



An
Bord
Pleanála

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

Inspector's Report

ABP-304682-19

Strategic Housing Development

368 apartments and associated site works. Previously permitted Blocks 2 and 3, Cualanor.

Location

Cualanor, Glenageary, Upper Road, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown Co. Co.

Applicant

Cosgrave Developments

Prescribed Bodies

Irish Water

Transportation Infrastructure Ireland

Dun Laoghaire Rathdown County

Childcare Committee

Observer(s)

No observers

Date of Site Inspection

9th August 2019

Inspector

Erika Casey

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1.0 Introduction

1.1 This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. The application was received by the Board on the 14th June 2019 from Cosgrave Developments.

2.0 Site Location and Description

2.1 The subject site is located on lands associated with the emerging Cualanor Estate in Dun Laoghaire, Co. Dublin. The overall development site has an area of 15.25ha and was previously permitted on part of the former Dun Laoghaire Golf Club lands on the northern side of Glenageary Road. The estate is almost complete, with some apartment buildings currently under construction. The subject site is to the north of a site where construction works are ongoing and to the west of recently completed dwellings. To the north and west of the site, is a large area of newly completed parkland, walkways and a playground. The site comprises disturbed ground with a lightly sloping topography.

2.2 A sister development called Honey Park has been constructed on the southern side of Glenageary Road, also on the former golf club lands. The overall site is bounded by mature residential development to the east and west. Park Pointe Neighbourhood Centre is located immediately opposite the Cualanor entrance with a wide range of facilities including retail, gym, pharmacy and laundry.

3.0 Proposed Strategic Housing Development

3.1 The proposed development provides for the construction of a housing development comprising:

- Revisions to development previously permitted by An Bord Pleanála under Ref. PL06D.235181 and Ref. PL 06D.237650 (DLRCC Ref. D08A/1370 and D09A/0908 respectively) at apartment Block 2 (Cheevers Court) and Block 3 (Haliday House).
 - Block 2 which was previously permitted under Reg. Ref. D09A/0908 as a single part 5 and part 6 storey building containing 153 apartments will now comprise of 2 no. disaggregated part 5, part 6 and part 7 storey buildings containing 186 no. apartments (28 no. 1 bed, 127 no. 2 bed and 31 no. 3

bed units), a 105 sq. m. gym and 143 sq. m. concierge area.

- Block 3 which was previously permitted under Reg. Ref. D08A/1379 as a part 5 and part 6 storey building containing 155 no. apartments will now comprise of 2 no. disaggregated part 5, part 6 and part 7 storey buildings containing a total of 182 no. apartments (27 no. 1 bed, 121 no. 2 bed and 34 no. 3 bed units), a 116 sq. m. gym and a 110 sq. m. concierge area.
- The revised proposals also incorporate the following:
 - 2 no. individually accessed basements, one below each block (previously permitted as a single combined basement); total of 456 no. car parking spaces comprising 81 no. surface spaces and 375 no. basement spaces; revised open space and layout proposals serving Blocks 2 and 3 and revised ancillary site development works.
 - Associated elevation and access changes, landscaping and ancillary works.
 - The development will result in an increase of 60 no. dwellings, all on a site of 2.3 ha.

3.2 The breakdown of accommodation in each block permitted and proposed is as follows:

Block 2

Apartment Type	Permitted		Proposed	
	No.	Area (sq. m.)	No.	Area (sq. m.)
1 bed	19	12.4	28	15
2 bed	99	35	127	68.3
3 bed	30	19.6	31	16.7
4 bed	5	3	0	0
Total	153	100	186	100

Block 3

Apartment Type	Permitted		Proposed	
1 bed	18	11.6	27	14.8
2 bed	101	65.2	121	66.5
3 bed	32	20.6	34	18.7
4 bed	4	2.6	0	0
Total	155	100	182	100

3.3 Having regard to the extent of development permitted under the parent permissions as amended, the total residential provision in the overall Cualanor development including the current proposal will be 1,082 units comprising 178 houses and 904 apartments. All of the houses are complete and occupied. Apartment blocks 1 and 6 are complete and occupied. Apartment blocks 4 and 5 are nearing completion. The subject blocks, 2 and 3, are the last remaining undeveloped residential elements at Cualanor.

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

- Cover Letter
- Copy of Site Notice
- Copy of Newspaper Notice
- Completed Application Form
- Schedule of Documentation Submitted
- Schedule of Drawings Submitted
- Planning Report including Statement of Consistency
- Confirmation of Feasibility from Irish Water
- Housing Quality Assessment
- Architectural Design Statement
- Building Lifecycle Report

- Multiple Occupancy Building Car Charging Strategy
- Flood Risk Assessment
- Engineering Assessment
- Preliminary Construction Management Plan
- Waste Management Plan (Operational)
- Landscape Design Rationale
- Outline Landscape Specification
- Daylight and Overshadow Assessment
- AA Screening Report
- Traffic Impact Assessment
- Mobility Management Plan
- EIA Screening Report
- 3-D Image
- Lighting Layout

4.0 **Planning History**

Planning Authority Reference D08A/1379/ABP Reference PL06D.235181

- 4.1 7 year permission granted by the Board in August 2010 for a residential development comprising 605 no. residential units, car parking, crèche, management office, 5 no. parks, bring centre, road works, ancillary site development and landscaping works. PA Reference D08A/1379/E extends the appropriate period until 5th of August 2022.

Planning Authority Reference D09A/0908/ ABP Reference PL 06D.237650

- 4.2 7 year permission granted by the Board in March 2011 for a development comprising demolition of a former clubhouse building and maintenance sheds, 384 no. residential units, car parking, 4 no. parks, kiosk, bring centre, road works, ancillary site development and landscaping works. Planning Authority Reference D08A/0908/E extends the appropriate period until 15th of March 2023.

4.3 There are a number of amending planning permissions throughout the area of the development and these are outlined in detail in the Planning Authority Report including Planning Authority Reference D14A/0671, D14A/0670, D14A/0669, D14A/0668, D14A/0667, D14A/0667/PL06D.244343, D14A/125, D14A/124, D14A/123, D14A/122, D14A/121, D17A/1011, D17A/0583. Most relevant are:

Planning Authority Reference D17A/0445

4.4 Permission granted by DLRCC in November 2017 for alternative design proposals for Blocks 4 and 5 within the overall permitted scheme.

Planning Authority Reference D16A/0745

4.5 Permission granted by DLRCC in December 2016 for revisions comprising reconfiguration of permitted penthouse apartments together with associated elevational changes and revisions to parking.

5.0 Section 5 Pre Application Consultation

Notice of Pre-Application Consultation Opinion – Ref. ABP-302127

5.1.1 A notice of pre-application consultation opinion was issued by the Board on 15.02.2019 under Section 6(7) of the Planning and Development (Housing) and Residential Tenancies Act 2016 following the submission of the application request on 06.12.2018.

5.1.2 The notice of Pre-Application Consultation Opinion states that the Board has considered the issues raised in the pre-application consultation process and, having regard to the consultation meeting and the submission of the Planning Authority, is of the opinion that the documents submitted with the request to enter into consultations **constitute a reasonable basis** for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

Specified Information

5.1.3 The following specific information was requested:

1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed building heights provide the optimal architectural solution for this site and in this regard, the proposed development shall be accompanied by an

architectural report and accompanying drawings which outlines the design rationale for the proposed building height having regard to inter alia, national and local planning policy, the site's context and locational attributes. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing in light of the publication of 'Urban Development and Building Height' 2018.

2. A Building Life Cycle Report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). In addition, the applicant shall ensure that advice provided by the guidelines in relation to the development management process (section 6.0) is followed.
3. Full and complete analysis and drawings that detail the impact of the proposed development on the residential amenity of future residents in relation to daylighting, overshadowing and overlooking. Specific attention should be paid to the separation distances between opposing blocks and the impact upon privacy and overlooking. Section 3.0 *Apartment Design Standards* of the Sustainable Urban Housing: Design Standards for New Apartments 2018, provides guidance in respect to these issues.
4. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.
5. A Mobility Management Strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles.
6. A Housing Quality Assessment which provides specific information regarding the proposed apartments and likely occupants, and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including information on the occupancy of each unit.
7. A site layout plan showing which, if any, areas are to be taken in charge by the Planning Authority.

Specified Information

5.1.5 The applicant sets out in section 6 of the submitted Planning Report how each of these requirements is addressed in the application documentation lodged. This can be summarised as follows:

Item 1: Building Height: States that the current proposal incorporates localised increased building height elements of up to 7 storeys in parts of the blocks overlooking the central public park of the Cualanor development. An Architectural Design Statement accompanies the application which includes a design rationale for the proposed development.

Item 2: Building Life Cycle Report: A report is enclosed with the application. The recommendations of Section 6.0 of the Guidelines are provided for. The HQA submitted identifies the floor areas of all apartments and the relevant minimum floor area standards.

Item 3: Residential Amenity: A Daylight and Overshadow Assessment is enclosed with the application.

Item 4: Levels: Site levels are established at the site by reason of the permitted road levels surrounding Blocks 2 and 3 which were permitted under the parent permissions. Levels of the proposed blocks are set out in the various elevation drawings submitted. There are no variations proposed to site levels outside of the application site area.

Item 5: Mobility Management Plan: Mobility Management Plan is submitted setting out measures to promote sustainable forms of transport in line with the mobility management strategy of the parent permission.

Item 6: Housing Quality Assessment: Housing Quality Assessment submitted setting out the proposed floor area of each apartment. Specific requirements of the guidelines including private amenity space, aspect, floor areas of rooms, aggregate living areas etc. are also set out.

Item 7: Taking in Charge: Drawings SHD28 and SHD29 indicate areas to be taken in charge.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 - National Planning Framework

6.1.1. The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.2. Section 28 Ministerial Guidelines

6.2.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual').
- 'Design Standards for New Apartments – Guidelines for Planning Authorities' (updated 2018).
- 'Design Manual for Urban Roads and Streets'.
- 'Childcare Facilities Guidelines for Planning Authorities'.
- 'Urban Development and Building Heights – Guidelines for Planning Authorities', (2018).

6.3. Local Planning Policy

Dun Laoghaire Rathdown County Development Plan 2016-2022

6.3.1. The site is zoned 'Objective A' in the development plan, '*to protect and/or improve residential amenity*'. Residential development is 'permitted in principle' under this zoning objective. The site is subject to Specific Local Objective: SLO No. 64 "*To*

improve pedestrian and cycle permeability to and from the former Dun Laoghaire golf course lands at Honeypark.”

Policy RES 3: *It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.*

Where a site is located within 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities of 50 units per hectare will be encouraged.

6.3.2 **Section 8.2.3.2** sets out the relevant guidance on quantitative and qualitative, and development management criteria for **residential developments**. **Section 8.2.3.3** refers to **apartment developments** and standards required in relation to (i) design, (ii) dual aspect, (iii) mix of units, (iv) separation between blocks), (v) internal storage, (vi) penthouse development, (vii) minimum floor areas, (viii) public, private and communal open space standards and (ix) play facilities.

6.4 **Applicant’s Statement of Consistency**

6.4.1 The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of the Section 28 guidelines and the County Development Plan. The following key points are noted:

- In terms of the *Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018*, the development meets all of the relevant qualitative and quantitative standards. All the units are above the minimum recommended standards for floorspace, aggregate floorspace, private open space and storage.
- The development will increase the overall density of the site from 67 units per ha to 71 units per ha in line with Policy RES3 of the County Development Plan. The development is also consistent with Policy UD1 in terms of a development that is of a high quality design and assists in promoting a sense of place. This has been achieved by the use of a palette of materials and finishes throughout

Cualanor which are of a high quality and design creating a sense of cohesion in an identifiable location.

- The development provides 39 spaces (8.6%) of non-allocated visitor spaces. This is considered appropriate in the context of the parking rate provision in the overall Cualanor development. A Traffic Impact Assessment accompanies the application which concludes that no significant impact is predicted to traffic flows or operational capacity of nearby junctions as a result of the proposed development.
- In accordance with Policy OSR5 of the County Development Plan, a comprehensive landscaping scheme for the external areas of the proposed development is provided. Scheme is compliant with relevant Development Management Standards. The road layout is designed in accordance with DMURS.

7.0 Third Party Submissions

7.1 No third party submissions were received with respect of the proposed development.

8.0 Planning Authority Submission

8.1 Overview

8.1.1 The Planning Authority, Dun Laoghaire Rathdown County Council has made a submission in accordance with the requirements of Section 8(5)(a) of the Act of 2016 which was received by the Board on the 6th August 2019. The planning and technical analysis in accordance with the requirements of Section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

8.2 Planning Opinion

- Having regard to the planning history granted and the location of the proposed development, i.e. within an existing residential scheme, there are no objections to the principle of the provision of an increase number of residential units at this location. The proposed development is compatible with the zoning objective of the site.
- The proposed density of 71 units per hectare for the overall Cualanor site and 148 dwelling units per hectare for this subject site is acceptable and provides

an acceptably high density at this location.

- Whilst it is noted that the proposed revisions do not provide for any 4 bed units, regard is had to the overall development permitted within the Cualanor scheme including apartments and houses. It is considered that the proposed mix of apartment units on this subject site would be acceptable in principle and would be in accordance with the requirements of the Ministerial Guidelines.
- Acknowledge that the increase in block heights has been concentrated to the north, northwest and west sections of the Blocks at a new proposed seventh floor level which adjoins the public open space to the north. Given the location of the proposed seventh storey, it is not considered that the proposed increased height would detract from the adjoining visual and residential amenities. Furthermore, the proposed design of the seventh floor has been set back, stepped and broken up which aids to break up any perceived bulk at this level. The revised blocks are considered in keeping with the ethos of the overall scheme and would be acceptable in principle.
- The revisions will ultimately reduce the mass and bulk of the proposed blocks and allow for more open and accessible communal open space areas. The revised layout will allow views from the street into the internal courtyards and will increase residential amenity by allowing more sunlight and daylight into the courtyards and to the courtyard facing apartments.
- It is considered that the proposed layout, when taken in conjunction with the permitted development at Cualanor with the provision of a substantial quantity of public open space through the provision of the large public park and network of smaller pocket parks, courtyards and plazas connected by both hard and soft landscaping further supports this high density development at Cualanor. The overall layout and design proposed is coherent with the overall Cualanor scheme and would be acceptable in principle. It is considered that the layout of the overall scheme provides connectivity within the overall Cualanor development and a sense of place and inclusion.
- It is not considered that the proposed amended blocks would detract from the residential amenity of the adjoining residential units by reason of overlooking, overbearing and overshadowing and would, therefore, be acceptable at this

location. The required separation standard of 22 metres is met and exceeded for the majority of the units within the proposed modified blocks.

- It is noted that the design has been developed with daylight and sunlight in mind and is representative of a scheme which has been optimised to maximise the provision of sunlight and daylight. It is considered that the proposed development will provide the occupants with good access to sunlight and daylight overall.
- The proposed apartments comply with the guidelines in terms of floor areas. 82% of the units exceed the minimum requirements by 10%. 50% of the units are dual aspect which is acceptable. The requirement for lift cores and storage are acceptable. The units have been designed to provide a high level of accommodation for the intended occupiers. Private open space is provided in accordance with the guidelines. The proposed public open space also complies with the guidelines and the communal open spaces are easily accessible from the proposed residential units and are overlooked. The concept of the landscape design appears well considered with good variation throughout.
- Note that a crèche was permitted under the parent permission. It is recommended that the crèche facility should be in place prior to the occupation of any units.
- Proposed lighting for the development is acceptable. The proposed taking in charge is acceptable subject to conditions.
- The Planning Authority welcome an application for a residential scheme on this site. It is considered that the proposed development is broadly consistent with the relevant objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

8.3 Other Technical Reports

Drainage Report (01.07.2019)

- The applicant has submitted a report that generally satisfies the requirements of Municipal Services. Recommend a grant subject to conditions.
- Based on the information contained in the Site Specific Flood Risk Assessment submitted by the applicant, the conclusions contained therein are accepted and

thus the proposed development is considered in accordance with the Strategic Flood Risk Assessment of the Dun Laoghaire Rathdown County Development Plan 2016-2022.

Housing Department (08.07.2019)

- States that the City Valuer has been asked for advice as to whether an additional Part V obligation applies, notwithstanding the applicant's claim that the modifications are within the 10% margin recommended by the City Valuer. In the absence of this clarification, it is recommended that a Part V condition would apply.

Transportation Department (30.07.2019)

- Accept that the scale of the traffic impact generated by the proposed revisions will have a negligible impact on the operating performance of the local road network.
- The proposed revisions to the previously permitted development with 456 no. car parking spaces for the proposed 368 no. units, a ratio of 1.24 spaces per apartment, fundamentally maintains the overall car parking provision which was previously approved by the Board and is, therefore, acceptable to Transportation Planning. The breakdown/designation of car parking provision including visitor car parking allocation is generally acceptable.
- 41 no. electric vehicle charging spaces are included in the proposed development which is in accordance with the DLR Co. Development Plan.
- Cycle parking provision is acceptable.
- Recommends a number of conditions.

Parks and Landscape Service (30.07.2019)

- No objection to the proposals. Recommends 2 standard conditions.

Waste Management (26.07.2019)

- Generally satisfied with the Preliminary Construction Management Plan. Recommends a number of conditions.

8.4 Recommended Conditions

8.4.1 The Planning Authority recommends the imposition of 40 conditions. The majority are standard in nature. Of note are the following:

Condition 8: Part V

Condition 13: The proposed Childcare Facility (permitted under Reg. Ref. D08A/1379 (ABP PL06D.235181) to the north west of the application site) shall be in place prior to the occupation of the first residential units hereby permitted on site.

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

Condition 14: Surface water.

Condition 19: Parking allocation.

Condition 23: Electric Vehicle Charging Spaces.

Condition 28: Public lighting.

Condition 30: Mobility Management Plan.

Condition 31: Travel Plan Manager.

Condition 35: Green roofs.

8.5 Views of Elected Members

- The development will not provide for affordable housing. Concerns regarding impact on Part V provision.
- Crèche facility has not been implemented.
- Public recycling facilities should be included as part of the scheme to give back to the community.
- Car parking should be considered in the scheme. Concern regarding overspill impacts to adjoining sites. Visitor spaces should be provided at surface level.
- Concern regarding traffic impact from additional traffic and the need for appropriate traffic management.
- Consider pedestrian entrance and footpaths substandard in the area. There is a need for improved cycle lanes.

- Concerns regarding flooding.
- Concern regarding housing mix and no 4 or 5 bed units proposed. Wider variety of units required to meet the needs of the community.
- Concerns regarding impacts on local schools.
- Increased height is welcomed once no impact on existing units/area with respect to overshadowing/sunlight into adjoining units.
- The majority of the Councillors recommended rejection of the application on grounds of unit mix, lack of crèche facility, parking provision and lack of social housing provision.

9.0 **Prescribed Bodies**

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

1. Irish Water
2. National Transport Authority
3. Transport Infrastructure Ireland
4. Dun Laoghaire Rathdown County Council Childcare Committee

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

Irish Water (11.07.2019)

- Confirm that subject to a valid connection agreement being put in place between Irish Water and the developer, the proposed connection(s) to Irish Water network(s) can be facilitated.

Transport Infrastructure Ireland (10.06.2019)

- The Authority requests that regard is had to the provisions of Chapter 3 of the DoECLG Spatial Planning and National Road Guidelines in the assessment of the determination of the application.

Dun Laoghaire Rathdown County Council Childcare Committee ()

- Note that the crèche permitted under D08/1379/ABP PL06D.235181 has not yet been constructed.

10.0 Environmental Impact Assessment (EIS) Preliminary Assessment

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

10.2 The current proposal is an urban development project that would be in the built up area but not in a business district. It is, therefore, within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an Environmental Impact Assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. The proposal is for 368 residential units on a site of 2.3ha. The site area is significantly below the stated threshold of 10 hectares and the number of units significantly below the threshold of 500 units.

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

11.0 Appropriate Assessment

11.1 An AA screening report was submitted with the application. The report describes the development and identifies that the site is not located within or directly adjacent to any Natura 2000 sites. It addresses a number of sites within a 15km catchment.

There are 18 sites within this catchment, the closest of which is the South Dublin Bay and River Tolka Estuary SPA which is approximately 1.26km from the site.

- 11.2 The subject lands have some level of connectivity to Dublin Bay and the European site therein via the foul water network. All foul water from the proposed development will be discharged to the local authority sewer and treated in the Ringsend Plant.
- 11.3 Having regard to the nature and scale of the proposed development comprising amendments to a previously permitted development on serviced lands, the nature of the receiving environment and proximity to the nearest European sites, it is reasonable to conclude that the proposed development would not be likely to have a significant effect individually or in combination with other plans or projects on a European site in view of the sites conservation objectives and a Stage 2 Appropriate Assessment is, therefore, not required.

12.0 **Assessment**

12.1. The following are the principal issues to be considered in this case:

- Principle of Development
- Height and Visual Impact
- Development Strategy
 - Architectural Approach
 - Standard of Accommodation/Internal Standards
 - Open Space and Recreational Amenity
 - Cycle and Pedestrian Linkages and DMURS
- Site Services, Surface Water and Flooding
- Transport, Parking and Cycle Facilities

12.2 **Principle of Development**

12.2.1 The proposed development comprises revisions to a previously permitted development. In summary, the development comprises:

- Disaggregation of the previously permitted singular enclosed structure at each Block to 2 no. smaller blocks, thereby, providing 4 buildings in total in lieu of 2 no. as permitted.

- Increasing the number of apartments overall by 60 units to a combined total of 638 no. units
- Separation of the previously permitted joined basements to provide a dedicated basement per block.

12.2.2 The original scheme comprised 2 no. hexagonal perimeter blocks with an internal courtyard. It is detailed in the Architectural Statement that the revised design for the two blocks (2 and 3) proposes a similar overall footprint in terms of the floor area to the previously permitted development. The revisions propose that the perimeter block is broken in each case to provide breaks in the built form to enhance the amount and quality of sunlight/daylight entering the courtyard and apartments. It is detailed that an additional benefit of the redesign is that it allows neighbouring blocks views into the landscaped courtyards of Blocks 2 and 3. The revised block arrangement serves to reduce the dominance of the buildings on the streetscape and improves the relationship between the taller apartment buildings and the lower scale housing to the east.

12.2.3 It is also detailed that the disaggregation of the blocks is necessary in order to comply with fire regulations. It is noted that in the course of implementing similar designed blocks in the Honeypark development to the south, difficulties were encountered in achieving fire safety certs as the regulations require at a minimum the provision of a number of direct escape routes from the internal courtyards to the external public area.

12.2.4 The proposed revisions will also simplify the construction process and allow for the rationalisation of apartments around access cores, thus improving the efficiency of the blocks. The number of cores in both blocks will reduce. The revisions provide for an increase in the number of apartments in both blocks from 153 to 186 in Block 2 and from 155 to 182 in Block 3. The housing mix is also amended having regard to changing demographic requirements with an increase in the proportion of 1 and 2 bed units and a reduction on the number of 3 and 4 bed units. The scheme also provides for some 7 storey elements in the sections of the blocks overlooking the central public park.

12.2.5 The development will deliver enhanced residential amenities for future residents. This will primarily be achieved by increasing servicing options to residents within the

buildings including items such as concierge and gym facilities and communal laundry facilities within the basement of each block. The separation of the two basement car parking areas allows for the construction of the blocks independently. The separation allows cleaner and more controlled construction and management options for separate investors and occupiers and also allows for more flexible construction and phasing approaches to be adopted.

12.2.6 The proposed development will increase the overall density of development on the overall site from 67 units per ha to 71 units per ha. This is in line national policy and also with Policy RES3 of the County Development Plan which encourages increased density on well serviced sites. The development will provide for improved efficiency within the blocks in accordance with the Design Standards for New Apartments – Guidelines for Planning Authorities 2018 and provide for a greater number of 1 and 2 bed units. I am also satisfied that the amendments to the block structure will improve internal sunlight and daylight standards for future residents and provide a more appropriate urban design and architectural solution. I note that the site is zoned for residential development and the Council have no objections to the principle of the proposal.

12.2.7 In conclusion, having regard to the planning history of the site, the zoning and the relevant section 28 guidelines, the proposed amendments are considered consistent with the proper planning and sustainable development, will provide for an enhanced form of development and are acceptable in principle.

12.3 **Height and Visual Impact**

12.3.1 The heights of the proposed revised Blocks 2 and 3 are generally in line with those of the previously permitted blocks, comprising mainly of part five and part six storey buildings. Following the Opinion issued by An Bord Pleanála, the height has been increased in each block with part 7 storey elements proposed along the elevations overlooking the main public park of Cualanor.

12.3.2 The Building Height Guidelines acknowledge that building heights must be generally increased in appropriate urban areas. The development has been scaled appropriately with the higher elements of the blocks fronting the large expanse of open space. A CGI submitted with the application details that the elevations will be contemporary in design and high quality brick and stone features will be utilised. A

landscaped plaza is provided between the blocks providing an appropriate public realm and a clear connection to the public park.

12.3.3 In this instance, I am satisfied that the approach to height appropriate. The applicants have sited the taller elements of the blocks overlooking the public open space where the impact can be absorbed. The taller elements of the scheme provide an appropriate visual frame to this large area of open space, and allow for passive surveillance of this area. The set backs, use of glazing and disaggregated form reduces the bulk and mass of the blocks at the 7th floor level.

12.3.4 In conclusion, having reviewed the photomontage and Architectural Design Statement, as well as my observations on site, I am satisfied that the height of the proposed development is appropriate and will have no significant adverse visual impacts. I consider that the development makes an appropriate and sustainable use of the subject lands. I am satisfied that the lands have the capacity to absorb a development of this scale and height without any material adverse impacts on the visual or residential amenities of the area.

12.4 **Development Strategy**

Architectural Approach

12.4.1 The principal amendment to the scheme is the disaggregation of the blocks. The heights have also been marginally increased which is assessed above. The revised layout will ensure that solar gain is maximised and sunlight and daylight to the internal courtyards improved.

12.4.2 Building materials will be the same as those on the adjacent permitted apartment blocks. Finishes include buff coloured brick for the majority of each elevation, with the provision of curtain glazing at the penthouse level and slate corner details. High quality uPVC windows and external doors will be provided, while balconies will comprise wooden decking with steel and glass balustrades. The materials are generally considered robust and appropriate and the blocks will assimilate well with the rest of the development.

12.4.3 The applicant has submitted a landscape masterplan with the site. Children's play is provided for. Ground floor apartments will be screened with a privacy strip. Variety in treatment of the two courtyards is proposed. The landscape strategy is considered high quality.

- 12.4.4 In terms of the siting of the blocks, it is noted that the separation distances between buildings in block 2 is between 20.1 and 21.8m at the narrowest point. At the closest points, living spaces of apartments will not be facing towards each other. In Block 3, separation distances of 23.20, 25.24 metres and 33.52 metres are proposed between the blocks. Having regard to the layout of the blocks previously permitted on the site, this is considered acceptable.
- 12.4.5 In terms of adjacent blocks, Block 2 will be approximately 19.33 to 21.44 metres from Block B1 to the north. The adjoining dwelling to the east of Block 2 will be at a separation distance of 22.95 to 24.49 metres. Block 3 will be located 19.85 to 20.45 metres from Block B5, 24.24 metres from Block 4B and 26.74 metres from Block 4C. A separation of between 21.10 and 22.72 is proposed between the blocks themselves. Having regard to the planning history of the site and the fact that blocks of this scale were previously permitted at this location, I am satisfied that adequate separation is proposed between the blocks and that the amenities of future occupants will not be adversely affected.
- 12.4.6 The proposed development provides for a suitable mix of housing and apartments across the site. As noted in section 3 above, a range of unit sizes are proposed. The different sized households is in accordance with policy RES7 of the County Development Plan regarding overall housing mix. I note concerns have been raised by some of the Elected Members regarding the lack of 3 and 4 bed units within the scheme. However, having regard to the suburban location of the site where the prevailing character is detached and semi-detached units, as well as the number of housing units permitted within the wider Cualanor development, I consider the housing mix is appropriate and reflects changing demographic requirements.
- 12.4.7 The development also provides for new communal facilities to serve the scheme. These will be located at basement level and will include new gym facilities. A concierge is also provided in both blocks. These additional amenities and facilities will be of benefit to future residents and provide for an enhanced level of amenity within the overall scheme.

Standard of Accommodation/Internal Standards

- 12.4.8 A Housing Quality Assessment accompanies the application. This demonstrates that the development meets all of the required qualitative and quantitative standards for

residential development. 50% of the apartments are dual aspect. The proposed apartments are generous in size and the majority are well in excess of the minimum unit size required. More than adequate storage is also provided. Adequate private open space is provided. A high standard of accommodation will be provided for future occupants.

12.4.9 A Daylight and Overshadow Assessment accompanies the application. The report details that 343 apartments were selected for daylight performance. Of these, 323 satisfied target ADF levels, a compliance rate of c. 94%. In terms of overshadowing, the internal courtyards exceed the guidelines in terms of sunlight access.

12.4.10 Whilst I note a small percentage of the units do not meet the ADF targets, I consider that the scheme has been designed to maximise daylight access, with a large number of dual aspect units and units overlooking the courtyards having no balcony overhang. It is detailed in the report that in the rooms that fall short of the BRE guidelines, this is primarily due to the provision of balconies which obstructs daylight access at the two lower levels. With the exception of one single unit, all of the affected units are dual aspect which means that occupants will enjoy good levels of sunlight. The general layout of the scheme is an improvement from that previously approved and the breaking up of the perimeter form allows for greater sunlight and daylight penetration.

12.4.11 I also note that the BRE guidance is a good practice guide and a balance must be struck between achieving appropriate density and standards of residential amenity. Having regard to the overall high quality of the scheme, the fact that the majority of the apartments exceed the minimum size thresholds, the high percentage of dual aspect units and extent of public open space, I consider in this instance that a satisfactory level of amenity will be provided for future residents.

Open Space and Recreational Amenity

12.4.12 The proposed area of communal open space within Blocks 2 and 3 is estimated to be c. 4,900 sq. metres. The guidance set out in the Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities recommend minimum floor areas of communal open space of 4 sq. m. for studio units, 5 sq. m. for 1 bed units and 6 sq. m. for 3 bed units (3 persons), 7 sq. m. for 2 bed units (4 persons) and 9 sq. m. for 3 bed units. Having regard to the breakdown

of units, c. 2,596 sq. metres of communal open space would be required. The development, therefore, provides well in excess of this requirement. The residents will benefit from access to both the central communal open space and the adjoining public park. All spaces are actively overlooked, thus providing a high level of passive surveillance.

12.4.13 Landscape plans have been submitted for both of the proposed semi private courtyards. A clear design rationale is set out and provision for children's play has been made with a colourful rubberised surface and incidental play equipment.

12.4.14 I note that the Parks Department of Dun Laoghaire Rathdown Co. Co. have no objection to the proposal. I consider the communal open space and landscaping strategy to be high quality and will provide a high level of residential amenity to future occupants.

Cycleway and Pedestrian Linkages and DMURS

12.4.15 Pedestrian and cycle linkages are provided along Road 9 between blocks 2 and 3. A link to the central park from road 9 is provided. DMURS design concepts and guidelines have been incorporated into to the proposed Block 2 and 3 development. These are set out in detail in section 6 of the Engineering Assessment Report and include active edges, raised tables/ramps to promote lower vehicle speeds, shared road surface on Road 9, reduced entry radii, on street parallel parking etc. I am satisfied that the development is generally compliant with the principles of DMURS.

Conclusion

12.4.16 In conclusion, I am satisfied that the development strategy for the site is appropriate and will provide a high standard of amenity for future occupants. Adequate consideration has been given to the need to integrate the site with adjacent development and the proposed revisions to the blocks will provide for an enhanced level of amenity for future residents and an improved urban design approach. The standard of open space in the internal courtyards is high and is appropriately designed. High quality materials and finishes are proposed and the dwellings are in accordance with the relevant qualitative and quantitative standards.

12.5 **Site Services, Surface Water and Flooding**

Site Services

- 12.5.1 It is proposed to drain foul water from Block 3 to the proposed 225mm sewers on Roads 3 and 8 via previously approved connections. Block 3 will be served by 4 no. 225mm foul connections. It is proposed to drain Block 2 via new 225mm connections to Roads 8 and 3. It is detailed that the pipework within the development and the 300mm outfall pipe from Tivoli Close to Mountown Road Lower are capable of taking the additional design peak flow. A petrol interceptor and pump will be located in the basements of Blocks 2 and 3 so as to treat any incidental surface water that may enter the underground car park and pump it to ground level to discharge to the foul system at the foul outfall manhole locations from Blocks 2 and 3.
- 12.5.2 In terms of water supply, it is proposed to feed both Blocks 2 and 3 from the 150mm proposed main on the footway to the southern and eastern sides of the blocks as per the previously permitted arrangement.

Surface Water

- 12.5.3 All surface water from the development will be treated and stored in the attenuation tank in the central park. SuDS measures are proposed for Road 9, which is to be a shared road. The road will fall from Blocks 3 to Block 2 into a proposed swale. The swale will treat various pollutants and will provide some interception storage for Road 9. The plaza will similarly drain to the swale.
- 12.5.4 Green roofs will also be provided on both blocks which will significantly reduce surface water run-off. The podium areas of Blocks 2 and 3 will also act effectively as a green roof with the deeper planted shrubs and trees holding most of the rainfall, providing better water retention qualities than simple grassed areas.

Flooding

- 12.5.5 A Flood Risk Assessment accompanies the application which assesses the risk from flooding from tidal flooding, fluvial flooding from the Monkstown Stream, pluvial flooding, ground water and failure of mechanical systems. The residual risk is deemed to be low to extremely low from all sources and there is a negligible risk from tidal flooding. The scheme incorporates appropriate drainage design and SuDS measures.

Conclusion

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

12.6 Transport, Parking and Cycle Facilities

Traffic Impact

12.6.1 In support of the application, the applicants have submitted a Traffic Impact Assessment which addresses the transportation capacity considerations relating to the proposal. The proposed development will result in an increase of 60 additional residential units from that previously permitted. Based on the recorded trip rates at the access to Cualanor, it is estimated that an additional 44 outbound trips and 18 inbound trips will be generated at peak hour, with the reverse on the PM peak hour, by the proposed additional units. The impact of the development on junctions in the vicinity is assessed. I note that improvements have taken place to the road infrastructure in the vicinity of the site to serve the wider development including at Glenageary Road Upper and Mountown Roundabout. It is concluded that the scale of the traffic generated by the revisions to Blocks 2 and 3 will have a negligible impact on the operating performance of the local road network. I am satisfied that the assessment undertaken is robust and that the development will not result in any significant adverse traffic impacts.

Car Parking and Cycle and Pedestrian Facilities

12.6.2 In terms of car parking, the development provides 449 car parking spaces to serve 368 apartments. This equates to a rate of 1.22 spaces per units. This level of provision is slightly below the standards set out in the County Development Plan. The Sustainable Urban Housing: Design Standards for New Apartments however, specifically note that for peripheral and/or less accessible locations that as a benchmark, one car parking space per unit, together with an element of visitor parking such as one space for every 3-4 apartments should generally be required.

- 12.6.3 In this instance, the site is well served by public transport. Furthermore, the applicant has submitted a Mobility Management Plan which will further encourage the use of alternative sustainable modes of transport. I also note that the Transportation Planning Department consider the extent of parking provision acceptable. In this context, the level of car parking is considered appropriate.
- 12.6.4 The development also provides for 16 no. unallocated spaces which includes 2 no. car club spaces, 10 no. disabled/visitor/electric charging points and 4 no. visitor/electric charging points. It is also detailed that 45 no. EVC spaces are included in the proposed development. This is considered acceptable.
- 12.6.5 Resident's cycle parking is provided at a rate of 2 spaces per apartment at basement level. A total of 736 spaces will be provide, split over each basement. Motorcycle parking is also provided.
- 12.6.6 Provision is also made in the scheme to increase waking and cycling connectivity. It is proposed to provide a pedestrian and cycle link from the site to Woodlawn Park for access to Mountown Road Lower in addition to the existing pedestrian and cycle link to Eglington Park to the north of the site. This will provide additional connectivity to Tivoli Road, Dun Laoghaire Town Centre and the DART.

Conclusion

- 12.6.7 I note that the Transportation Department of the Dun Laoghaire Rathdown County Council raise no objections to the principle of the development and potential traffic impacts associated with it. I am satisfied that the development can be accommodated having regard to the limited quantum of additional units proposed and that there are no traffic/transportation capacity or traffic safety issues associated with the proposed development. I am satisfied that the quantum of car and bicycle parking proposed is sufficient to serve the proposed development.

12.7 Other Issues

Part V

- 12.7.1 It is detailed by the applicant that the current proposal falls within the provisions of an agreement previously entered into between the Applicant and Dun Laoghaire Rathdown County Council. Part V agreement under the 2 Cualanor parent permission and a number of subsequent amendment application was reached in

2015 between the Council and the Applicant. The agreement has been delivered with Part V units transferred to the Planning Authority in Block 6. A copy of the agreement is submitted with the application.

12.7.2 It is detailed that the Part V agreement made provision to allow the developer to make further amendments to the parent permission such that it could vary the mix of units and the gross floor area by a maximum of 10% (upwards or downwards) within the scope of the agreement reached. I have reviewed the agreement submitted by the applicant and note that it states the following:

“The Chief Valuer’s office has confirmed the Land Values to be fair and reasonable, and has recommended to include a provision in the final Part V Agreement to allow the developer to make further amendments to the parent permission to vary the mix of units and the gross floor area by a maximum of 10% (upwards and downwards).”

12.7.3 The current revisions will not result in an overall increase of 10% of either the total unit numbers or total gross floor area. The applicant sets out a detailed table (table 3.4) in the Planning Report which demonstrates that the proposed amendments in conjunction with the other permitted amendment application will result in a 9.2% increase in the number of units permitted and a 4.5% increase in the total gross floor area.

12.7.4 In response to the submission by the applicant, Dun Laoghaire Rathdown County Council have stated that they have referred to the City Valuer for advice as to whether an additional Part V obligation applies. In the absence of such clarification, it is recommended that a Part V condition would apply. I would recommend that a condition is applies in this instance so that the matter can be fully resolved between the applicant and the Planning Authority.

13.0 **Recommendation**

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

14.0 Reasons and Considerations

Having regard to the:

- a) The site's location within the administrative area of Dun Laoghaire Rathdown County Council with a zoning objective for residential development;
- b) The policies and objectives in the Dun Laoghaire Rathdown county Development Plan 2016 to 2022;
- c) The planning history of the site;
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing and permitted development on the site and in the area;
- e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- g) The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- j) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- k) Submissions and observations received.

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

the proper planning and sustainable development of the area.

15.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the Planning Authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Save for amendments granted on foot of this permission, the development shall otherwise be completed in strict accordance with the terms and conditions of Planning Permission Reg. Ref. D08A/1379/E/ABO PL06D.235181 and Reg. Ref. D09A/0908/E/PL 06D.237650 save as may be required by other conditions attached thereto.

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

3. The landscaping scheme shown on drawing number No. 100 Landscape Masterplan, as submitted to the An Bord Pleanála on the 14th day of June, 2019 shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

4. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the

planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

5. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:
 - (a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
 - (b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the Planning Authority for such road works.
 - (c) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
 - (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
 - (e) A Mobility Management Plan shall be prepared and submitted to the Planning Authority for approval prior to the commencement of development.

(f) The applicant shall ensure that all required ducting to allow the future provision of Electric Vehicle Charging Points to all car parking spaces is provided.

Reason: In the interests of traffic, cyclist and pedestrian safety.

6. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

7. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interests of amenity and public safety.

8. 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.

9. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

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

10. Proposals for an estate/development name, apartment and house 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/development signs, and apartment/house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage

relating to the name of the development shall be erected until the developer has obtained the Planning Authority's written agreement to the proposed name.

Reason: In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential developments.

11. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

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

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

13. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the Planning Authority.

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

14. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the Planning Authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July, 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

15. Prior to commencement of development the developer shall submit and obtain the written agreement of the Planning Authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities.

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

16. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

17. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide inter alia: details and location of proposed construction compounds, details of intended construction practice for the development, including hours of working, noise management measures, off-site disposal of construction/demolition waste.

Reason: In the interests of public safety and residential amenity.

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the Local Authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

19. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such

other security as may be acceptable to the Planning Authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the Planning Authority in relation to the provision of housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 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.

21. The developer shall pay to the Planning Authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the Planning Authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the

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

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

Erika Casey

Senior Planning Inspector

12th August 2019