proposed buildings and their fenestration, combined with the separation distances achieved will result in a situation whereby there is no undue loss of residential amenity to adjoining properties by way of overlooking, overshadowing or loss of light.
- 12.5.7. To conclude, I am satisfied that the design of the development has been angled to avoid a direct parallel relationship with the nearby dwellings which serves to minimise overlooking, overbearing and overshadowing on existing dwellings. The landscaping plan will further minimise overlooking or overbearing impact on neighbouring development. As such, I am satisfied that the proposal does not contravene the zoning objective for the site in terms of residential amenity.

12.6. **Development Strategy**

Design, Form and Layout

- 12.6.1. A Design Statement accompanies the application which provides an overview of the response to the site context, the character of the proposal, and residential quality.
- 12.6.2. It notes the extensive large areas of green space on three sides of the site as well as the transport links and adjacency to Dundrum Town Centre and Sandyford Business Parks. The site also provides for extensive views to the south of the Dublin Mountains.
- 12.6.3. A comparison of the extant permission and the subject application is provided as well as an explanation for differences. It is noted that the orientation of the blocks is such that most apartments have a view of Dublin Mountains, Airfield estate, the open space at Holywell or to the internal courtyards of the development itself. It contains overlooked pedestrian routes and the volume of cars actually traversing the site is minimal with the parking provided at basement level and via a second entrance. The building massing steps down as it approaches Upper Kilmacud Road and Drumahill and block ends are narrowed to reduce their mass and improve relationship between buildings.
- 12.6.4. Materials proposed have been influenced by the surrounding developments which are mainly brick of various colours to reflect the variety of brick colour in the locality as well as to address the façade of Airfield House itself. Window frames and balustrades are a bronze colour which are considered to create a complimentary backdrop to the greenery of the site.
- 12.6.5. I am satisfied that the proposed development provides for a suitable mix of 1, 2- and 3-bedroom apartments. As noted in Section 3 above and in the Housing Quality Assessment which accompanied the application, a range of unit sizes are proposed, and the design is in compliance with the Apartment Guidelines 2018. I note the Planning Authority are also in favour of the housing mix and state that it is in accordance with SPPR1 and 2.
- 12.6.6. The development also provides for new communal facilities to serve the residents. These will be located mostly in Block A and include meeting rooms, communal rooms with catering facilities and a gym facility. A crèche will also be provided. These additional amenities and facilities will be of benefit to future residents and provide for an enhanced level of amenity within the overall scheme.

12.6.7. The Housing Quality Assessment demonstrates that the development meets all of the required qualitative and quantitative standards for residential development. All apartments are served by a private balcony, all of which meet or exceed the minimum size requirements. Over 59% of the apartments are dual or triple aspect, in excess of the guideline standards.

One of the objectors queries the identification of certain apartments as being dual aspect and identifies Apt. A02 20 as an example. I note that this apartment has north facing windows both on the north-west and the north-east. While it clearly falls within the definition of 'north facing' as defined by the Apartment Guidelines, it is nonetheless dual aspect. Similarly, Apt. A01 05 specifically identified by the objector has dual aspect, albeit both face onto the balcony. Of note, it is a one-bedroom unit.

The proposed apartments are generous in size and all are in excess of the minimum unit size required. More than adequate storage is also provided. A high standard of accommodation will be provided for future occupants.

Open Space, Trees and Recreational Amenity

12.6.8. Item 11 of the ABP opinion sought submission of a Landscaping Plan and a Tree survey. In terms of Open Space, the applicant states that the minimum required open space is 1,587sq.m. The site coverage is 25% and the design provides for 6 open zones of 3,833sq.m open space. The amount of open space is clearly in excess of minimum standards and is to be welcomed. The layout provides for an appropriate mix of open spaces to accommodate all future resident's needs. I note that some of the objectors were concerned that the future residents may avail of the generous open space in Holywell. While this may be the case, I am satisfied that the development itself provides for the open space needs for future residents of all ages including children's play needs. One of the objectors does not agree that the open space is of good quality and considers the zig zag design of the development creates two linear landscape routes. I am satisfied that the design of the landscaping is acceptable, provides for permeability and is passively overlooked.

12.6.9. The applicant was specifically requested to address the reason for removal of the granite wall between the site and Holywell. The applicant states that this was a request from the Local Authority to deliver a more open treatment on this eastern boundary, to open up views and to facilitate passive surveillance of the open space

at Holywell. The granite wall will be retained only in part for a distance of 12m and the remainder of the wall will be reduced to a 300mm high plinth wall with a new granite cap and will incorporate a 1.6m high railing on top which will be erected on the boundary. This was queried by a number of objectors; however, I agree with the Local Authority that while it will continue to demarcate the boundary between both developments, it will enhance the visual amenities of the area.

12.6.10. A significant number of trees need to be removed due to the fact that they are located within the footprint of the proposed buildings. In addition, a number of trees along the eastern boundary with Long Acres also need to be removed. Some objectors state that this will further add to the loss of privacy and overlooking that they will experience. However, it is proposed to plant extra heavy standard trees and semi-mature trees around the site perimeter for screening direct views into the site from adjoining properties and to create a 'parkland character'. A Tree Report accompanies the application which states that the condition of a lot of trees is poor. In addition, it states that there are no Category A trees on the site and it identifies which Category B, C and U trees will be removed. While the loss of trees is unavoidable, a Landscape Plan has been prepared which I consider to be of a high standard for both existing and future residents.

12.6.11. A pedestrian access is proposed between the site and the Holywell green area. This was a request from the Local Authority to improve permeability. Some objectors have requested that in the event of a grant of permission that this is not permitted for security reasons. I consider this access to be appropriate in particular having regard to providing easy access to the Kilmacud LUAS stop.

12.6.12. A number of trees on the boundary with Upper Kilmacud Road have to be removed to enable the existing cycle lane, which stops short of the site, to be extended along the front of the site. This was an issue of concern for the residents along this road as it will alter the character of the road. I agree that it is unfortunate that these trees have to be removed, however the tree report notes their condition and the landscaping proposed indicates the replacement trees and boundary treatment to replace them which I consider acceptable, albeit I accept that this will take some time to become fully established.

Connections and Permeability

12.6.13. As noted above a pedestrian entrance is proposed between Holywell and this development. This will aid in the permeability of both sites. The Local Authority specifically requested that no gate is to be erected which I concur with. The landscape and site drawings indicate a gate – for the avoidance of doubt I am of the opinion that a condition requiring the omission of any form of gate is included should the Board be of a mind to grant permission.

12.6.14. In terms of permeability within the site itself, the Design Statement includes movement diagrams for cars, cyclists and pedestrians which illustrate how various residents, visitors and service providers move through the site.

Conclusion

12.6.15. In conclusion, I am satisfied that the development strategy for the site is appropriate and will provide a high standard of amenity for future residents. Adequate consideration has been given to the need to provide for appropriate connectivity and permeability. The standard of open space is high and is appropriately located and designed. Residential facilities are provided for, including a new creche, and the apartments are in accordance with the relevant qualitative and quantitative standards.

12.7. Parking, Pedestrian/Cycle Facilities and Transport

Parking – car and bicycle

12.7.1. The proposal provides for 212 parking spaces which is c.0.8 spaces per unit. Parking spaces have been provided for creche employees and there is a set-down area for taxis, deliveries etc. A report on Car Parking was requested as Item 2 of the ABP Opinion. The Planning Authority are not satisfied with the provision of parking spaces and consider that at a minimum 253 spaces should be provided, i.e. 1 space per unit. While they acknowledge that the Development Plan seeks to promote a shift from the private car to more sustainable modes of transport there is still a requirement for car storage. They recommend that permission is refused due to the lack of car parking spaces by reference to Table 8.2.3 Car Parking Standards as detailed in the Development Plan.

12.7.2. As previously noted the development is highly accessible in terms of public transport. The site is within easy walking distance of two LUAS stops and there are dedicated cycle lanes on Kilmacud Road, Overend Way and Drummartin Road. The Apartment

Guidelines 2018 state that car parking is “to be minimised, substantially reduced or wholly eliminated” for highly accessible areas or areas within close proximity to centrally located employment locations. Of note, this site is both a highly accessible area and within close proximity to centrally located employment locations.

- 12.7.3. I do not agree with the Planning Authority’s recommendation to refuse permission on the basis of reduced car parking standards. While the parking provision is less than the Planning Authority’s preferred option of 1 space per unit, it is not *substantially reduced or wholly eliminated* as per the Apartment Guidelines. There will be car parking provision of c. 0.8 spaces per unit. The site is clearly a highly accessible site as stated in the Apartment Guidelines and furthermore Table 8.2.3 Car Parking Standards includes the caveat with respect to the standard car parking spaces “depending on design and location”. In this respect, having regard to the design and location, I am satisfied that the proposal complies with both the Development Plan and the Apartment Guidelines 2018.
- 12.7.4. A number of objectors raised issues with the reduced parking and expressed concerns that any overflow will end up in Holywell and residents may use the pedestrian access for this purpose. I can understand the concerns of the Holywell residents. I noted on the day of my site visit that there were already a small number of cars parked near the entrance to Holywell which were not near dwellings and it can only be assumed that they are parked there by LUAS or Bus users. However, there are other options to pursue, in agreement with the Local Authority, to restrict parking within the estate should it become an issue.
- 12.7.5. The Apartment Guidelines 2018 require that in developments with a reduced parking standard, sufficient bicycle parking spaces must be provided. This development proposes 400+ bicycle parking spaces which is 25% more than the Local Authority’s recommendations. I note the NTA recommend that the location of the bicycle spaces is addressed as they are mostly located in the basement below Block A. However, I note that there are 52 bicycle parking spaces above ground which can be used for short-term bicycle parking or visitor parking. I consider that the basement parking provides for safe and secure bicycle parking.
- 12.7.6. In addition to the bicycle parking, two car parking spaces for a club car scheme have been provided that will be monitored over time to gauge and respond to future

demand. It is stated that electric bike and electric car charging facilities will be provided.

12.7.7. I am satisfied that the subject proposal adequately addresses the need for car parking spaces and bicycle spaces. Moreover, the Development Plan states that reduced car parking may be acceptable dependent on factors including location and proximity to public transport. The NPF, Sustainable Urban Housing Design Standards, Apartment Guidelines 2018 and the Urban Building Height Guidelines all seek to maximise a modal shift to public transport. Therefore, on this basis I am not in agreement with the Planning Authority who recommend refusal due to what they consider to be a deficiency in car parking spaces.

Transport

12.7.8. A Traffic Impact Assessment accompanied the application. In addition, a Mobility Management Plan and a Quality Audit are included. The proposed development will maintain the existing entrances at the Greenacres and Drumahill site. The Greenacres entrance gates will provide vehicular basement only entrance access. The Drumahill entrance gate will provide access to the new internal circulation road for emergency vehicles, refuse trucks and ground level visitor set down parking. Both entrances will be provided adjacent to the location of the existing entrance gates and will provide pedestrian and cycle access. The entrances will remain stepped back from the boundary and existing road. A cycle path on Upper Kilmacud Road will be extended across the front of the site. A pedestrian access is provided to Holywell estate open space to the east.

12.7.9. The TIA assessed the impact of the proposed development on the existing junctions in the local area and demonstrates the impact as being negligible, meaning further analysis was deemed unnecessary. The local link capacities and the operation of the proposed development entrance which was highlighted as an issue by objectors were assessed for a number of scenarios including the Year of Opening and two separate Design Years, 5 and 15 years later. The analysis results show that the local links have sufficient capacity to cater for this development, and that the road is not too narrow at this point as referred to by objectors, and the proposed entrance operates well under its proposed layout.

Conclusion

12.7.10. I note that the Transportation Department of the Local Authority raise no objections to the principle of the development and potential traffic impacts associated with it. While they recommend refusal on the basis of car parking space numbers and this is agreed to by the Planning Authority, as noted above, I do not agree that this is a reason for refusal of permission having regard to its location in close proximity to public transport and within easy walking distances of areas of employment concentration. I am satisfied that the development can be accommodated having regard to the quantum of parking proposed and the pedestrian and cyclist facilities proposed and that there are no traffic/transportation safety issues associated with the proposed development.

12.8. Site Services, Surface Water and Flooding

12.8.1. Engineering reports accompany the application detailing the water, drainage and SuDS planned for the site, including the 100% green roof proposed.

12.8.2. I note it is proposed to upgrade the existing public storm water sewer to the front of the site on Upper Kilmacud Road and raise the finished floor levels above the adjacent ground levels. The new storm sewer will flow by gravity to the public network on Eden Park Avenue. The discharge point is located to the east of the site approximately 200m from the northeast boundary.

12.8.3. With respect to Foul Sewer, the Report states that there is no existing foul sewer adjacent to the site boundary on Upper Kilmacud Road. The foul water currently drains to a percolation area on site. It is proposed to construct a new foul drainage network. A new public foul sewer will be laid along Upper Kilmacud Road and discharge to the public network in Eden Park Avenue.

12.8.4. In terms of potable water, there is an existing water main running along Upper Kilmacud Road and it is proposed to connect to the water main.

12.8.5. I note that Irish Water confirms that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connections to Irish Water networks can be facilitated.

12.8.6. A Site-Specific Flood Risk Assessment (FRA) has been carried out. An objector refers to flooding outside Greenacres and has submitted photos with his objection. The FRA states that the available data indicates that the site is outside the areas of potential risk for fluvial and tidal flooding. The available data shows that the site is

within Flood Zone C and it is concluded that overland flow routes along Upper Kilmacud Road would lead surface water east, away from the proposed development. The flood risk represented by ground water is negligible and no further mitigation is required.

- 12.8.7. The Local Authority Engineering department raise no concerns with respect to surface water drainage and notes a process of constructive engagement with the applicant has occurred. In addition, they are satisfied that the proposal is in accordance with Appendix 13 of the Development Plan with respect to flood risk.

Conclusion

- 12.8.8. I note that no objection to the proposals have been raised by the Local Authority. The report from Drainage Planning states that there has been detailed engagement with the applicant and that the report and drawings submitted generally satisfy the requirements of Municipal Services. No objections to the development subject to conditions are raised. The submission by Irish Water also raised no objection to the water supply and foul drainage proposals. I consider the proposed site services and surface water proposals are satisfactory in this regard.

12.9. Social Infrastructure, Creche and Schools

- 12.9.1. Item 4 of the ABP opinion required the preparation of a Schools Demand Assessment. The Development Plan requires that a development of greater than 100 units must demonstrate that there is adequate provision for physical and social infrastructure. The accompanying School Demand Assessment reports that the development will generate a need for 64 no. primary school places and 42 no. secondary school places. It considers that there is sufficient capacity within the immediate area and having regard to the public transport options, to a wider area.
- 12.9.2. A creche for 41 children is proposed within the development in Block A. The creche includes its own external garden area and is suitably located within the overall development for ease of access.
- 12.9.3. Having regard to recent developments, I am satisfied that there is likely to be sufficient capacity existing and coming on stream at both primary and secondary level to meet the demand generated by the proposed development. Furthermore, the creche will meet the needs of the new residents of the development.

12.10. Architectural & Archaeological Heritage

- 12.10.1. There are two houses currently on the site – Greenacres convent and Drumahill House. An Architectural Heritage Assessment accompanies the application. Some of the observers query why the houses are not being incorporated into the overall scheme and in particular query the need to demolish Drumahill House. Neither house is a Protected Structure, but it is noted that both houses were built in the 1930s. The Greenacre house is clearly in a state of disrepair and would appear to have been vacated for some time. However, Drumahill House was in residential use at the time of the preparation of the application documents. From my site visit, it appears to now be vacated and already becoming overgrown and unkempt looking.
- 12.10.2. The Architectural Assessment notes that Drumahill is an attractive house in good condition but is not of architectural heritage significance. The assessment concludes that neither house is of such a quality to warrant retention. While I agree that it would be ideal to redevelop Drumahill House, it would not yield the density of development that this site can accommodate having regard to its location.
- 12.10.3. There is reference to the Architectural Conservation Area on Upper Kilmacud Road by an objector. This is at Campfield Terrace c.230m to the west. I am satisfied that the proposed development will not impact on this ACA. In addition, I am satisfied that the Protected Structure of Airfield House is at a sufficient distance away.
- 12.10.4. An Archaeological Assessment accompanies the application. It states that there are no archaeological sites listed on the Record of Monuments and Places within the site boundary and the assessment has not identified any obvious archaeological issues. It is recommended that consideration should be given to the excavation of test trenches under the footprint of the three apartment blocks as well as a watching brief over the initial phase of development. I recommend that a condition to this effect should be included if the Board is of a mind to grant permission.

12.11. Biodiversity

- 12.11.1. As noted in Section 11 above, an Appropriate Assessment Screening Report has been submitted with the application. In addition, an Ecological Impact Assessment has also been prepared by the applicant. It notes that the site is in

essence two large suburban gardens with an additional area of scrub. No significant ecological impacts would be foreseen outside the immediate vicinity of the site. The site itself is poor in species diversity and no species of conservation importance were found. I am satisfied that there will not be a seriously adverse impact on biodiversity.

12.12. Conclusion

The development is acceptable in principle with regard to the zoning of the site. It provides a high density of residential development in an established residential area that is highly accessible to public transport and provides a wide range of social infrastructure. While it contrasts with the surrounding residential development, which is generally 2 - storey, it represents a reasonable response to its context and is stepped down at site boundaries to reduce impacts on adjacent residential properties. The overall layout includes good quality public amenity space and facilities including a creche. The layout provides for pedestrian permeability both within and externally to the wider area. The quality of residential accommodation provided is satisfactory. I am satisfied that the development will not result in significant adverse impacts on residential amenities such as would warrant a refusal of permission. Infrastructure, access and parking arrangements are acceptable subject to conditions. Permission is therefore recommended subject to the conditions set out below.

13.0 Recommendation

Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission is GRANTED for the development, for the reasons and considerations and subject to the conditions set out below.

14.0 Reasons and Considerations

Having regard to the:

- a) The site's location within an area with a zoning objective that permits residential development in principle;
- b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;

- c) Nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure including the LUAS;
- d) Pattern of existing and permitted development in the area and on the site itself;
- e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- g) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- h) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- i) The Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2018;
- j) Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

15.0 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
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	<p>authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<p>Each apartment shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.</p> <p>Reason: In the interests of sustainable development and proper planning.</p>
4.	<p>No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision where appropriate. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units where appropriate and not sold separately or let independently from the residential development.</p> <p>Reason: In the interest of orderly development.</p>
5.	<p>Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p>

	<p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
6.	<p>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.</p> <p>Reason: In the interests of visual and residential amenity.</p>
7.	<p>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.</p> <p>Reason: In the interest of public health.</p>
8.	<p>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 -</p> <p>(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,</p> <p>(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and</p> <p>(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.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>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.</p>
9.	<p>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,</p>

	<p>unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
10.	<p>The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:</p> <p>(a) The roads and traffic arrangements serving the site (including footpath connections and 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.</p> <p>(b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.</p> <p>(c) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.</p> <p>(d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.</p> <p>(e) A Mobility Management Plan shall be prepared and submitted to the Planning Authority for approval prior to the commencement of development.</p> <p>(f) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.</p>

	<p>Reason: In the interests of traffic, cyclist and pedestrian safety.</p>
11.	<p>Prior to first occupation of any of the units, the proposed pedestrian and cyclist links shall be satisfactorily completed at the applicant's expense and available for public use. This shall include the proposed new footpath/cycle link along the Upper Kilmacud Road as shown Option B (TIA Appendix E).</p> <p>Reason: In the interests of traffic, cyclist and pedestrian safety.</p>
12.	<p>Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.</p> <p>Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.</p>
13.	<p>Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper</p>

	<p>arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.</p> <p>Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>
14.	<p>The pedestrian gate linking the development to Holywell/Drumahill to the east shall be omitted from the proposed development. The link shall be provided by way of 24 hours access.</p> <p>Reason: In the interests of permeability and proper planning.</p>
15.	<p>Prior to commencement of development the developer shall submit and obtain the written agreement of the Planning Authority, 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 for the ongoing operation of these facilities.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
16.	<p>Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of waste to be generated during site clearance and</p>

	<p>demolition of the two houses, construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.</p> <p>Reason: In the interest of orderly development and sustainable waste management.</p>
17.	<p>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 inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, details of arrangements for routes for construction traffic, parking during the construction phase, and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
18.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>
19.	<p>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</p>

	<p>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.</p> <p>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.</p>
20.	<p>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 reinstatement of public roads which may be damaged by the transport of materials to the site, to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
21.	<p>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.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as</p>

	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.
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Ciara Kellett
Senior Planning Inspector

12th August 2019

16.0 Appendix 1

Tom & Margaret Grogan

Tony Devlin & Others

Jun Liong Chin

Kevin Henry

Lynda Redmond & Peter Hanrahan

Peter Murphy

Sophie Hanrahan

Anne Boyle

Colette Devlin

John & Suzanne Ryan

Edmund McParthing

Tom Noone & Premilla Maharaj

John & Jean Doyle

Sarah Kennedy

Angela O'Duffy

Anne & David Davison

Garrett & Deborah Kelly

Maire Bredin

J.A. Crean

Paul Cahill & Frances Mooney

Tony & Nuala McIntyre

Warren Fox

Donal Buckley

Herbert & Pamela Mitchell

Holywell Residents Association

Anne Grainger

Breda Hickey

Darren Bowling

John and Fiona Wall

Barbara Heffernan

Ciara Deane

Cian Duffy

Cora Heffernan

Jonathon Young

Airfield Estate