



An
Bord
Pleanála

Inspector's Report ABP304641.19

Development	48 apartments in one block.
Location	The Glen, Golf Lane, Glenamuck Road, Carrickmines, Dublin 18.
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D18A/1175
Applicant(s)	Torca Developments Limited
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Blackberry Hill Residents Association Gayle & Karl Moore
Observer(s)	None.
Date of Site Inspection	4 th October 2019
Inspector	Hugh Mannion

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2.0 Site Location and Description

- 2.1. The site has a stated area of 0.4713ha and is located off the Glenamuck Road immediately to the west of the M50 in Carrickmines, County Dublin. The site is accessed over Golf Lane which is a cul de sac that links Glenamuck Road to the Carrickmines golf club. Golf Lane is proposed for upgrading under the Cherrywood SDZ, but this has not happened to date. A relatively new housing development called Blackberry Hill (about 62 houses) is also accessed from Golf Lane. Golf Lane has two lanes as it passes the entrance to Blackberry Hill and the application site and further on serves four older houses and the golf club.
- 2.2. The application site is irregularly shaped and in rough pasture with some overgrown scrub. There are trees on-site which are concentrated in the southwest of the site and a small group of immature trees on the northern boundary with Golf Lane. There is a low hedge on the western boundary which adjoins a flat pasture field that itself adjoins Golf Lane. The eastern boundary adjoins the development in Blackberry Hill and a two-meter boundary wall with piers defines this boundary. The southern boundary adjoins the curtilage of the older houses accessed over Golf Lane.

3.0 Proposed Development

- 3.1. The proposed development comprises;
- Erect one apartment block of 4 and 5 storeys with 48 units. 20 one-bedroom units and 28 two-bedroom units.
 - Vehicular access will be through Blackberry Hill as required by condition number 4 of PL06D.222927.
 - Existing site vehicular access will be removed and a pedestrian access to Golf Lane will be provided.
 - All associated site development works.

On 0.4713ha at The Glen, Golf Lane, Glenamuck Road, Carrickmines, Dublin 18.

4.0 Planning Authority Decision

4.1. Decision

The planning authority granted permission as recommended in the planner's report subject to 32 conditions.

Condition 31 requires a supplementary contribution to the Luas line.

4.2. Planning Authority Reports

4.2.1. Planning Reports

4.2.2. Initially the planning authority sought further information as follows;

- He applicant should clarify the infiltration characteristics of the site, details of SuDS design, demonstrate that all SuDS are 5m from any building, demonstrate that green roofs comply with development plan standards, detailed drawings of utilities on site, illustrate overland flow routes in the event of surcharging of the surface water system, submit plans to upsize the water mains, amend the water mains layout to the satisfaction of Irish Water.
- Amend the boundary treatment to facilitate the Cherrywood/Kiltarnan Link road. Confirm in writing that the area required for the road will be ceded to the planning authority. All internal roads/footpaths should be detailed to the standard of the planning authority's taking in charge document.
- Show details of the road/footpath junction with Blackberry Hills.
- Show provision of bicycle spaces.
- Submit a preliminary construction management plan.
- Provide for pedestrian connectivity to lands to the south and southeast.
- Submit proposals to comply with Part V.
- A revised public notice should indicate that part of the site is within the Cherrywood SDZ.

- Submit an ecological assessment of the hedge on the north-western site boundary.
- Submit photomontages from within the adjoining area to facilitate an assessment of the proposed development's visual impact.
- The western and eastern elevations should be 'broken up' and better differentiated with materials.
- Submit additional site sections illustrating the overlooking relationship between the proposed development and Blackberry Hill. The ground floor apartment should be amended to meet the floor to ceiling heights required in the New Apartment Guidelines.
- Demonstrate that the southwestern ground floor apartments meet the BER daylight standard.
- Redesign the site layout to save as many of the category B trees as possible.
- Provide a greater diversity of tree species, improve the quality/quantity of useable open space, submit a landscape masterplan, consider additional planting between the car parking and the north-western boundary, the masterplan should illustrate the pedestrian links through the south and east boundary, specify the hard/soft landscape materials, provide a timescale for implementation.
- Play spaces in accordance with 'Ready Steady Go' should be provided.
- The ESB substation should be relocated to the basement car park entrance.
- The boundary wall between the site and Blackberry Hill should be finished in stone.
- The timber fencing/car parking/planting area along the southeast boundary should be redesigned so that the timber fencing is less visually prominent.
- The entrance to apartments 106-110 should be clarified.

- 4.2.3. Other Technical Reports
- 4.2.4. **Irish Water** reported no objection.
- 4.2.5. **Drainage Planning Section** sought further information in relation to the provision of SuDS on site, green roofs and separation of surface water systems 5m distant from all buildings.
- 4.2.6. A second report after the submission of further information recommended a grant of permission subject to conditions.
- 4.2.7. **Parks Department** sought further information in relation to provision of a better mix of trees to be planted, more detailed landscaping plan, details of hard/soft landscaping materials, provision of suitable children play opportunities.
- 4.2.8. **Transport Planning** sought further information in relation to the provision of setback to accommodate an improved Golf Lane/Cherrywood/Kilternan Link road as provided for in the Cherrywood SDZ, drawings to demonstrate compliance with the planning authority's taking in charge policy for roads and footpaths, provide for bike parking in accordance with development plan standards.
- 4.2.9. **Public Lighting Engineer** sought a public lighting design compliant with planning authority standards.
- 4.2.10. **The Housing Department** requested that a condition be attached to any grant of planning permission requiring compliance with Part V.

5.0 Planning History

- 5.1. PL06D.222927/reference D06A/1266 permission was granted for demolition of two number houses; 'Blackberry Hill' and 'Benolagh'; and construction of 58 number three-storey houses as follows 14 number three-storey semi-detached and one number three-storey detached 218 square metres units, 43 number three-storey 165 square metres units with second floor balconies to front in seven number terraces of three, 20 number semi-detached and two number detached with new vehicular entrance road and associated site works at 'Benolagh' and 'Blackberry Hill', Glenamuck Road, Carrickmines, Dublin.

- 5.2. ABP-302223.19 Amendments to the Cherrywood SDZ in relation to the sequencing and Phasing of Development Cherrywood Planning Scheme 2014. Permission granted by the Board.
- 5.3. ABP-304396.19 Permission granted for a neighbourhood centre (including retail, retail services and restaurant/café uses), retail warehouses, cinema and other leisure space, residential units, crèche, office space, car showroom, medical centre, linear park and associated infrastructural works.

6.0 Policy and Context

6.1 National Policy

6.2. The **National Planning Framework** (2018) sets out a number of national objectives.

- Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford.
- Objective 11 is to favour development that can encourage more people to live or work in existing settlements.
- Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development.
- Objective 33 is to prioritise the provision of new homes that can support sustainable development.
- Objective 35 is to increase residential density in settlements.

6.3. The **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas** (2009) sets out general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

- 6.4. The **Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018)** contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most apartments in new schemes of more than 10 must exceed the minimum floor areas by at least 10%. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the guidelines, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two-bedroom apartments and 9m² for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.
- 6.5. The **Guidelines for Planning Authorities on Urban Development and Building Heights (2018)** state (section 3.6) that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites.
- 6.6. The **Design Manual for Urban Roads and Streets (DMURS 2013)** sets out (Section 1.2) a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.
- 6.7. **Development Plan**
- 6.8. The site is zoned objective A – ‘to protect and or improve residential amenity’ in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

- 6.9. The **Ballyogan and Environs LAP** was adopted in July 2019. In relation density the LAP provides (policy BELAP RES1) that it is an objective of the Plan to achieve residential densities which can support a critical mass of population enough to support and sustain commercial and community services and quality public transport. Higher density should focus on services and not transport alone.
- 6.10. Along with roads proposals the LAP provides for a pedestrian/cycle link from Golf Lane northwest to Stepside Village shown on Map 4.11 attached to the Plan.

6.11. **Natural Heritage Designations**

Not relevant.

6.12. **EIA Screening**

- 6.13. Having regard to nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped services are available there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

7.0 **The Appeal**

7.1. **Grounds of Appeal**

- The road network in the area and junctions (Glenamuck Road/Golf Lane Blackberry Hill/Knockcree require upgrading and the proposed development would endanger public safety by reason of traffic hazard.
- Part of the site is subject to a road reservation – road upgrade works should take place simultaneously with the proposed development.
- The proposed development will give rise to on-street parking. The previously permitted development provided 61 spaces for 45 apartments.
- The proposed development is of excessive bulk and height and will be an overbearing feature in the vicinity. The proposed development does not meet

the criteria for building height set out in Appendix 9 in the County Development Plan.

- The mix of units (20 one-bedroom units and 28 two-bedroom units) is inappropriate and does not comply with Development Plan standards in Policy RES07.
- The density at 102 units/ha is excessive.
- The proposed development will overlook adjoining property, particularly on Blackberry Hill.
- The proposed will devalue property in the vicinity.
- The proposed development will require the loss of significant trees on site.

7.2. Applicant Response

- The assumption underlying previous the application under PL06D.222927 was that Blackberry Hill would provide access to adjoining lands. The road system in the area is designed to DMURS standard and wider roads would increase traffic speeds.
- The improvements to Golf Lane with a link and flyover of the M50 is a long-term project which has been facilitated by leaving space at the north western end of the site, but the current application is not dependent on construction of the link.
- The site is located about 1kms from the Ballyogan Luas stop which is a 13m walk. This time is likely to shorten which other permitted development is constructed.
- Parking provision is 52 spaces which exceeds the County Development Plan requirement.
- The proposed building height is not excessive, it complies with SPPR3 and SPPR4 of the Building Height Guidelines. The proposed building is designed to read as two elements.
- The apartment mix complies with the Apartment Guidelines. The adjoining houses on Blackberry Hill are solely 3 and 4 bedroom units.

- Density complies with objective RES3 in the County Development Plan which requires a minimum density of 50 units/ha within 1kms a light rail stop. The proposed density is 102units/ha.
- The difference in ground levels between the application site and the existing houses on Blackberry Hill, the intervening boundary wall proposed for retention and separation of balconies off the boundary will result in no overlooking of rear gardens on Blackberry Hill.

7.3. **Planning Authority Response**

- None.

7.4. **Observations**

- None

7.5. **Further Responses**

Blackberry Hill Residents' Association wrote to agree with the points made by Gayle & Karl Moore.

8.0 **Assessment**

8.1. **Introduction.**

8.2. The main planning issues in this case are; zoning, density, apartment mix, apartment quality, overlooking, road layout/road safety, parking provision, building heights, landscaping and appropriate assessment.

8.3. **Zoning**

8.4. The application site is zoned objective A 'to protect and or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022. The proposed use complies with this zoning objective.

8.5. **Density**

8.6. The appeal makes the point that the proposed density at 102 units/ha is excessively high.

- 8.7. The National Planning Framework (NPF) policy objective 35 seeks to increase density in settlements through a range of measures including infill development schemes and increased building heights. The Sustainable Residential Development Guidelines require the promotion of increased densities on appropriately zoned lands where public services exist or may be more economically provided. Minimum net densities of 50 units/ha should be the norm within 500m of a bus stop or 1km of a light rail stop. Objective RES3 in the County Development Plan is to promote higher density while having regard to the national policy in relation to density in new residential developments and the protection of the amenity and character of established communities.
- 8.8. The proposed density is 102 units/ha which is relatively high, but the site has access two Luas stops (Ballyogan Wood and Carrickmines, although the latter is further away) and there is a Dublin bus service on Glenamuck Road. The Blackberry Hill housing is three storey semidetached and detached houses and there are 5 storey apartment blocks within 200/300m on the Glenamuck Road roundabout.
- 8.9. Having regard to these factors I consider that the density is acceptable and in accordance with national and local objectives for the area.
- 8.10. **Apartment Mix**
- 8.11. The appeal makes the point that the proposed unit size mix (20 one-bedroom units/28 two-bedroom units) is inappropriate and contravenes the County Development Plan. The county development plan (residential objective RES7) states that it is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy. It would be unreasonable to conclude on this basis that relatively modest housing proposals should, in themselves, provide a wide variety of housing types. It is enough to meet the development plan objective that a mix be provided in the wider area on land zoned for residential development.
- 8.12. The New Apartments Guidelines (2018) in Specific Planning Policy Requirement 1 provides that up to 50% of new apartment developments be one-bedroom units. Development Plans may vary this but only having carried out a Housing Need and

Demand Assessment; no case is made that the planning authority has carried out such an assessment nor has any been published on their website.

8.13. Having regard to the pattern of development in the area including 4- and 5-bedroom houses in Blackberry Hill and apartments in Carrickmines Green on the nearby roundabout on Glenamuck Road and the considerations set out above I conclude that the proposed development is acceptable in terms of housing mix and will not seriously injure the residential amenity of future residents or neighbouring property.

8.14. Apartment Quality

8.15. The proposed development complies with the New Apartment Guidelines in that the ratio of one-bedroomed to two-bedroom units is below the 50% minimum threshold. All the apartments meet/exceed the minimum floor space, private balcony space and storage standards. Fifty eight percent are dual aspect which exceeds the 50% dual aspect limit in suburban locations set out in the Guidelines. Five units are accessed per core which also complies with the Guidelines.

8.16. Having regard to the foregoing I conclude that the proposed development is acceptable in terms of residential amenity afforded to future residents.

8.17. Overlooking

8.18. The appeal makes the point that the proposal will overlook adjoining property.

8.19. In assessing this matter, the site sections submitted as further information (see especially drawing number 18010-CRA-XX-XX-DR-A-32102) are relevant. This illustrates a difference in site levels between the application site and the housing in Blackberry Hill of between about 1 and 3m. Section 1 on that drawing illustrates the relationship viewed from the realigned Golf Lane. Section 2 is more useful as it illustrates the relationship of the western elevation of the new block in relation to the houses on Blackberry Hill.

8.20. Because of the site level differences between the application site and the adjoining Blackberry Hill development, the separation distance off the boundary of 13m minimum, the orientation of the Blackberry Hill houses gable-on to the boundary with the application site, the orientation of the proposed apartment elevations and in particular the terraces facing southwest onto the gables, front gardens and road space of the Blackberry Hill development I conclude that the new development will

not overlook the private gardens within Blackberry Hill in a manner as to seriously injure the residential amenity of those properties.

8.21. Road Layout/Road Safety.

8.22. The appeal makes the points that the local road network including roundabouts are inadequate and that the proposed development would give rise to traffic hazard.

8.23. The Board under ZD06D.ZD2010 granted the original Cherrywood SDZ in 2014 and that scheme has been subject to amendment. The most recent amendment was under file reference ABP.302223-18. Golf Lane which serves the site and Blackberry Hill is a cul de sac which links Carrickmines golf club which adjoins the south-eastern boundary of the application site with the Glenamuck Road roundabout to the west of the application site. This road, Golf Lane, is part of a road reservation provided for in the original SDZ which would link Glenamuck Road via a new bridge over the M50 to the SDZ lands on the east/seaward side of the M50 (attached is Map 7.2 of the SDZ which shows this reservation and the lands in growth phase 3). This link is referred to as the Kilternan Link Road and Priorsland Overbridge in the phasing/sequencing table set out in Chapter 7 of the updated SDZ. Phase 2 and 3 of the SDZ are envisaged to accommodate 2,300 residential units along with several tranches of employment uses.

8.24. Having regard to the overall plan for the quantum of development lands to be served by the Kilternan Link Road and Priorsland Overbridge and the relatively modest scale of the proposed development at 48 apartments I conclude that the proposed development does not have the capacity to materially impact on the traffic loading on Golf Road or Glenamuck Road roundabout and furthermore that the proposed development is not premature pending the provision of the link road as provided for in the SDZ.

8.25. The proposed development will be accessed from Golf Lane over a right turn onto Blackberry Hill, then through Blackberry Hill to a new opening in the boundary wall into the application site. There is a history of permissions for development of the housing in Blackberry Hill, and notwithstanding variations in layouts, the layouts provided for future access to adjoining lands including the current application site. In this context it can be noted that under condition 4 of PL06D.222927 (file attached)

required the location of an access to the current application site from Blackberry Hill in the position proposed in the current application.

- 8.26. The junction of the Blackberry Hill access with Golf Lane is positioned to provide maximum sightlines in both directions and has footpaths linking it to the Glenamuck Road and in the other direction towards the future link over the M50 to the Carrickmines lands. It is noteworthy in this context that the new Local Area Plan provides for a dedicated cycle/pedestrian from Golf Lane to Stepside village. The planning authority's Transport Planning Department reported on this application and despite raising other issues voiced no objection to the access through Blackberry Hill or the capacity of the junction of Blackberry Hill with Golf Lane. Having regard to the foregoing I conclude that the access from Blackberry Hill to Golf Lane is satisfactory.
- 8.27. The appeal makes the further point that the proposed development may impact on the road reservation for Kiltiernan Link Road. The planning authority raised this issue in the request for further information (see point 2(a) of the FI request) and required that details of a new boundary wall for the completed development set back to accommodate the new link road be submitted to the planning authority. The applicant submitted a revised drawing (see 18010-CRA-XX-XX-DR-A-31003 Rev H submitted 17th April 2019) which illustrates how the road reservation impacts the site, showing the junction with the existing development at Blackberry Hill and a future access to the lands to the east of remaining undeveloped lands to the east. It is not clear that a second written Transport Planning Report was received in relation to the further information submission but the planner's report on file reports that the submission was deemed acceptable by the planning authority's Transport Planning section.
- 8.28. Having regard to the proposed road layout set out in the Cherrywood SDZ which envisages a widened roadway along Golf Lane, and the separate cycleway, footpath and access to existing and future development provided for in the submitted drawings and the reports of the planning authority I conclude that site layout relative to the Kiltiernan Link Road is acceptable.
- 8.29. I note references in the reports on the planning authority file in relation to ceding land covered by the road's reservation and informing future purchasers of same. It may be *ultra vires* a planning authority to include such requirements in grants of planning

permission is advised against in the Development Management Guidelines for Planning Authorities (DOEHLG 2007) and I do not include any condition referencing land ownership in the draft order below.

8.30. **Parking Provision**

8.31. The Dun Laoghaire Rathdown Country Development Plan in table 8.2.3 sets out residential parking provision standards. Apartments should provide 1 space for one-bedroom units and 1.5 spaces for two-bedroom units. Three-bedroom units should have two spaces.

8.32. There are 20 one-bedroom apartments and 28 two-bedroom apartments which would generate a maximum requirement of 64 spaces. The proposed development provides 54 spaces. The applicant makes the case (see cover letter submitted with the application on 14th December 2018) that having regard to the advice set out in the Sustainable Urban Design Standards for New Apartments that in cases where apartment developments are centrally located and well served by public transport that parking provision may be reduced or wholly eliminated. The application site is not centrally located but is close to public bus and Luas links and will increasingly be linked to employment opportunities when the Priorsland link is completed to the Cherrywood SDZ.

8.33. Having regard to the foregoing and the relatively minor shortfall in car parking space provision (10 spaces) I conclude that the proposed development will not give rise to unreasonable on-street parking in nearby areas and will otherwise accord with the advice set out in the apartment guidelines.

8.34. **Building Heights/Bulk/mass**

8.35. The appeal makes the point that the height, bulk and mass of the proposed development is excessive and will give rise to visual intrusion in the area.

8.36. The matter of visual intrusion was raised by the planning authority (see point 6 (a) of the further information request) and the applicant was requested to submit photomontages from Glenamuck Road close to Brighton Road, from the M50 bridge at junction 15 and from the area of Priorsland House. The applicant submitted (with other further information on 18th April 2019) before and after photomontages taken from within the adjoining Blackberry Hill development, from the M50 bridge at junction 15, from Glenamuck Road North in the area of the pedestrian entrance to

Carrickmines Luas stop and further north at the junction of Glenamuck Road North and Brighton Road. There will be a significant visual impact within Blackberry Hill when viewed from the second row of houses set back from Golf Lane. The proposed development will be prominent in views from Glenamuck Road North close to the Luas stop and from the roundabout at the end of Glenamuck Road north.

- 8.37. Notwithstanding the prominence of the proposed development is some views within the area the overall context is of new development in the area at significant heights. Blackberry Hill is 3 storeys detached and semidetached houses. On the roundabout to the west on Glenamuck Road is the Carrickmines Green apartment development which is five storeys high and opposite this is the very large Carrickmines Park office/retail warehousing development of 5 and 6 storeys.
- 8.38. The overall policy in relation to building heights is set out in Appendix 9 of the County Development Plan where 3 or 4 storeys is generally recommended while LAPs within their own areas may recommend more. In the Ballyogan LAP no further advice is offered in relation to building heights except to note the Guidelines for Planning Authorities on Urban Development and Building Heights (2018) state (section 3.6) that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. The proposed development is 4 and 5 storeys with the fifth storey element on the more northern end of the site facilitated by falling levels within the site.
- 8.39. Having regard to the building heights in the wider area, the national policy to increase building heights and residential densities in appropriate locations and to the drop in site levels relative to adjoining development I conclude that the proposed development is not excessively high nor of excessive bulk or visual dominance as to seriously injure the visual amenity of the area or the residential amenity of property in the vicinity.
- 8.40. **Landscaping.**
- 8.41. The appeal makes the case that proposed development will give rise to the loss of trees on site. The matter of replacement trees and quality of landscaping was raised by the planning authority's parks department and way of a request for further information.

- 8.42. Additional detail was submitted including a revised tree protection plan which illustrates the trees and hedgerow to be retained particularly along the north-eastern boundary and in the south-eastern areas of the site. The quality of open space was improved, and additional boundary treatment was achieved through the rearrangement of car parking and additional children's play area was provided.
- 8.43. Having regard to quality of trees on site and the amendments submitted in the course of the application I conclude that proposed development has reasonably accommodated trees and hedgerows on site and that the additional landscaping proposed in the application will adequately integrate the proposed development into its context.
- 8.44. **Appropriate Assessment.**
- 8.45. The application included an appropriate assessment screening report (appended to the McGill Planning covering submission) which identifies the Natura 2000 sites within 15kms of the application site. These are South Dublin bay and Tolka River Estuary SPA (004024), the Dalkey Island SPA (004172), Wicklow Mountains SPA (004040), North Bull Island SPA (004006), and the Howth Head Coast SPA (004113). The SACs within 15kmns are Knock Sink Wood SAC (000725), Ballyman SAC (000713), South Dublin Bay SAC (000210), Rockabill to Dalkey Island SAC (003000), Wicklow Mountains SAC (002122), Bray Head SAC (000714), Noryj Dublkin Bay SAC (000206), Glenasmole Valley SAC (001209), Glen of the Downs SAC (00719) and Howth Head SAC (000202). The screening report concludes that the proposed development will not have a significant impact on the Natura 2000 network.
- 8.46. It is reasonable to conclude, on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually and in combination with other plans or projects would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and a Stage 2 Appropriate Assessment (and submission of a NIS) is not required.

9.0 Recommendation

9.1. I recommend a grant of planning permission.

10.0 Reasons and Considerations

The site of the proposed development benefits from two zoning objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022; to preserve and provide for open space with ancillary active recreational amenities and to protect and or improve residential amenity. The layout of the proposed development reflects these zoning objectives.

Having regard to;

- (a) The National Planning Framework which seeks to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford.
- (b) the standards for new apartment developments set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (Department of Housing, Planning and Local Government March 2018).
- (c) The Guidelines for Planning Authorities on Urban Development and Building Heights (Department of Housing, Planning and Local Government 2018),
- (d) the zoning objectives for the site set out in the current County Development Plan,
- (e) the provisions of the Ballyogan and Environs Local Area Plan 2019

it is considered that, subject to compliance with the conditions set out below, proposed development would not endanger public safety by reason of traffic hazard, or compromise future road layouts in the area, would not seriously injure the residential amenity of adjoining property through overlooking or overshadowing, would provide adequate residential amenity for future residents of the proposed development and would, otherwise, be in accordance with the current County Development Plan, the Local Area Plan for the area and the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 17th day of April 2018 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of public health.

3. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to the service area and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

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

4. Opaque screening shall be provided on the balconies of units 101, 201 and 301. Details of the heights and materials of the screens shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual amenity.

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

Reason: In the interests of visual and residential amenity.

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

Reason: In the interests of amenity and public safety.

8. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the apartments are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

9.
 - (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company
 - (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to,

and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

10. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

11. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. Proposals for an estate/street name, apartment numbering scheme and

associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interests of urban legibility.

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

- a) Location of the site and materials compounds including areas identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;
- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and

vibration, and monitoring of such levels;

- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction and Environment Management Plan shall be kept for inspection by the planning authority.

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

14. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

the site.

15. Prior to commencement of development, the 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 social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

16. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

17. The developer shall pay to the planning authority a financial contribution in

respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000. The contribution shall be paid prior to the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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

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

Hugh Mannion
Senior Planning Inspector

9th October 2019