



An  
Bord  
Pleanála

## Inspector's Report ABP-304745-19

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<b>Development</b>	Demolition of 5 no. light industrial/ commercial buildings and the construction of 38 dwellings.
<b>Location</b>	Barn Elms Estate, 68 Churchtown Road Upper, Churchtown, Dublin 14.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D18A/1201
<b>Applicant(s)</b>	Grey Arch Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission subject to conditions.
<b>Type of Appeal</b>	Third Party against the grant of permission.
<b>Appellant(s)</b>	Alan & Linda Lawlor De La Salle College
<b>Observer(s)</b>	None.

**Date of Site Inspection**

13<sup>th</sup> September 2019

**Inspector**

Paul O'Brien

# Contents

1.0 Site Location and Description .....	4
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	6
4.0 Planning History.....	8
5.0 Policy and Context.....	9
5.1. Development Plan.....	9
5.2. National Guidance.....	10
5.3. Natural Heritage Designations .....	11
5.4. EIA Screening .....	11
6.0 The Appeal .....	11
6.1. Grounds of Appeal .....	11
6.2. Applicant Response .....	12
6.3. Planning Authority Response.....	13
6.4. Observations .....	13
7.0 Assessment.....	13
8.0 Recommendation.....	18
9.0 Reasons and Considerations.....	18
10.0 Conditions .....	18

## 1.0 Site Location and Description

- 1.1. The subject site comprises a stated area of 0.76 hectares located to the south of Churchtown Road Upper in Churchtown, Dublin 14. The site has an irregular shape and most of it is located behind other sites that directly address Churchtown Road and is not therefore easily visible from the public street. The site contains a number of small industrial units and their associated yard space which are dispersed around the site. Other than 'Alan Lawlor Fireplaces', these units were unoccupied on the day of the site visit and appeared to have been that way for some time. The units are of a block and corrugated sheeting construction with evidence of modification/extension having taken place over time; there is no common/standard design of unit evident here. 'Barn Elms' is a single storey cottage located to the west of the existing entrance and appears to be currently in residential use.
- 1.2. The site is generally flat and is mostly hardstanding in the form of concrete roads and yard areas. There are some semi-mature trees to the front of the site on the opposite side of the entrance, to 'Barn Elms'. A low hedgerow and fence are provided on both sides of the entrance to the site.
- 1.3. The surrounding lands to the south, east and west are in residential use, mostly two-storey houses to the rear/ south and single storey houses to the east and west. A car dealership is located to the north west of the site addressing the Churchtown Road. This consists of a yard to the front of a double-height dealership building. Between the car dealership and 'Barn Elms' is a high wall fronting a yard that forms part of the subject site. On the opposite/ northern side of the Churchtown Road is a residential area and 'De La Salle – Churchtown' secondary school. Due to the location of the subject site mostly behind the building line and the small-scale nature of the units, the site does not intrude on the mostly residential character of the area.
- 1.4. There are no bus routes on this section of the Churchtown Road Upper with the nearest bus stops on the Braemor Road, approximately 300 m to the east. Bus service frequency is on average every 10 to 15 mins and every 20 mins in the evening. Other routes are available further to the south along Braemor Road and Nutgrove Avenue. Dundrum Luas stop is approximately 1.35 km to the east of the site. Retail units are located at the junction of Churchtown Road Upper and Braemor Road and along Braemor Road itself.

## 2.0 Proposed Development

2.1. The proposed development consists of:

- The demolition of five small light industrial units with a stated floor area of 2,198 sq m and clearance of the existing site.
- The construction of 38 dwellings in the form of 12 houses and 26 apartments.
- Alterations to the existing 'Barn Elms' dwelling.
- All site and landscaping works.
- The site area is stated to be 0.76 hectares and the provision of 38 residential units combined with the retention of 'Barn Elms' will provide for a density of 51 units per hectare.

2.2. The dwellings consist of the following:

- 12 no. three storey, five-bedroom houses. 7 of these houses in the form of a terrace are located to the west of the site and the remaining 5 in a terrace of three and a semi-detached pair are located to the south east of the development site.
- 1 no. part two/ part three storey apartment block, labelled as Block B and addressing Churchtown Road Upper, consisting of 8 units as follows:
  - 3 no. 1 bedroom units
  - 3 no. 2 bedroom units
  - 2 no. 3 bedroom units.
- 1 no. three storey apartment block, labelled as Block A and located towards the centre rear of the site, consisting of 18 units as follows:
  - 6 no. 1 bedroom units
  - 9 no. 2 bedroom units
  - 3 no. 3 bedroom units

2.3. A total of 60 car parking spaces are proposed all at surface level. One space is to be allocated for car share use. Covered bicycle parking is provided with one structure adjacent to each of the apartment blocks. Refuse storage is also provided in close proximity to the apartment blocks.

- 2.4. Access to the site remains directly from the Churchtown Road Upper and an indicative pedestrian/ cycle route/ access is provided from the site accessing an existing laneway between 42 and 44 Whitebarn Road to the south of the site.
- 2.5. The proposed development was modified by way of further information received by the Planning Authority on 9<sup>th</sup> of May 2019. The revised plans indicate the omission of a house from the terrace to the western side of the site such that this reduces from a 7-house terrace to 6 houses. Separation distances between the terrace and the north and south boundaries are increased. In addition, Unit 11, the northern end of terrace house to the east of the site is revised from a three storey to a two storey house. The overall number of new units reduces from 38 to 37.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Following the receipt of further information, the Planning Authority decided to grant permission subject to 29 conditions. The conditions are generally standard. Specific conditions are as follows:

Condition no. 2: Development to be revised as per Site Layout Drawing PL102B (Option B) and one house to be omitted from the western terrace.

Condition no. 3: Additional bicycle parking to be agreed prior to commencement of development.

Condition no. 5: Gate and footpath to be provided on southern side of the site for future access.

Condition no. 7: Details of foundation and attenuation system with respect to proximity to Apartment Block B to be provided.

Condition no. 29: No additional development to be undertake above roof parapet level unless authorised by a further grant of permission.

#### **3.2. Planning Authority Reports**

##### **3.2.1. Planning Reports**

The planning report reflects the decision to grant permission. Concern was expressed by the case officer about the proximity of Apartment Block A to the site boundary and also the height of the proposed houses at 11.8 m with regard to their proximity to the site boundaries. The concern was expressed that the location of these houses may impact negatively on the future development potential of lands to the north and south. Further information was sought and one house was removed from the western side of the site and the remaining units in this terrace were relocated on site to provide for a greater setback to the boundaries.

3.2.2. The density at 51 units per hectare was considered to be acceptable in addressing the previous reason for refusal under **P.A. Ref. D17A/0329, ABP Ref. PL06D.248778** in that a proposed development of this site was only providing for a density of 35 units per hectare.

3.2.3. The residential mix of houses and apartments consisting of one, two and three bedroom units were considered to be acceptable. Room sizes and open space provision was also reported to be acceptable.

### 3.3. **Other Technical Reports**

**Housing Department:** No objection subject to condition regarding compliance with Part V of the Planning and Development Act 2000, as amended.

**Drainage Planning – Municipal Services Department:** No objection subject to conditions following the receipt of further information.

**Parks and Landscape Services Section:** No objection subject to recommended conditions.

**Transportation Planning:** No objection subject to conditions following the receipt of further information.

### 3.4. **Prescribed Bodies**

**Irish Water:** No objection subject to conditions following the receipt of further information.

### 3.5. **Objections/ Observations:**

A number of objections were received, with the Planning Authority Case Officer reporting a total of 6 submissions. In summary the main issues related to:

- Impact on residential amenity in terms of overbearing, loss of privacy through potential overlooking and loss of daylight. Therefore, the development is contrary to National guidance.
- Noise and vibrations were identified as a matter of concern during the construction phase of development.
- The proposed development is out of character with the existing area with particular reference to overdevelopment of the site, building height and proximity to existing houses.
- The proposed development would give rise to increased traffic in the area and there is a shortfall of parking available on site.
- Concern that the development would impact negatively on drainage and water supply in the area.
- Suggested that no consideration was given to affordable housing opportunities under this development.
- Impact on the De La Salle school in terms of traffic, loss of on-street parking and noise and disruption during the construction phase of the development.
- Legal issue over tenancy of property raised by tenants of one of the units and their potential loss of business.

It was identified in a couple of the submissions that should the development go ahead that appropriate conditions be applied to ensure that quality of life for neighbouring properties is protected.

#### 4.0 Planning History

**P.A. Ref. D17A/0329, ABP Ref. PL06D.248778** refers to an April 2018 Order to uphold a decision to refuse permission for the demolition of 5 no. light/ commercial units and for the construction of 27 houses on this site. A single reason for refusal was issued as follows:

*'Notwithstanding the residential zoning designation of the site, it is considered that the proposed residential development, which is located in close proximity to a major transport corridor, being within 1.5 kilometres walk of Dundrum Luas Stop and Dundrum Town Centre itself, is at a density which represents an unsustainable use of urban land*



*with considerable scope for increased density on site, in particular along the road frontage. The proposed development would be contrary to the policy set down under Policy RES3 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the density requirements set out in the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in May, 2009. The proposed development would, therefore, be contrary to the policy objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and national policy and would be contrary to the proper planning and sustainable development of the area’.*

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the site is zoned A ‘To protect and/ or improve residential amenity’. Surrounding sites including the car dealership to the north west of the site addressing Churchtown Road Upper, are also zoned A for residential use.
- 5.1.2. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – *‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.*
- 5.1.3. Under 2.1.3.4 ‘Policy RES4: Existing Housing Stock and Densification\*\*’ it is policy to:
- *Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill’ housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*
  - *Actively promote and facilitate:*
    - *conversion of existing housing stock to accommodate a larger number of households - principally by subdivision of larger-than-average family houses - in well serviced urban areas.*

- *development of mews buildings and other infill accommodation which is in harmony with existing buildings.*

5.1.4. Chapter 8 of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 refers to ‘Principles of Development’ and the following are relevant to the subject development:

8.2 ‘Development Management’ – with particular reference to section 8.2.3 ‘Residential Development’ and 8.2.3.4 ‘Additional Accommodation in Existing Built up Areas’.

## 5.2. National Guidance

- ‘Project Ireland 2040 - National Planning Framework’ includes Chapter, No. 6, entitled ‘People Homes and Communities’ and which includes 12 objectives, the following are considered relevant to this proposed development:
  - National Policy 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.
  - National Policy 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.
  - National Policy 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.
- *Design Manual for Urban Roads and Streets (DMURS).*
- *Sustainable Urban Residential Development Guidelines (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).*
- *Quality Housing for Sustainable Communities (DoEHLG, 2007).*

- *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities* (DoHPLG, 2018).
- *Permeability Best Practice Guide* (NTA).

### 5.3. Natural Heritage Designations

None.

### 5.4. EIA Screening

- 5.4.1. Having regard to the nature of the proposed development comprising a residential development of 38 new units in the form of apartments and houses and the extension of an existing single storey house, in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

Two separate appeals have been lodged against the decision to grant permission.

- 6.1.1. De La Salle College, Churchtown have raised the following issues:

- Increased traffic/ safety issues due to an increase in car traffic on the Churchtown Road Upper associated with this and other developments in the area.
- Creation of a 4-way junction without any traffic lights, pedestrian crossing or traffic calming measures.
- Concern regarding parking in the area post construction and how will this be managed.

- 6.1.2. Linda & Alan Lawlor, who rent Unit 9 within the Industrial Estate have raised the following issues:

- They have rented this unit for thirty years and employ four people.

- The lack of a similar facility in the area which includes a yard as well as a small workshop and showroom, will result in the closure of this business.

## 6.2. Applicant Response

A response has been prepared by RPS and includes:

- The site is in the ownership of the applicant and it is their intention to cease all commercial activity at the estate to allow for the redevelopment of the site for residential use. All other commercial operations have already ceased on this site and the site is zoned A for residential development.
- There is an availability of suitable commercial units in the area with reference to Churchtown Business Park which is only half a kilometre to the southeast of the subject site.

DBFL Consulting Engineers have been engaged to comment on the issues of traffic safety and car parking provision as identified by the De La Salle school.

- The provision of 38 dwellings is below threshold for the preparation of a 'Traffic and Transport Assessment' or a 'Transport Assessment'.
- Access to the development will be away from the front of the school and traffic movement will not impact on school traffic. There is no necessity to provide for signalisation of junctions in the area.
- Pedestrian traffic is likely to be modest in the area and focused in an easterly direction towards retail units and the bus stops along Braemor Road.
- Car parking on site is in accordance with the requirements of the Planning Authority and is accommodated on site.
- Management of school traffic is an issue for the school itself and a number of solutions have been identified in summary.
- The proposed development presents an opportunity to increase permeability in the area with particular reference to Whitebarn Road which may encourage greater pedestrian activity.

### 6.3. **Planning Authority Response**

- No new matters have been raised and therefore no further comment to make.

### 6.4. **Observations**

- None.

## 7.0 **Assessment**

7.1. The main issues that arise for consideration in relation to this appeal can be addressed under the following headings:

- Principle of Development
- Design and Impact on the Character of the Area
- Impact on Residential Amenity
- Traffic and Access
- Other Issues
- Appropriate Assessment Screening

### 7.2. **Principle of Development**

7.2.1. The proposed development consists of the demolition of 5 light industrial units, the clearance of the site with a given area of 0.76 hectares and the construction of 38 dwellings in the form of 12 houses and 26 apartment units in two separate blocks with all associated access, car parking and site layout provision on lands to the south of Churchtown Road Upper. The proposed development includes the retention and extension of 'Barn Elms' which is a single storey cottage to the front/ northern side of the site. The site is zoned A 'To protect and/ or improve residential amenity' and development of the nature proposed is acceptable in principle. The existing use of the site for light industrial/ commercial purposes is a non-conforming use and the residential zoning of these lands has been in place for some time. Only one of the units appeared to be in use on the day of the site visit. The size and condition of the

units would indicate that they may not be suitable for modern day use and therefore, redevelopment of the site seems appropriate.

- 7.2.2. The proposed density at 51 units per hectare is considered to be appropriate in this location. This is an infill residential development on a brownfield site within walking distance of a medium frequency bus service. The proposed development is therefore in accordance with National guidance and County policy. The previous application on this site was refused due to low density at 36 units per hectare and the subject application has addressed the issue of density. The mix of houses and apartments within three storey blocks ensures that the appropriate density can be achieved whilst ensuring that the character of the area is protected.

### **7.3. Design and Impact on the Character of the Area**

- 7.3.1. As noted, the subject site is unusual in that it is currently developed for commercial/light industrial use, yet surrounding lands are primarily in residential use. The set back of the majority of the site behind 'Barn Elms' and the car dealership screen the site from public view. The layout of the proposed site consists of houses to the eastern and western edges and apartment blocks towards the centre, north and south of the boundary. A single access for vehicle and pedestrians is provided from Churchtown Road Upper at the location of an existing entrance to the site. Provision for a future pedestrian access to the south of the site that would provide access to Whitebarn Road is made. Surface car parking is located between the apartment blocks and to the east of Block A. The houses to the west of the site have in-curtilage parking and those to the east have access to two spaces per house. Open space in the form of 684 sq m is provided primarily to the west of Apartment Block A and a secondary area is provided to the front of the site in the form of 375 sq m which is made up of trees to be retained, a pedestrian route and some grass.
- 7.3.2. The proposed houses are large at three storeys/ 11.8 m in height, accommodating five bedrooms. Habitable floor space is generous at between 205 and 255 sq m. The apartment blocks are in the form of a three-storey block/ Block A and Block B is a mix of two/ three storeys.
- 7.3.3. It is considered that the layout of the proposed site is acceptable, and the mix of housing types is acceptable. As is often the case with infill developments, the existing site can restrict the options in setting out the layout. The retention of 'Barn

Elms' due to its local importance is noted and the applicant has had regard to its setting in providing the two-storey element of Block B adjacent to the cottage. This stepped approach ensures that the visual transition between the cottage and the apartment block is not as stark as could have been the case if only a three storey block were proposed. The use of materials primarily in the form of brick and stone/ render is acceptable having regard to the use of brick and render on the houses on the opposite side of Churchtown Road Upper.

7.3.4. The Planning Authority sought further information and one of the items raised and subsequently conditioned in the grant of permission, was the removal of a house from the western terrace of 7. This was primarily on the basis of impact on neighbouring properties and allowing for future development of adjoining sites. I note that impact on neighbouring properties was raised by objectors to the development and these issues have not been raised in the appeal.

7.3.5. Also requested by way of further information was alterations to house no. 11 changing it from a three storey to a two-storey unit with hipped roof. This alteration would appear to have addressed concerns raised by third parties to the application as submitted to the Planning Authority.

#### **7.4. Impact on Residential Amenity**

7.4.1. The proposed development will provide for a high quality of residential development and which is within a mix of dwelling types. The apartments demonstrate compliance with the *Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities* (March 2018) with regards to room sizes, storage and private amenity space provision. The proposed houses are also acceptable and although storage provision appears to be minimal from the submitted floor plans there is sufficient floor space within each of the houses to ensure adequate provision can be made. Private amenity for the houses meets Development Plan standards and rear garden depths are acceptable.

7.4.2. I note that the issue of loss of privacy/ overlooking was raised by a number of objectors to the application but who subsequently did not appeal the decision to grant permission. I do not foresee any overlooking leading to a loss of privacy from the apartment blocks or from the proposed houses onto third party lands. The applicant has proposed a 1.8 m high screen to the side of the balconies on the first

and second floors to the south west corner of Block A to address such concerns. The separation of 24.5 m between the houses on Whitebarn Road and the apartment block ensures a protection against overlooking. Obscured glazing is proposed for the side elevations that face south and south west, again to address concerns regarding overlooking. I note that the obscured glazing on the south west elevation of Block A serves a store on each of the floors. A number of the houses on Whitebarn Road have constructed sheds/ outhouses in their rear gardens and which mitigate against any concerns regarding overbearing.

The provision of a 1.8 m screen as indicated on the submitted floor plans/ elevational drawings will ensure that overlooking from Block B into the rear garden of 'Barn Elms' does not occur.

- 7.4.3. Overshadowing leading to a loss of daylight is not foreseen as the positioning of the new units and the separation distances to existing houses overcomes this issue.

#### **7.5. Traffic and Access**

- 7.5.1. The De La Salle school on the northern side of Churchtown Road Upper raised a number of issues to do with traffic/ pedestrian safety and the need for safe set down/ pick-up areas. I have to disagree with much of their concerns and as commented on by the applicant's traffic consultant, the primary issue here is with the school itself and how they manage traffic serving the school.
- 7.5.2. The proposed development at 38 additional units is relatively small and as a single use development, the volume of traffic in and out from the site is likely to be low and over an extended period of time. It can be assumed that when all of the light industrial units were occupied that traffic flows in the area may have been greater and at similar periods to the school times. I therefore disagree that traffic volumes will be significant as a result of this development.
- 7.5.3. The development will not create a four-way junction onto Churchtown Road Upper and the provision of signalisation and pedestrian lights is not warranted for a development of this scale. I don't foresee an increase in parking along the public road as a result of this development.
- 7.5.4. As noted on the day of the site visit which was during school times, the public road is relatively wide and is provided with good footpaths on either side. There was no indication of an on-street parking problem at that time. It is considered that the onus



is on the school to address the issue of parking and set-down/ pick-up with potential support from the Local Authority and other bodies. The refusal of permission for this development would not address this issue.

- 7.5.5. Provision should be made for future pedestrian access to the south of the site and on to Whitebarn Road. A condition similar to no.5 as applied by the Planning Authority would be appropriate. The provision of a gate and footpath access to it, would clearly indicate a future intention for a pedestrian route in this location.

## 7.6. Other Issues

- 7.6.1. The appeal received from Linda & Alan Lawlor, whilst noted, is not a matter that can be addressed in accordance with the Planning and Development Act. Their concern relates primarily to the loss of the unit they have been operating from for some time. This is a commercial matter between the landowner and themselves and whilst noting the loss of such units and their employment generation, the nature of the existing site was changed when zoned for residential use. The applicant has therefore proposed a development that is in accordance with the zoning of the site.
- 7.6.2. The proposed extension to the existing house 'Barn Elms' is considered to be visually acceptable. This is a contemporary addition but its simple design and location on site does not detract from the visual amenity of the area. The extension will provide for an additional 32.5 sq m of floor area primarily for kitchen/ living/ dining space. I note from the site layout plan that two parking spaces are available for use by the occupants of 'Barn Elms' immediately adjacent to the house.
- 7.6.3. From the submitted plans a total of 32 bicycle parking spaces have been provided; the developer will be conditioned to increase this to 48 spaces in accordance with Section 4.15 of the *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities* (March 2018). I note the provision of a parking space for car sharing and that the further information response states '.. that ducting will be provided to every parking space within the development to accommodate future electrical charging'. This is considered to be acceptable and appropriate for such a development.
- 7.6.4. The applicant has provided a Building Lifecycle Report in response to the further information request and which is in accordance with Section 6.11 of the *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning*

*Authorities* (March 2018). The applicant also confirmed at further information stage that the development would be constructed in a single phase. The subject layout is such that it is appropriate that the development be undertaken in one single phase.

## 7.7. **Appropriate Assessment Screening**

- 7.7.1. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

## 8.0 **Recommendation**

- 8.1. I recommend that permission be granted subject to the following conditions and reasons.

## 9.0 **Reasons and Considerations**

- 9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 - 2022 and the zoning for residential purposes, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, 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. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 **Conditions**

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 19 <sup>th</sup> of December 2018 and as amended by the further plans and particulars submitted on the 9 <sup>th</sup> of May 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.
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	<p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This permission is for 37 no. residential units in the form of 11 no. three storey houses, 6 no. one bedroom apartment units, 9 no. two bedroom apartment units and 3 no. three bedroom apartment units in Block A (total of 18 units) and 3 no. one bedroom apartment units, 3 no. two bedroom apartment units and 2 no. three bedroom apartment units in Block B (total of 8 units) in addition to an extension to the existing 'Barn Elms'. The development to be carried out in accordance with the revised Site Layout Drawing PL102B (Option B) received on the 9<sup>th</sup> of May 2019 indicating the omission of a house from the western terrace and the revision of a Unit 11 to a Type E, two storey house.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>The developer shall construct the proposed gate and provide for a footpath to the southern site boundary as indicated on Drawing no. PL124 and within the red line boundary of the site.</p> <p><b>Reason:</b> To facilitate pedestrian and cyclist connectivity and in the interest of the proper planning and sustainable development of the area.</p>
4.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock ups. These details shall include photomontages, colours, textures and specifications.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
6.	<p>The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The green roof shall be designed in accordance with The SUDS Manual (C753) and BS EN 12056-3:200. Prior to the commencement of development, the developer shall submit full details of the proposed Green Roof to the Planning Authority for its written agreement. Details shall include a construction plan and a post-construction maintenance specification and schedule. The green roof shall always be maintained in accordance the agreed post-construction maintenance specification and</p>

	<p>schedule.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>48 no. bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
9.	<p>The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
10.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.</p> <p><b>Reason:</b> In the interests of visual and residential amenity.</p>
11.	<p>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 dwelling unit.</p> <p><b>Reason:</b> In the interests of amenity and public safety.</p>
12.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing –</p> <p>(i) The species, variety, number, size and locations of all proposed trees and shrubs</p> <p>(ii) Details of screen planting which shall not include cupressocyparis x leylandii</p> <p>(iii) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment</p>

	<p>(c) A timescale for implementation</p> <p>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 or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
13.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p><b>Reason:</b> In the interest of amenity.</p>
14.	<p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p><b>Reason:</b> To protect birds and bird breeding habitats during the nesting season.</p>
15.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 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.</p>

	<p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
17.	<p>The development hereby permitted shall be carried out and completed at least to the construction standards set out in Dun Laoghaire-Rathdown County Council's 'Taking-in-Charge Policy Document (April 2013). Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.</p> <p><b>Reason:</b> To ensure that the development is carried out and completed to an acceptable standard of construction.</p>
18.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
19.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
20.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
21.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenity of property in the vicinity and the visual amenity of the area.</p>

22.	<p>Proposals for an estate/street name, 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 and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate place-names for new residential areas.</p>
23.	<p>The developer shall pay to the planning authority a financial contribution of €9,331.77 in respect of the provision of Surface Water 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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.</p>
24.	<p>The developer shall pay to the planning authority a financial contribution of €213,704.60 in respect of the provision of Roads 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as</p>

	amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.
25.	<p>The developer shall pay to the planning authority a financial contribution of €138,720.77 in respect of the provision of Community &amp; Parks 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. The application of any indexation required by this condition 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.</p> <p><b>Reason:</b> 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.</p>
26.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the 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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>

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Paul O'Brien  
Planning Inspector

25<sup>th</sup> September 2019