



An
Bord
Pleanála

Inspector's Report ABP 304653-19

Development	Demolish 4 houses, erect 29 apartments and 1 office unit.
Location	60, 61, 62 and 63 Stepside Lane, Stepside, County Dublin.
Planning Authority	Dun Laoghaire Rathdown County Council.
Planning Authority Reg. Ref.	D18A/0971
Applicant(s)	Tamrey Limited
Type of Application	Permission
Planning Authority Decision	Grant with conditions.
Type of Appeal	First and Third Party
Appellant(s)	<ol style="list-style-type: none">1. Tamrey Limited2. Violet & Ernest Kennedy.
Observer(s)	<ol style="list-style-type: none">1. Fiarcha Kelly2. An Taisce
Date of Site Inspection	28 th August 2019
Inspector	Hugh Mannion

Contents

1.0 Site Location and Description	3
2.0 Proposed Development	3
3.0 Planning Authority Decision	4
3.1. Decision	4
3.2. Planning Authority Reports	4
4.0 Planning History.....	6
5.0 Policy and Context.....	6
5.7. County Development Plan	8
5.9. Natural Heritage Designations	8
5.10. EIA Screening.....	8
6.0 The Appeal	9
6.1. Grounds of Appeal	9
6.12. Applicant Response	9
6.13. Planning Authority Response.....	10
6.14. Observations.....	10
6.16. Further Responses	10
7.0 Assessment.....	11
8.0 Recommendation.....	19
9.0 Reasons and Considerations.....	19
10.0 Conditions	20

1.0 Site Location and Description

- 1.1. The application site is irregularly shaped and comprises 0.49ha. It is accessed from Stepside Lane adjoining the developed area of Stepside village, County Dublin. The site slopes up from the access onto Stepside Lane towards the rear boundary which the application site shares with the lands of a golf club. There are four houses within the site; three face onto Stepside Lane and a fourth is set back into the site closer to the rear boundary. These four houses are proposed for demolition. There is a shed on the right of the access road also proposed for demolition. There is recent screen planting along the rear/western boundary. The access to the site from Stepside Lane comprises a short gravelled shared pedestrian/vehicular lane, to the south of this lane is the gable of one of the houses proposed for demolition and on the northern side is a rubble wall which is part of an unroofed structure which is on the RPS and listed as an 'animal pound'.
- 1.2. Beyond this 'animal pound' to the north of the access to Stepside Lane is a dormer bungalow 'Patina' which is set back from the edge of the public road, has a decorative gravelled area between its boundary wall and the roadside verge and a no-parking sign fixed to the wall. There is good screening within the site following the boundary wall of 'Patina' from 'animal pound' structure around the rear wall of 'Patina' to the rear of the next building/a retail shop which faces onto the junction in the centre of Stepside village. The northern end of the site is somewhat overgrown with vegetation and abuts the rear of the retail shop and an associated car parking area. The significant trees on site are concentrated along the southern boundary and especially in the southwestern corner.
- 1.3. Stepside is a lively village at the junction of Enniskerry Road, Stepside Lane and Kilgobbin Road. Opposite the site entrance is a significant recent re-development of retail at ground floor and residential above. It is generally two storeys but has a three-storey element at the road junction. There is a post office and supermarket use in this building.

2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of four houses and erection of two buildings comprising 29 apartments. Block A (497m²) is part 1 and part 3 storeys

with 1 office unit, 2 two-bedroom apartments and 2 three-bedroom duplex units. Block B is part 3 and part 4 storeys with 8 one-bedroom apartments, 15 two-bedroom apartments and 2 three-bedroom apartments.

- 2.2. There will be a revised entrance off Stepside Lane, 37 car parking spaces (20 underground, 17 over ground), motor cycle parking, bicycle parking and bin storage, boundary treatment, hard and soft landscaping, lighting and associated works all at Stepside Lane, Stepside, County Dublin.

3.0 Planning Authority Decision

3.1. Decision

Grant permission subject to conditions.

3.2. Planning Authority Reports

3.2.1. Planning Reports.

- 3.2.2. The final planner's report recommended permission subject to conditions as set out in the manager's order.

- 3.3. Condition 2 required the replacement of two ground floor two-bedroom apartments with two own door office units.

- 3.4. Condition 24 requires submission of a minimum tree bond of €100,000.

- 3.5. Condition 26 restricts working hours to start at 8 am.

3.5.1. The planning authority sought further information follows;

- the estimated surface water discharge rate from the site,
- recalculate the size of the attenuation capacity within the surface water system having regard to the permeability ratio on site,
- recalculate and show on a drawing the green roof element of the apartment block,

- demonstrate on a drawing that there will be no surface water flow into the basement car park and that incidental run off is to the foul system,
- illustrate on a drawing and demonstrate in calculations the surface water storage volumes and contributing areas,
- Make proposals for rainwater harvesting,
- Submit a detailed construction management plan,
- Submit details of the ramped site entrance from the public road,
- Submit details of a stop sign at the entrance,
- Provide wheel stoppers in the surface level car parking spaces,
- Show the door to the vent lobby in the car park opening inwards,
- Explore dedicating the entire ground floor of Block A to commercial use,
- Demonstrate that there will be no impact on the adjoining golf course.
- Consider giving a finer grain to Block B by breaking it into two blocks.

3.5.2. Other Technical Reports

Parks Department reported 19th November 2018 and 14th May 2019 and recommended a grant of permission subject to conditions.

Transport Planning reported 12th October 2018 and recommended requesting further information in relation to the ramped site entrance from the public road. After the submission of the further information the department recommended (see report of the 10th May 2019) a grant of permission with conditions.

Drainage Planning sought further information in relation to the estimated surface water discharge rate from the site, recalculate the size of the attenuation capacity within the surface water system having regard to the permeability ratio on site, recalculate and show on a drawing the green roof element of the apartment block, demonstrate on a drawing that there will be no surface water flow into the basement car park and that incidental run off is to the foul system, illustrate on a drawing and demonstrate in calculations the surface water storage volumes and contributing areas.

The conclusions of the site-specific flood risk assessment are accepted.

Irish Water reported no objection.

4.0 Planning History

4.1. Permission was granted under PL06D224778/planning reference number D06A/1397 (file attached) for mixed use residential/commercial development consisting of the demolition of four number houses at numbers 60 and 61 Stepside Hill/Lane and houses formerly known as “Cois Cnoic” and “Innishfree” and the construction of 52 number one, two and three bedroom apartments and two number retail/commercial units (177.6 square metres) in three number blocks, all on a site area of approximately 0.5 hectares with vehicular access off Stepside Hill/Lane. Block A contains 18 number apartments and two number retail/commercial units in a three-storey block with penthouse set-back. Block B is a two-storey block containing four number apartments and Block C is four storeys with a penthouse set-back containing 30 number apartments. The proposed development also includes for all associated site development and infrastructural works, underground and surface car parking, landscaping and open spaces, all at Stepside Hill/Lane, Stepside, County Dublin.

5.0 Policy and Context

5.1. National Policy

5.2. 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.

- 5.3. **The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (DOEH&LG 2009)** seeks to encourage more sustainable forms of development in cities and towns through achieving higher residential densities in areas served by transport infrastructure, public services and community facilities.
- 5.4. The Guidelines (paragraph 5.9) encourage the provision of additional houses in inner suburban areas of towns and cities which are close to public transport and where development will revitalise these areas and make better use of existing social and physical infrastructure.
- 5.5. 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.
- 5.6. **Smarter Travel – A Sustainable Transport Future 2009-2020** sets out key goals to reduce the environmental impact of transport and private car use. These include maximising the efficiency of the transport system and alleviation of bottle necks, minimising the local and global environmental impacts of greenhouse gas emissions, reducing travel demand and distances travelled by private car and accommodation of car drivers on other modes such as walking, cycling, public transport so that private cars will account for lowered kilometres of travel and other modes should grow to 55% by 2020.

5.7. County Development Plan

5.8. The application site is zoned objective NC “To protect, provide for and/or improve mixed-use neighbourhood centre facilities ‘in the Dun Laoghaire-Rathdown County Development Plan, 2016-2022.

5.9. Advertisements and Advertising Structures, Assisted Living Accommodation, Betting Office, Carpark, Community Facility, Craft Centre/Craft Shop, Childcare Service, Cultural Use, Doctor/ Dentist etc., Education, Embassy, Enterprise Centre, Funeral Home, Garden Centre/Plant Nursery, Guest House, Health Centre / Healthcare Facility, Offices less than 300 sq.m., Open Space, Petrol Station, Public House, Public Services, Residential, Residential Institution, Restaurant, Service Garage, Shop-Neighbourhood, Sports Facility, Tea Room/ Cafe, Veterinary Surgery are permitted in principle in this zone.

5.10. The **Ballyogan & Environs Local Area Plan 2019-2015** (adopted July 2019) replicates the zoning objective of the site set out in the County Development Plan.

5.11. 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 sufficient to support and sustain commercial and community services and quality public transport. Higher density should focus on services and not transport alone.

5.12. Natural Heritage Designations

Not relevant.

5.13. EIA Screening

5.14. Having regard to the nature of the proposed development comprising 29 apartments and a commercial unit on appropriately zoned land where public sewerage and potable water supply is 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.

6.0 The Appeal

6.1. Grounds of Appeal

6.2. **The applicant appealed conditions 2, 24, and 26.**

6.3. **Condition 2** required the replacement of two ground floor two-bedroom apartments with two own door office units.

6.4. There is no commercial need for additional office space in the village.

6.5. **Condition 24** requires submission of a minimum tree bond of €100,000.

6.6. The application has identified no significant trees on site. On a tree quality scale of A, B and C and U (recommended for removal) there are no A trees on site, there are no B trees being removed and there are only C and U scale trees/hedgerows being removed. A minority (9/25) of trees/hedgerows on site are proposed for removal. In this context a bond of €100,000 is excessive and endangers the funding structure available for the development.

6.7. **Condition 26** restricts working hours to start at 8 am. A 7 am start is the industry standard and allows heavy vehicle movements and deliveries to take place before the normal working day begins.

6.8. **The third party's grounds of appeal are:**

6.9. Pedestrians coming from the proposed development will trespass over the appellant's gravelled forecourt which they use as a car parking space.

6.10. The proposed development is of such bulk and height as to overlook the appellant's private garden.

6.11. The appellant's property extends into the application site.

6.12. Applicant Response

- The appellant has placed gravel on the road side between the public road and his front boundary wall and uses this area as a car park. Future residents will continue to use the footpath between the application site and the village.
- The proposed development is 3 and 4 storeys in height, is set further away from the appellant's property that that permitted under PL06D.224778. The

proposed development complies with the NPF objective to concentrate development within existing built up areas, encourage infill development and building heights.

- The appellant has provided no evidence that his ownership extends beyond the party boundary with the application site.

6.13. Planning Authority Response

The site is zoned NC which seeks to protect, provide for and/or improve mixed use neighbourhood centres. Therefore, a mix of uses is required in this zone.

6.14. Observations

6.15. Observations were received from An Taisce and Fiachra Kelly.

- The proposed development will cause traffic congestion, pollution and traffic noise on Stepside Lane.
- The proposed development will give rise to car parking on Stepside Lane. There is insufficient visitor parking within the proposed development.
- There is inadequate pedestrian connectivity between the application site and the village.

6.16. Further Responses

6.17. The appellants commented on the applicant's submission as follows;

- Stepside is a village not an urban area. The guidelines quoted postdate the application and should not be considered as guidance for it.
- The 2008 planning permission should not have been granted and is not relevant.
- The appellants own the gravelled forecourt and when cars are parked there is inadequate passing space for pedestrians.
- The boundary set out in the application is inaccurate.

7.0 **Assessment**

7.1. **Introduction.**

7.2. The main planning issues raised in the appeals submitted to the Board and are;

- 1) compliance with the zoning objective,
- 2) Condition 24 – Tree bond.
- 3) pedestrian access,
- 4) title to land/site boundaries,
- 5) impact on adjoining property,
- 6) working hours.

7.3. In addition, this assessment will address;

- 1) apartment standards,
- 2) density,
- 3) traffic safety.
- 4) parking provision,
- 5) open space and landscaping
- 6) a protected structure,
- 7) Appropriate Assessment.

7.4. **Zoning Objective and Condition 2.**

7.5. The site is zoned NC for mixed use neighbourhood centres in the current County Development Plan and in the new Local Area Plan. The proposed development comprises two elements. Block B is set back into the site, is entirely residential and, in this context, is uncontroversial.

7.6. Block A is three stories, comprises 4 residential units with a single ground floor office use. The planning authority attached condition 2 which requires the replacement of the two ground floor apartments in block A with two own door office units.

7.7. The zoning objective while requiring a mix of uses does not specify what that mix should offer. The applicant has appealed the requirement to provide additional office floor space stating that there is no demand for this type of office space in Stepside.

7.8. The key point in this matter is the location of the proposed office; while close to the village centre is it 'off the beaten track', is separated from other commercial uses in the village core and would be the last commercial use before 6 houses and then open countryside. I agree with the applicant that the separation from the commercial core in a small village may render office use unsustainable. The site has two bus routes within 100m a Luas stop (the Gallops) less than 2kms away. Having regard to these factors, it is preferable that two residential uses would be provided close to community and transport facilities. I recommend removal of condition 2.

7.9. **Condition 24 -Tree Bond**

7.10. The planning authority has imposed a requirement (condition 24) on the developer to lodge a bond of a minimum value of €100,000 as a deterrent to the wilful or accidental damage to trees on site during construction works. The appellant makes the point that this requirement puts the economic viability of the project into doubt. A further condition number 36 imposes a bond for the satisfactory completion of the development. Section 34(4) provides for several types of conditions to be attached to a grant of planning permission. These include the provision of public open space, planting, maintenance and replacement of trees, and the giving of security for the satisfactory completion of the proposed development. Having regard to the quality of the existing trees and hedgerows on site I agree with the applicant this condition is onerous.

7.11. I recommend that, if the Board grants planning permission in this case, that a single bond condition be imposed.

7.12. **Pedestrian Access.**

7.13. The appeal makes the point that pedestrians will have to pass over his gravelled forecourt to access the village centre and the observer states that there is poor pedestrian connectivity between the application site and the village centre. The applicant responded that the appellant placed gravel in the area between the front boundary wall and the roadside verge and uses the area to park cars. The LAP

notes that commuter and other traffic tends to travel at speed through the village, principally on the regional route/Enniskerry road.

- 7.14. The concrete kerb which runs along the front the application site continues past the appellant's house and continues past the adjoining retail uses to the junction of Stepside Lane with Enniskerry Road in the village centre. There are various footpath coverings between the kerb and the boundaries of the various sites between the application site entrance and the village centre, but the appellant's site is the only one with gravel. The footpath on the far side of Stepside Lane begins almost exactly opposite the application site entrance.
- 7.15. In relation to the issue of ownership over the area between the appellant's front boundary wall and the road carriageway it may be noted that the Development Management Guidelines for Planning Authorities make the point that the development management system is not a mechanism to determine property rights. Furthermore section 34(13) makes the point that a person is not entitled solely by reason of a grant of planning permission to carry out development.
- 7.16. Having regard to the village centre location of the application site, to the speed limit of 50kms/h which applies in the vicinity of the site entrance and the availability of a footpath in the vicinity of the site entrance I conclude that there is adequate pedestrian connectivity between the application site and Stepside village.
- 7.17. **Title to land/Site Boundaries**
- 7.18. The appeal makes the point that the appellant's property extends into the application site. The applicant states that the entire site is within the applicant's ownership.
- 7.19. Issues of title to land are addressed at paragraph 5.13 of the Development Management Guidelines for Planning Authorities. The principal point is that the development management system is not a mechanism for resolving issues of title to land and section 34(13) provides that a grant of planning permission in the event of other impediments does not confer a right to development. The Guidelines provide that where an applicant asserts ownership of property and there is nothing to cast doubt on that assertion the planning authority should not inquire further. However, when doubts are raised, *inter alia*, in a third-party submission then further information may be requested by way of a notice under article 33 of the regulations. It may be noted that in this case the third-party appellant's submission to the planning authority

(received by the planning authority on 14th November 2018) did not raise the issue of title to land beyond the point in relation to the gravelled roadside boundary. Whereas the planning authority raised other issues by way of a request for further information title to the site was not raised.

7.20. In these circumstances I conclude that the Board may make a decision on this application without further consideration of this point except to note the provisions of section 34(13).

7.21. Working Hours

7.22. The County Development Plan (section 8.2.9.5) makes the point that the standard construction hours will be 8 am to 7 pm on weekdays and 8 am to 2 pm on Saturdays. The Board, in general, imposes a similar condition when granting permission for larger scale development. The appeal makes the case that an earlier start, at 7 am, would facilitate construction traffic prior to the rush hour.

7.23. It may be noted that there sensitive residential uses close to the application site and especially to the site entrance. Having regard to the provisions of the County Development Plan and the proximity of residential uses to the site boundary I consider that an 8 am start is appropriate.

7.24. Impacts on Adjoining Property.

7.25. The appeal and an observer make the point that the proposed development will overlook adjoining property.

7.26. The permitted layout is that set out of the site layout plan received as further information on the 18th April 2019. The broken orange line on the drawing marks the outline of Block C permitted in the previous grant of planning permission under PL.06D.224778 in, generally, the same position as the current Block B is proposed. It may be noted that the current application is set further back from the northern and southern site boundaries but has been moved closer to the eastern boundary by about 7 or 8 m. There are first and second floor terraces on the eastern elevation with a separation distance of about 15m from the eastern site boundary (the rear boundary of the houses facing onto Stepside Lane including the appellant's house). There is a slope within the site illustrated on the submitted site sections (see especially drawing number PL08 submitted to the planning authority on the 18th April 2019). There is no east facing terrace at third floor.

- 7.27. The site is zoned for mixed use neighbourhood facilities and the national building height guidelines anticipate generally increased building heights on zoned and serviced lands. The separation distance from the eastern elevation is limited and there is a discernible slope within the site but there is screening along the boundary which is retained in the submitted landscape scheme. I recommend that the east facing balconies be fitted with 1.75m non-transparent finish to further limit the perception of overlooking.
- 7.28. The western elevation of Block B has terraces at first, second and third floors. These overlook an adjoining golf club and I consider do not give rise to unreasonable impact.
- 7.29. The southern elevation of block B has no terraces is set back at first, second and third floor a minimum of 30m off the boundary. The northern elevation has no terraces and is set back 14m off the boundary at first, second and third floor levels. I conclude that these elevations do not give rise to unreasonable impacts on the amenity of adjoining property.
- 7.30. Block A is closer to the southern site boundary and an adjoining bungalow which accesses Stepside Lane. Block B is part three storey and part single storey. The three-storey element is to the north closest to the proposed access to the development. The single storey element adjoins the southern elevation to reflect the bungalow on the adjoining site. I conclude that Block A will not negatively impact on the amenity of adjoining property.
- 7.31. **Apartment Standards.**
- 7.32. The appropriate standards for assessing new apartment developments are the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (2018).
- 7.33. Block B comprises 25 apartments. There are three units at ground floor (1 two-bedroom unit and 2 one-bedroom units). The apartment sizes, internal storage and terraces all meet the standards set out in the apartment guidelines. There are 18 apartments at first floor and second floors; 6 one-bedroom units and 12 two-bedroom units. Although all are single aspect all meet the standards in terms of size, internal storage and private open space provision in the form of terraces accessible from the living rooms. At third floor level there 3 two bed units and 1 three bed unit. These also

meet the standards for size, storage and private terraces accessible from the living rooms.

7.34. Block A comprises 4 units. There are two ground floor units with rear facing terraces and two duplex units at first and second floor levels. These apartments meet the guidelines.

7.35. I conclude that the proposed development will provide adequate residential amenity for future occupants.

7.36. **Density.**

7.37. The Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities requires that planning authorities seek to increase residential densities in areas zoned for development where public services and community facilities exist or may be economically provided and which have access to transport infrastructure. The proposed density is about 57 units per hectare which complies with the advice set out in the Guidelines.

7.38. **Traffic Safety.**

7.39. The Transport Planning Section was initially concerned about the arrangements for the junction of the access to the application site with Stepside Lane. The planning authority sought additional information requiring the redesign of that junction to provide for pedestrian priority as required by DMURS 4.2.6. The applicant submitted two revised drawings (AECON Planning drawings numbers PR349346-ACM-XX-OO-DE-10-0001 and PR349346-ACM-XX-OO-DE-10-0003) which set back a stop line behind a pedestrian priority junction with tactile paving. The planning authority's Transport Planning Section agreed that this arrangement was acceptable and recommended that permission be granted.

7.40. The submissions made to the Board make the related point that the proposed development will contribute to traffic congestion in Stepside village. The point is made below that the proposed development provides parking spaces in accordance with the County Development Plan standards. The proposed development is relatively modest in scale and does not have the capacity to materially alter traffic patterns in Stepside village. The speed limit at the entrance is 50kms/hour and the

proposed entrance reflects the advice set out in DMURS and has satisfied the planning authority on this point.

7.41. Having regard to the foregoing I conclude that the proposed development will not give rise to on-street carparking, traffic congestion or endanger public safety by reason of traffic hazard.

7.42. **Parking Provision**

7.43. 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.

7.44. The proposed development provides 37 spaces which includes two spaces for mobility impaired persons, 4 visitor spaces and 3 spaces for the office use. I conclude that this provision meets the Development Plan standard and is acceptable.

7.45. **Open Space/Landscaping.**

7.46. The County Development Plan at 8.2.8.2 sets out the planning authority's requirements for the quantity of open space to be provided in residential developments. The planning authority's Parks Department reported on the application and reported no objections.

7.47. Applying the standards set out in the Plan the proposed development would generate an open space requirement of about 870m². The proposed open space is 1,972m². I conclude that the proposed development provides an adequate amount of open space. In relation to quality, *inter alia*, the Plan requires that open space should be subject to observation from the proposed residential uses and accessible to all residents. Having regard to the layout of the public open space and the landscaping proposals included in the application (see especially the Landscape Plan by TBS Landscape Architecture received as further information by the planning authority on 18th April 2019) I conclude that the quantum and quality of the public open space is acceptable.

7.48. Protected Structure.

7.49. Immediately to the north of the access from the site onto the public road at Stepside Lane is a rubble wall unroofed enclosure dating from 1837¹ which was previously in use as an animal pound (number 1756 – described as animal pound on the RPS). Having regard to the layout of the access point set out in the drawings submitted as further information I conclude that the proposed development will not impact on this structure.

7.50. Appropriate Assessment.

7.51. The application included an AA screening report. The screening report identified Poulaphouca Reservoir SPA as the only European site with the potential to be affected by the proposed development. The qualifying interests are the Greyleg goose and lesser black-backed gull. The conservation objective is to maintain or restore the favourable conservation condition of these two-bird species. The AA screening report concludes that there will be no significant effect on the SPA arising from the proposed development.

7.52. There are a number of other European sites within about 15kms of the application site.

7.53. The Special Areas of Conservation are; South Dublin Bay SAC (000210), the Wicklow Mountains SAC (002122), Knocksink Wood SAC (000725), Ballyman Glen SAC (000713), Rockabill to Dalkey Island SAC (003000), North Dublin Bay SAC (000206), Glenasmole Valley SAC (001209), Bray Head SAC (000714), Howth Head SAC (000202), Glen of the Downs SAC (000719). The Special Protection Areas are South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), Dalkey Island SPA (004127) and Wicklow Mountains SPA (004040).

7.54. Foul water from the site will drain to the Shanganagh MWWTP which has excess capacity. Surface water arising within the site will be treated with a combination of SuDS and attenuation tank. The area of the site is within the catchment of the Loughlinstown River which enters the sea at Loughlinstown in an area which is not within any European site. Having regard to the foregoing, to modest scale of the proposed development and foreseeable emissions arising therefrom no Appropriate Assessment issues arise and it is not considered that the proposed development

¹ See applicant's cover letter submitted with the application.

would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

8.1. I recommend a grant of planning permission.

9.0 Reasons and Considerations

The application site is zoned NC - 'To protect, provide for and/or improve mixed use neighbourhood centre facilities' in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022.

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 Ballyogan and Environs Local Area Plan 2019-2025 and the current Dun Laoghaire Rathdown County Development Plan,

it is considered that, subject to compliance with the conditions set out below, proposed development would not give rise to flooding within the application site or on adjoining lands, would not be prejudicial to public health or endanger public safety by reason of traffic hazard, would not seriously injure the residential amenity of property in the vicinity or future residents of the proposed development and would, otherwise, be in accordance with the current County Development Plan and the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted on the 18th day of April 2019 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the 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. The east facing balconies at first and second floor levels of Block B shall be fitted with 1.8m high non-transparent screens.

Reason: To limit overlooking in the interests of residential 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.

Hugh Mannion
Senior Planning Inspector

30th September 2019