



An
Bord
Pleanála

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

Inspector's Report ABP-304823-19

Strategic Housing Development

Demolish 3 houses and build 210
apartments and a creche

Location

Churchview Road and Church Road,
Killiney, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Strand Court Ltd

Prescribed Bodies

Irish Water
National Transport Authority
Dun Laoghaire Rathdown County
Childcare Committee
Department of Arts, Heritage and the
Gaeltacht

Observers

Carol & David Cadenhead

Conor Molly

Watson Killiney Residents Association

Éadaoin Ledwidge

Heather Kuss

MB Cooper

Sinéad McGrane

Thomas O'Brien

Brian Malone

Christiane Sherwood

Derek Kearney

Paddy Fitzgibbon

Ann Noonan

Ken and Mary O Riordan

D. St. Michael Jenkins

Michael O'Brien

Dorothy Dowling

Andrew and Sarah Roberts

Watson Killiney Residents Association

Karen and Conall McMullan

Michael and Ann Igoe

Michael Phillips

Pat and Nancy Fitzgerald

Mark McNally

Tony Dalton

Helen Patricia McKeon

Michael Murray

James Farrelly

Tim Kinsella
Hugh Mc Loughlin
Des and Pauline Kelly
Linden Lee
Patrick Barry
Nora and Malachy Coary
Fiona & Jonathan Kidd
John Lane
John McManus
Catherine and Tom O'Sullivan
Maire and Naoise Kennedy
Watson Traffic Action Committee
Noel Rafferty
Fran Malone
Robert Wallace
David Little
Board of Management of Lady of
Good Counsel Boys' School
Dowling Family
Our Lady of Good Counsel Girls
School
Julia Forde
Michelle Galligan

Date of Site Inspection

23rd September 2019

Inspector

Stephen J. O'Sullivan

Contents

1.0 Introduction	5
2.0 Site Location and Description	5
3.0 Proposed Strategic Housing Development	6
4.0 Planning History.....	7
5.0 Section 5 Pre Application Consultation.....	8
6.0 Relevant Planning Policy	10
7.0 Third Party Submissions.....	15
8.0 Planning Authority Submission	17
9.0 Prescribed Bodies.....	19
10.0 Screening.....	20
11.0 Assessment.....	21
12.0 Recommendation	29
13.0 Reasons and Considerations	29
14.0 Conditions	30

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.

2.0 Site Location and Description

- 2.1. The site is in a suburban area c13km south east of Dublin city centre and c3.5k south of Dun Laoghaire town centre, beside “The Graduate” roundabout at the junction of Rochestown Avenue and the Church Road (the R118). The site consists of the curtilages of 3 detached houses and has a stated area of 1.59ha. The primary frontage of the site is to Church Road to the east. The site also has frontage to Churchview Road to the south in the form of a narrow access via the existing Fairhaven development, a row of 8 houses recently completed. The site includes c0.1ha of the public road along Churchview Road. Both Church Road and Churchview Road frontages have footpaths and cycle paths. There are several bus routes along Church Road / Rochestown Avenue and Churchview Road. Killiney Shopping Centre, a designated neighbourhood centre, is opposite the site at The Graduate pub and includes a supermarket and a variety of district / neighbourhood services and facilities. There are 2 primary schools and a church adjacent to the west on Churchview Road. There is a 4 storey apartment block to the north of the church with access from Auburn Road. Open space associated with the schools bounds the western edge of the site. Kilbogget Park is c. 600m to the south west, Killiney Golf Club is nearby to the south east on Church Road and there are several other public parks and amenities in the area. The immediate surroundings of the site are otherwise primarily suburban residential.
- 2.2. The existing houses on the site are detached structures dating from the mid 20th century. They are called Culgrenagh, Briar Hill and Hayfield. The site of Culgrenagh was substantially cleared in 2013 – 2015 but some mature trees remain. The Rochestown / Kilbogget townland boundary crosses the site. It is composed of a 1-1.5m high granite wall, intermittent in nature, among a cluster of mature trees. It now acts as the property boundary between the Culgrenagh and Briar Hill properties.

There is also a high stone wall along the site boundary to Church Road. The site rises by c. 3.5m from west to east.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development would involve demolishing the 3 houses on the site and erecting three blocks between 3 and 7 storeys high over a basement that would provide 210 apartments, a creche and a communal facility for residents.

The proposed housing mix would be as follows-

	1 bed	2 bed	3 bed	Total
Apartments	27	160	23	210

The gross floor area of the overall development would be 29,861m² including 203m² in the creche, 130m² in the communal facility and 6,483m² in the basement. The stated net density is 141 dwellings per hectare and the plot ratio is 1.89. 227 car parking spaces would be provided, 41 at surface level and 186 at basement level. 6 of the surface spaces would serve the creche. 348 bike spaces area proposed, 280 in the basement for storage and another 68 at surface level.

- 3.2. The built form of the scheme would have a U shaped Block 'A' in the northern part of the site, with the open part facing north, with Blocks 'B' and 'C' in the southern part of the site forming a U shape with the open end facing south. The elements of the blocks at the centre of the site would be 6 or 7 storeys high, stepping down to 3 and 4 storeys towards the northern and southern edge of the site. Open spaces would be provided within and between the U shaped blocks. The vehicular access would be from the existing junction on Churchview Road serving the houses at Fairhaven in the south-western part of the site. The junction would be altered by setting back the wing walls, providing a ramp across the junction and a right turn pocket on the main road. An internal access road would run along most of the western boundary of the site. The wall along Church Road on the eastern side of the site would be retained, with 3 pedestrian accesses and an emergency vehicular access provided from that street. The creche would be located at ground floor level of Block C in the south eastern part of the site.

- 3.3. The development would be involve the diversion of a watermain across the site. The connection to the public surface water sewer would be in Churchview Road c70m from the site entrance.

4.0 Planning History

On the application site

- 4.1. PL06D.229861, Reg. Ref. D07A/1269 – The board refused permission on 16th February 2009 for a development of 76 apartments and a creche on the part of the current which is the curtilage of Culgrenagh. The development would have involved a reconfiguration of the Graduate Roundabout. The first reason for refusal referred to deficiencies in the foul sewerage serving the area and outstanding issues about access and stated that the proposal would therefore be piecemeal development. The second reason for refusal stated that the proposal would be over-development and would injure the amenities of the area and of adjoining properties.
- 4.2. Reg. Ref. D06A/1877 – the planning authority refused permission for 99 apartments on the site of Culgrenagh for 7 reasons that referred to residential amenity, the established character of the area and landscape, lack of open space and childcare, traffic hazard on Church Road, and risks of flooding and discharge of wastewater.

On adjacent sites

- 4.3. PL06D. 242432, Reg. Ref D13A/0315 – On 16th January 2014 the board granted permission for 7 houses on the site immediately to the south of the current site on Churchview Road. An additional house there was authorised by the planning authority under re. Ref. D14A/0291. This development has been carried out and is known as Fairhaven.
- 4.4. ABP-301334-18 – The board granted permission on 6th July 2018 under the SHD procedure for 102 homes at a site between Church Road and 66 Watson Drive c450m south of the current application site. The board had previously refused permission for housing development on this site under PL06D. 246228 for reasons that referred to deficiencies in the foul drainage system serving the area.
- 4.5. ABP-301128-18, Reg. Ref.D17A/0868 – On 6th September 2018 the board granted permission on appeal for 42 homes on a site between Church Road and 19 Watson

Road c300m to the south of the current site. The board had previously refused permission for residential development on this site under PL06D. 246229 and PL06D. 244195 for reasons that referred to drainage deficiencies in the area and traffic safety.

- 4.6. PL06D. 213079, Reg. Ref. D04A/1114 – On 14th December 2005 the board refused permission on appeal for 8 houses on a site on Church Road c600 south of the current application site for a reason that referred to the deficiencies in the foul sewerage in the area.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 29th April 2019 in respect of a proposed development on the site, ABP-303962-19 refers. The main topics raised for discussion at the tripartite meeting were as follows:

1. Design, layout and heights, impact on residential and visual amenity
2. Roads and access
3. Drainage and flood risk
4. Other matters

Copies of the record of the meeting and the inspector's report are on this file.

- 5.2. The board issued an opinion on which stated that the submitted documents constituted a reasonable basis for an application for strategic housing development.
- 5.3. The opinion also stated that the following specific information should be submitted with any application for permission –
1. Rationale for building height under local and national policy
 2. Photomontages and visual impact assessment
 3. Cross sections
 4. Contour map
 5. Landscaping plan
 6. Rationale for play provision under local policy
 7. Tree survey

8. Site plan showing footpaths up to site boundaries
9. Daylight/sunlight analysis
10. Taking-in-charge plan
11. Details of works to public realm.
12. Details of car and bicycle parking
13. Drainage details as sought by the council
14. Archaeological impact assessment
15. Childcare demand analysis

5.4. Applicant's Statement of Response

- 5.4.1. The submitted documents include statements from the applicants' planning consultants and architects in response to the board's opinion. The planning statement refers to the development plan policy regarding height. It cites the site's location on bus routes beside a neighbourhood centre and the national guidelines on height as a rationale for the proposed 3 to 7 storey buildings, with the higher elements situated in the middle of the site. The requested photomontages/visual analysis, cross sections, contour maps, landscaping, play area proposals and tree survey are submitted. Three pedestrian accesses would be provided from Church Road. A daylight and sunlight analysis is submitted which shows that there would be no additional shading of the ground at adjoining residential properties and no reduction in available sunlight in the gardens to the north. All of the rooms in the proposed development would exceed the minimum daylight factor set out in the BRE guidance BS8208. There would be no impact from the proposed development to the sunlight or daylight available to the neighbouring properties from the proposed development. A proposed internal road that provides access to the lands to the west could be taken in charge by the council. Otherwise the scheme would be privately managed. No works are required to Church Road to facilitate the proposed pedestrian accesses to it. Details of the works required to provide access to Churchview Road and at the entrance to Fairhaven are submitted, as are letters of consent from the council and the owner to the latter scheme. A traffic impact assessment is submitted, as is an engineering services report prepared after consultation with the drainage section of the council. Test excavations were carried out which did not uncover significant findings, as set out in the submitted archaeological impact assessment. A childcare assessment concludes that the

proposed creche of 20 spaces would be adequate, having regard to proportion of proposed one-bedroom apartments, the 13 other childcare facilities within 1km of the site and the falling numbers in the 0-4 age group nationally. Changes have been made to the elevations at upper levels in response to the comments of the council at the consultation stage. Additional details of the diversion of the watermain over the site have been provided in line with advice from Irish Water, with a 10m wide wayleave shown along its proposed route. The second statement of response prepared by the applicant's architect illustrates the point made in the first statement with various drawings and photomontages.

6.0 Relevant Planning Policy

6.1. National Policy

- 6.1.1. The government published the National Planning Framework in February 2018. Table 2.1 targets growth of 235,000 to 290,000 in the population of Dublin and its suburbs. Objective 3a that 40% of new homes will be within footprint of existing settlements; 3b is that 50% of the new homes in the cities will be within their existing built up areas. Objective 11 is to favour development that can encourage more people to live or work in existing settlements. Objective 13 is that, in urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. Objective 33 is to prioritise the provision of new homes that can support sustainable development. Objective 35 is to increase residential density in settlements.
- 6.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas were issued by the minister under section 28 in May 2009. Section 1.9 recites general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.8 states that sites on public transport corridors, which

includes those within 500m of a bus stop, minimum net densities of 50 dph should be applied. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

- 6.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments were issued in March 2018. Section 2.4 states that sites within 400-500m of high frequency bus services with a frequency of at least 10 minutes in peak hours should be regarded as accessible urban locations that are generally suitable for higher density development that may wholly comprise apartments. It contains several specific requirements with which compliance is mandatory. The minimum floor area for one-bedroom apartments is 45m², for two-bedroom apartments it is 73m² and for three-bedrooms it is 90m². Most of proposed apartments in schemes of more than 10 must exceed the minimum by at least 10%. Requirements for individual rooms, for storage and for private amenities space are set out in the appendix to the plan, including a requirement for 3m² storage for one-bedroom apartments, 6m² for two bedroom apartments and 9m² for three-bedroom apartments,. In accessible locations a minimum of 33% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.
- 6.1.4. The minister issued Guidelines for Planning Authorities on Urban Development and Building Heights in December 2018. SPPR1 states government policy in favour of increased building height and density in location with good public transport accessibility. Section 3.6 states that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types and the minimum densities required under the 2009 guidelines in the future development of greenfield and edge of city sites
- 6.1.5. The minister and the minister for transport issued the Design Manual for Urban Roads and Streets (DMURS) in 2013. Section 1.2 sets out a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport.
- 6.1.6. The minister issued Guidelines for Planning Authorities on Childcare Facilities in June 2001. Section 3.3.1 of the guidelines recommends that new housing areas be

provided with childcare facilities at a standard of one facility with 20 spaces for every 75 homes.

6.2. Local Policy

6.2.1. The Dun Laoghaire Rathdown County Development Plan 2016-2022 applies. There is no applicable local area plan. 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 while childcare service is 'open for consideration'. The Killiney Shopping Centre is zoned as a mixed use neighbourhood centre.

6.2.2. There is a proposed quality bus / bus priority route objective along Church Road / Rochestown Avenue and Churchview Road. Strategic Local Objective SLO 160 applies at The Graduate Roundabout:

"To facilitate, support and enhance the development of the area, both roundabouts at Killiney Shopping Centre (Graduate roundabout) and at Glenageary, be retained to ensure proper traffic management of the area"

6.2.3. Church Road is listed as a 6 year Road Objective as part of the Cherrywood to Dun Laoghaire Strategic Route (R118 Wyattville Road to Glenageary Roundabout). The site is located on the Cherrywood to Dún Laoghaire Orbital Cycle Route, which runs along Church Road.

6.2.4. Development plan policy RES 3 applies:

"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."

6.2.5. Development plan policy RES 4 states:

It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

6.2.6. Development plan section 2.1.3.3 states:

“Where a site is located within circa 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 at a minimum of 50 units per hectare will be encouraged.”

- 6.2.7. Appendix 9 of the County Development Plan sets out a Building Height Strategy. The site is not located in an area where any specific provisions in relation to building height apply, e.g. an SDZ. A maximum height of 3-4 storeys therefore applies. Section 4.8.1 of the Strategy sets out the Upward Modifiers that may be applied to justify greater height in particular locations. These largely relate to good urban design, proximity to public transport nodes and specific site characteristics. The Strategy states:

“The presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be one floor or possibly two”.

6.3. **Statement of Consistency**

- 6.3.1. The statement describes the net density of the development as 141 dph, excluding the road on the south-western boundary that might serve the open lands to the west. The plot ratio is given as 1.89 and the site coverage as 44%. The area of open space is given as 4,585m², of which 3,345m² would be a central space between the blocks and along the eastern boundary and another 1,150m² along the north-eastern edge of the site. 2 spaces would be provided at podium level enclosed by the blocks with a total stated area of 1,570m². Play facilities would be provided in those spaces.
- 6.3.2. With regard to national policy, the statement says that the proposed high density residential development within the built up area of Dublin city served by public transport would comply with the objectives of the National Planning Framework, in particular Nos.3a, 11, 13 and 35. It would also be in keeping with the RSES for the region. The same circumstances of the site would mean that the proposed development contributed to the objectives of the guidelines on urban development and building height including SPPR 1 and 3. Reference is made to the design statement submitted with the application as further justification for the height of the proposed buildings. The site is in an accessible urban location under the scheme set out in the 2018 guidelines on apartment design because it is beside bus routes where the peak frequency is 10 minutes or less. The mix of units is consistent with

SPPR 1 of the guidelines because only 13% of the apartments would be one-bedroom units. The proposed development would be consistent with SPPR3 because all apartments would provide the required minimum floor areas and most of them would exceed the minimum area by more at least 10%. It would comply with SPPR4 because it is in an accessible location and more than 33% of apartments would have dual aspect. The layout of the development means that none of the single aspect apartments would face within 45° of due north. SPPR5 would be met because the ceiling heights would be 2.7m. SPPR6 would be met because there would be less than 12 apartments per core on each floor. Private amenity space and storage would be provided for each apartment in line with the standards set out in appendix 1 of the guidelines. The compliance of each apartment with the standards is demonstrated in the schedule of accommodation submitted with the application. The standards in the guidelines would require 1,478m² of communal space. 1,570m² would be provided. The car parking of 227 spaces would comply with the advice in the guidelines that provision should be minimised in accessible urban locations. The proposed development would make efficient use of urban land on a public transport corridor and so would be in keeping with the 2009 guidelines on residential development in urban areas, in particular its advice that densities in such locations should be above 50dph. The layout is permeable with good access for cyclists and pedestrians with a traffic calming ramp at the entrance, and so it would comply with DMURS. Childcare facilities would be provided in line with the guidelines on that topic. A site specific flood impact assessment report is submitted, as are screening reports for EIA and appropriate assessment

- 6.3.3. With regard to local policy, the proposed residential development is permitted in principle under the A zoning objective applied to the site by the Dun Laoghaire Rathdown Development Plan 2016-2022. The proposed development would not prejudice the achievement of the plan's local objectives regarding works to Church Road or SLO160 for the Graduate Roundabout, as was confirmed in consultation with the Transportation Section of the council. The proposal for higher density development on the site would be in keeping with policy RES3 of the development plan because it is on high frequency bus routes and on a proposed bus priority route identified in the county development plan. It is considered that the height of the proposed buildings of 3 and 4 storeys on the edges of the site with a 7 storey

element on its western boundary would be in keeping with the height strategy set out in appendix 9 of the development plan, although the implementation of this strategy is affected by the subsequent adoption of the national building height guidelines. 348 bike spaces would be provided, in excess of the 268 required under the standards at table 4.1 of the development plan. The proposed provision of social housing under Part V has been agreed in principle with the council. The development plan requires 15-20m² of open space per occupant, which shall be at least 10% of a site area. The proposed 4,585m² of public open space would be 28% of the site's area and equivalent to 12.5m² for each of the 368 occupants of the development. If the communal open space is included than 16.7m² per occupant would be provided, in excess of the minimum requirement of the development plan.

7.0 Third Party Submissions

7.1. Fifty-six submissions on the application have been received from the public. They object to the proposed development on various grounds that can be summarised as follows-

- A grant of permission would not be consistent with the previous refusal of permission on part of the site for 76 apartments under D07A/1269, PL06D.229861. The circumstances of the site have not significantly changed in a manner that would justify a different decision in this case. The current proposal should be assessed with due regard to other permitted housing in the immediate vicinity including that granted under ABP-301334, D17A/868 ABP-30128 and the potential development at the garden centre, as well as the large scale development at Cherrywood. Due to the cumulative impact of such housing the current application should be subject to EIA. The inspector's report and board's decision on PL06D. 213079 were cited to support an assertion that the density of the proposed development is unacceptable
- The height and form of the proposed development are out of keeping with the established character of the area. It would be visually incongruous and obtrusive. It would contravene the zoning objective to protect and improve existing residential amenity set out in the development plan. It would injure the

visual relationship of the area with the surrounding landscape at Killiney Hill Park. The accuracy of the photomontages is questioned.

- The proposed development would give rise to traffic hazard due to the proximity of the access on Churchview Road to the junction with Watson Road, bus stops, two primary schools, a church and childcare facilities, as well as the large scale development at Cherrywood. Particular concern was expressed about the impact on children walking and cycling to school. The proposed pedestrian and emergency accesses on the eastern boundary would interfere with the safe use of the access to the houses to the north of the site.
- The proposed development would exacerbate traffic congestion in the area. The area is not well served by public transport and is not suitable for development at the density proposed. The function of Church Road has been downgraded. Inadequate parking is proposed and proposed development is likely to cause haphazard overspill parking on neighbouring streets. The submitted Traffic Impact Assessment is a theoretical exercise.
- The water and drainage infrastructure in the area is deficient and cannot accommodate the proposed development, as was set out in previous board decisions that refer to adjacent sites including D15A/077 PL06D. 246229 and D14A/0107 PL06D. 244195.. It would give rise to a risk of sewage overflow and flooding on other land.
- The proposed development would unduly overbear, overlook and overshadow the residential properties to the north and would cause disturbance to them, particularly during construction. At a minimum the height of Block A should be reduced. Trees on the site should be protected, in particular the Monterrey Pine, and additional mature planting should be carried out on the northern and western site boundaries and to mitigate the previous removal of trees from the curtilage of Culgrenagh
- The proposed development would not provide adequate open space or a proper standard of amenity for its residents. The proposed concentration of social housing is contrary to good practice.
- The open space to the west is not suitable for development and the provision of access for that purpose is not justified.

- The SHD procedure is anti-democratic and unfair. The published notices failed to refer to Rochestown Avenue as the address of the site.

8.0 Planning Authority Submission

8.1. The submission recorded the opposition of the elected members of the area committee to the proposed development due to concerns about the following matters-

- Inadequate priority given to the provisions of the development plan
- Inadequate access to the proposed development which would be adjacent to schools and the church
- The absence of a coherent strategy for the development of the area
- The limited capacity in local schools
- The deficiencies in the area's sewerage
- The limited provision for social housing under Part V which amounts to less than 10% of the proposed floorspace or bedspaces, and which would be concentrated within the scheme with no three-bedroom units
- Inadequate provision for charging electric vehicles
- Excessive height and density that would be out of keeping with the character of the area. The stated density is a gross figure that understates the net density
- Piecemeal development
- Inadequate public transport in the area
- Impact on proposals for a quality bus corridor
- Preponderance of 1 and 2 bedroom apartments

8.2. The recommendation from the council's chief executive was that permission be granted subject to 27 conditions. Condition 2(b) would require the relocation of 6 balconies facing the southern boundary of the site to the eastern and western elevation of the proposed apartment blocks there. Otherwise the conditions would not substantially alter the proposed development.

8.3. The planning assessment in the submission refers to section 8.2.3.4(vii) of the development plan regarding infill residential development. The assessment refers to other apartment buildings in the locality and states that the site has the potential for a development of the nature and scale proposed. The proposed provision of childcare is satisfactory. With regard to density, policy RES 4 of the development is cited, as is the range of existing services in the area including bus routes, the size of the site and its frontage onto Church Road to support a conclusion that the proposed density is acceptable. The housing mix is in accordance with SPPR 1 of the 2018 guidelines on apartment design which have superseded section 8.2.3.3 of the development plan. The proposed apartment blocks would not generally overbear, overshadow or overlook the houses on neighbouring sites. However additional mature planting should be provided on the western boundary beside the surface car parking that would adjoin the curtilage of the neighbouring house and several of the balconies facing the southern boundary should be replaced with balconies on the eastern and western elevations to avoid affecting the privacy of houses to the south. With regard to height, 'upward modifiers' would apply to the site under the terms of the height strategy in appendix 9 of the development plan due to its size and slope. The proposed height is therefore considered acceptable under local and national policy, having regard to its stepping down towards lower neighbouring buildings, the submitted design rationale and daylight analysis, and its contribution to the legibility of the area. The proposed design is acceptable due to the variation in the built form, the quality of the materials and the retention of the boundary wall along Church Road with an appropriate building line. The proposed development would meet the standards set out in the 2018 apartment design guidelines with regard to minimum floors area (which most of the units would exceed by more than 10%), ceiling heights and the number of apartments per core. 46% of the apartments would have dual aspect, but this is considered acceptable as there would be no north-facing single aspect units and the general level of amenity for residents would be high. The internal separation distances between windows on the apartments would meet the required minimum of 22m, at least. Open space of various types would be provided on the site with a total area of 4,585m². The proposed provision of open space would be acceptable, given the quality of the that it would achieve and nature of the development as an apartment scheme. The assessment refers to the reports from the council's other departments with regard to transport, drainage and social

housing, and the screening reports submitted with the application in relation to appropriate assessment and environmental impact assessment. It concludes that the proposed development would be acceptable subject to conditions.

- 8.4. The report from the Drainage Planning Section of the council states that it has engaged with the applicants and their consultants, and that the details submitted with the application meet its requirements. The section is aware of the deficiencies in the surface water drainage system serving the wider area and its citation in previous board decisions to refuse permission, although the most recent board decisions have approved development on Church Road, ABP-301334-19 and ABP-301128-18 refer. The surface water runoff from the proposed development would discharge to a sewer in Churchview Road that connects to a 450mm sewer downstream of the section where deficiencies were previously identified. No condition is suggested regarding the capacity of the surface water sewerage. Further details should be sought by condition on the proposed drainage system on the site, including of measures for flow control, audit and green roofs. The conclusions of the Site Specific Flood Risk Assessment submitted with the application are accepted.
- 8.5. The report from the Transportation Planning Section states that it is satisfied that the proposed road scheme which is an objective of the development plan would not encroach on the applicant's land. The Traffic and Transportation Assessment Report submitted with the application adequately addresses the transportation elements of the proposed development. 1.1 car parking spaces per apartment should be required. The provision of 22 EV charging spaces meets development plan standards. Conditions to be attached to any grant of permission were provided.
- 8.6. The report from the council's housing department states that the on site proposal is capable of complying with the requirements of Part V of the planning act, the county development plan and the county's housing strategy.
- 8.7. The report from the Parks and Waste sections provide conditions.

9.0 Prescribed Bodies

- 9.1. Irish Water stated that it could facilitate the proposed connections to its networks.

- 9.2. The Department of Arts, Heritage and the Gaeltacht stated that adequate information has been submitted with regard to archaeology and stated that the monitoring and mitigation proposed in the Archaeological Impact Assessment would be appropriate.
- 9.3. Dun Laoghaire Rathdown Childcare Committee had no comments on the application.
- 9.4. Transport Infrastructure Ireland had no comments.

10.0 Screening

- 10.1. The application site is in an established part of the city. The proposed development would not be in or immediately adjacent to any Natura 2000 site. It would not have the potential, therefore, to have likely significant direct effects on any such site. Foul and surface water drainage from the proposed development would drain to the municipal systems serving the wider urban area. Its potential to have an effect at the outfall from those systems is negligible. The site does not provide any *ex situ* habitats that would support any Natura 2000 site. These circumstances are described in an appropriate assessment screening report submitted with the application. The proposed development would not have the potential to have any significant indirect on any Natura 2000 site, therefore. As the proposed development does not have the potential to have any significant direct or indirect effects on any Natura 2000 site, it could not have any such effects in combination with any other plan or project. Therefore, having regard to the location and nature of the proposed development, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 10.2. The current proposal is an urban development project that would be in the built-up area of the city 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 211 dwellings on 1.59ha which is below both thresholds. The proposed use is predominantly residential, which is the same as the predominant use in the locality. The site is in an established and serviced part of the city. The size, nature and location of the proposed development means that there is no real likelihood that it would have

significant effects on the environment that should, or could, be the subject of an environmental impact assessment. A submission referred to other permissions for housing that had been granted in the area including those which were the subject of ABP-301334-18 and ABP-301128-18, and stated that the cumulative effect of the proposed development with those schemes required environmental impact assessment. However the other permissions are on separate sites that do not adjoin the current one. Each scheme is an independent project which could proceed regardless of the progress of any of the others. The housing schemes that have already been granted cannot be retrospectively subject to EIA. Adequate information is not be available for potential development that has not yet been proposed for that development to be assessed in any meaningful way. Development in the area is subject to the development plan adopted by the council after Strategic Environmental Appraisal, which is the operative mechanism to consider the likely environmental effects of plans governing wider areas beyond the scope of individual projects that would not be likely have a significant effect on the environment themselves. An environmental impact assessment of the currently proposed project would not serve a useful purpose and is not required under national or European legislation.

11.0 **Assessment**

11.1. The planning issues arising from the proposed development can be addressed under the following headings-

- Policy
- Impact on the character of the area
- Residential amenity
- Access and parking
- Water supply and drainage
- Procedural issues

11.2. **Policy**

11.2.1. The proposed use would be residential, which is permitted under the residential use zoning that applies to the site. The impact of the development on the residential

amenity of the area is considered at section 11.5 below. The ancillary childcare use would be also be in keeping with the zoning and with the national guidelines on topic, having regard to the rationale for the scale of the proposed facility that was submitted with the application.

11.2.2. The quantity of residential development that is proposed on the site, and therefore its density, is substantially greater than that currently provided there and that which prevails in the locality. The stated net density of 141dph is considered accurate, given the small part of the site that was excluded from calculations of the the net area and its possible role in providing access to the lands to the west. National and local planning policy contains several clear statements in favour of higher densities in urban areas. These includes objective 35 of the National Planning Framework and policies RES 3 and 4 of the development plan. These general policies would support the quantity of development proposed in this case. Other policy statements regarding residential density vary according to the circumstances of the urban area to which they refer. The current site is in an established suburban area with a range of social and commercial services. Some of the submissions referred to a lack of space in local schools. However locating new housing in established residential areas makes it more likely that a stable mix of age groups would persist in a local population, making it less difficult to accommodate overall demand for school places compared to a situation where new housing is in a different place from the old. The site is not served by a railway. However the bus stops by the site have peak hour services with a frequency equivalent to 6 minutes, with c65% of services travelling to the city centre and the rest towards Dun Laoghaire. It is therefore along a public transport corridor within the terms of the 2009 guidelines on sustainable residential development in urban areas where higher densities of development are required. It would also be in an accessible urban location under the terms of the 2018 guidelines on apartment design, where higher density developments consisting wholly of apartments are stated to be appropriate. The amount and density of residential development proposed in this case is therefore acceptable in principle, having regard to the circumstances of the site and the provisions of local and national planning policy.

11.2.3. Some of the submissions stated that the proposed development would be inconsistent with the previous refusals of permission for apartments on part of the

site by the planning authority and the board under PL06D.229861 and Reg. Ref. D06A/1877. However those decisions were made before the adoption of the sustainable urban residential guidelines in 2009 and the guidelines on apartment design and building height in 2018, so the material policy considerations which apply in the current case are quite different from those which applied to the previous cases.

11.3. Impact on the character of the area

- 11.3.1. The predominant built form in the vicinity of the site is low density 20th century housing, albeit with some larger structures including the 4 storey apartment building to the west at Auburn Lodge and the shopping centre across the road to the east. The proposed 3 to 7 storey apartment blocks would therefore be a departure from the established character of the area. The question therefore arises as to whether this departure is acceptable. The guidelines on urban development building height issued by the minister in 2018 indicate that it would be. The greater height of the proposed buildings compared to those around them would accord with the statement at SPPR1 of the guidelines to support increased building height and density in locations with good public transport accessibility. The council have submitted that it would also be in keeping with the height strategy set out in the development plan, although the strategy is subordinate to the guidelines by virtue of objective SPPR3 of those guidelines. The proposed heights are stepped down towards the northern and southern edges of the site that bound the curtilages of houses. The area in front of the site to the east is occupied by a large roundabout which has a weak urban edge. It is appropriate that this building line facing this significant junction that occupies a lot of space would have a stronger definition in the manner proposed in this case. The proposed development has taken reasonable account of the existing features on the site by retaining the stone wall on the eastern boundary and the more important elements of the existing trees and hedges including those along the historic townland boundary in the middle of the site and the Monterrey Pine in its north east. The detailed design of the proposed development achieves a high architectural standard.
- 11.3.2. Certain submissions from the public criticized the impact of the proposed development on the setting of natural landscape features including the Killiney Hill Park. The proposed development would not interfere with significant views towards that feature because the slope down west from the Church Road means that the

existing situation of the site already occludes views towards Killiney Hill which is to the east of the site. The proposed development would diminish views towards the Dublin Mountains to the south from the Graduate Roundabout and other public streets. It is not considered that this impact would justify refusing or amending the proposed development, but it is a matter to be taken into account in the determination of the application.

11.3.3. The Department of Arts, Heritage and the Gaeltacht reported that the submitted Archaeological Impact Assessment, which recommends monitoring of earthworks, was acceptable.

11.3.4. Having regard to the foregoing it is concluded that the proposed development would have a positive impact on the character of the area.

11.4. Residential amenity

11.4.1. The proposed development would provide housing for c416 people (based on the number of bedrooms). This would provide a very significant benefit in terms of residential amenity for a city where the supply of housing is not adequate to meet current demand. This is why residential development at a greater density is so clearly supported by national and local policy. The 2018 guidelines on apartment development provide standards on the level of amenity that should be provided for the occupants of the proposed apartments. Those standards would be met. The proposed housing mix would have 13% one-bedroom apartments, well below the maximum of 50% set out in SPPR1 of the guidelines. The apartments would be larger than the minimum floor area required under SPPR3, in most cases by more than 10%, as set out in the schedule of accommodation submitted with the application. 98 or 46% of the proposed apartments would have dual aspect, which exceeds the minimum of 33% required for accessible locations under SPPR4. This figure includes 20 apartments on the northern side of Block B where a saw-tooth arrangement of windows, balconies and winter gardens is used to avoid have single aspect apartments facing mainly north. The development would still meet SPPR4 even if those units are not regarded as properly dual aspect. The floor to ceiling height of 2.7m would comply with SPPR5, while the number of apartments per stair core would comply with SPPR6. Internal storage and private open space would be provided in line the standards set out in appendix 1 of the guidelines. The proposed

development would require 1,462m² of communal space under those guidelines. 1,570m² would be provided at podium level. Another 3,445m² of landscaped open space would be laid out between the blocks and along the eastern side of the site. The latter space would amount to more than 20% of the site area, which would provide an adequate additional amenity for the residents of the scheme equivalent to public open space. However it would not actually be public open space as it would not be taken in charge by the council. This is a reasonable way to meet the requirement for open space including that set out in the development plan given the restricted size of the site and the density of the proposed apartment scheme. The proposed blocks would maintain a separation between them of at least 20m. The apartments would provide a reasonable level of privacy and natural light for their occupants, as shown by the daylight and sunlight analysis submitted with the application. It is therefore concluded that the proposed development would provide an acceptable standard of amenity for its occupants.

- 11.4.2. With regard to the impact of the development on neighbouring properties, it is noted that proposed block C would be set back c9.5m from the boundary with the existing row of houses at Fairhaven to the south and c19.5m from the main wall plate the back of those houses. Block C would be three storeys high over a basement at this location, with the height of its flat roof equivalent to the ridge height of the pitched roofs over the houses at Fairhaven. The south gable end of the block would not have windows or balconies facing the neighbouring houses. The southern gable wall of Block B would be 20m from the boundary with the curtilages of the houses at Fairhaven and c30m from the houses themselves. In these circumstances the proposed development would not seriously the residential amenities of the neighbouring houses at Fairhaven by reason of overlooking, overshadowing or otherwise. In particular it is not considered that the relocation of the balconies at the southern gable end of block B sought by proposed condition 2b) of the council's recommendation is necessary or justified by the degree to which they would overlook the houses at Fairhaven to the south. At the northern end of the site the proposed block A would maintain at least at 10m separation from the boundary of the site and at least 20m from the detached houses on the other site. The block would be set down to a height of 3 storeys over basement and the gable walls would not have windows or balconies facing the boundary. The proposed development would not,

therefore, unduly overlook or overbear those properties. The submitted daylight and sunlight analysis demonstrates that the shadow it would cast in that direction would not breach the guidelines on the matter set out in the BRE guidance documents of 2011 and BS 8026-2 2008. So the proposed development would not unduly overshadow those properties either. Block B would be at least 28m from the existing and permitted houses to the west, which is an adequate separation to maintain the privacy, outlook and natural light of those houses. The proposed apartments would also maintain a separation distance from the western boundary of the site that was adequate to avoid prejudicing the future development of that open space, which is zoned residential, although no redevelopment of that amenity space is proposed nor would its acceptability be implied by a grant of permission for the current application. It is therefore concluded that the proposed development would not seriously injure the residential amenities of property in the vicinity of the site.

11.4.3. The submission from the council and from the occupier of a house whose curtilage adjoins the northern end of the western site boundary recommend that mature or canopy planting be required at that boundary in order to mitigate the impact on the neighbouring property of noise and disturbance arising from the surface car parking proposed beside the boundary. The submitted plans show a 2m high rendered block wall there. On street parking for housing is frequently provided near the curtilages of other houses and it does not generate a level of noise or disturbance that would justify the expense of mature or canopy planning. A condition imposing such a requirement would therefore be unreasonable. The proposed boundary would be adequate. In any event it is not clear that adequate space would be available for mature or canopy planting on the site if the car parking is retained, so a such a condition may not be capable of implementation. If the board considers that the surface car parking would cause an unacceptable nuisance to the neighbouring property, than it should omit the spaces in line with the advice at section 4.19 of the apartment design guidelines that car parking for apartments in accessible areas should be minimised.

11.4.4. The report of the opinions of the elected members of the council stated that the scale and concentration of the proposed provision of Part V housing was unacceptable. However the report from the council's housing section stated is had no objection in principle to the proposals submitted with the application. The board's power in this

regard are limited to the imposition of a condition requiring compliance with an agreement between the developer and the council under section 96 of the Planning and Development Act 2000, as amended. The matter would not, therefore, justify refusing permission for the proposed development or requiring significant alterations to it.

11.5. Access and parking

- 11.5.1. The road network serving the area is subject to heavy demand, as illustrated in the traffic analysis submitted with the application which shows delays at the junction of Church Road and Churchview Road in the absence of the proposed development. Refusing the current application would not, therefore, alleviate or mitigate traffic congestion in the area. Rather, it would tend to displace demand for housing to areas that are likely to be further from social and commercial facilities and public transport services, and would therefore have the effect of increasing the volume of traffic in the city and the congestion of roads.
- 11.5.2. Concerns were also expressed in many of the submissions from the public regarding the safety of the proposed access onto Churchview Road. It would be in the same location as the current access to the houses at Fairhaven. There is a significant potential for conflict between road users here as the current footpath and cycle track across the access are heavily used by children from the nearby school, and it is close to a bus stop and the junction with Watson Road. This issue was also identified in the road safety audit submitted with the application. The proposed development would mitigate this impact by providing a ramp at the entrance from Churchview Road and setting back the boundary walls to improve visibility. This approach would slow vehicles coming and going from the proposed development and would address most of the concerns about traffic hazard. However a residual level of confusion and potential conflict between the movement of cars, buses, pedestrians and cyclists would remain. A more appropriate response would be to clearly subordinate the vehicular traffic from the proposed private development to the movements along a main public street, including those by cyclists and pedestrian as the current layout of the junction does. Models and specifications for the proper junction arrangement are set out at section 4.9.2 of the National Cycle Manual. Their use could be required by condition because it would not require alteration to the form or amount of the proposed housing. A revised junction in this format would

also help protect the carrying capacity of the Churchview Road and the bus services along it from the traffic generated by the proposed development. It would not prejudice the use of the access road to serve the open space to the west of the site that is zoned residential.

- 11.5.3. The proposed development would provide proper pedestrian and cycle access to Church Road. The proposed emergency access from the northern end of its boundary onto that street is a standard and appropriate feature of apartment schemes which otherwise have only one vehicular entrance. The proposed accesses onto Church Road would not cause traffic hazard. Nor would they unduly interfere with the access to neighbouring houses to the north which already interact with pedestrians and cyclists using the facilities along the main road.
- 11.5.4. The proposed car parking provision of 227 spaces is equivalent to 1 space per apartment, having regard to the additional demand that would be generated by the operation of the proposed creche. This is less than the provision of 323 that would be required under the standards set out at table 8.2.3 of the development plan, but it is acceptable having regard to the advice at section 4.19 of the 2018 apartment design guidelines that parking provision should be substantially reduced in accessible locations. The proposed provision of facilities to charge electric vehicles in 10% of the spaces and to facilitate connections for charging in the rest of them appears reasonable having regard to the current prevalence of electric vehicles and its likely increase. The proposed provision of 348 bike parking space conforms to the development plan standard and would meet the likely demand for them arising from the proposed development. The concerns of the council regarding the format and spacing of the bike parking facilities can be addressed by condition.
- 11.5.5. Subject to the foregoing, the proposed development would be acceptable with regard to access and parking.

11.6. **Water supply and drainage**

- 11.6.1. Several of the submissions stated that the foul and surface water sewerage in the area was deficient and unable to cater for the effluent from the proposed development. They referred to previous board decisions to refuse permission on part of the site under PL06D. 229861, and elsewhere in the area under PL06D. 246229 and PL06D. 244195. However more recent board decisions on sites in the

area have granted permission for housing, cf. PL06D. 242432, ABP-301128-18 and ABP-301334-18, so the precedential value of the older cases has been undermined. Irish Water has explicitly stated in its report that its networks for water supply and foul drainage can accommodate the proposed connections to it. The council has reported that its surface water network can accommodate the runoff from the proposed development. The site is in flood risk zone C, as set out in the 2009 guidelines on flood risk management, where residential development is generally acceptable. The proposed surface water drainage system within the development is designed in accordance with SuDS principles and includes attenuation capacity of 435m³ to cater for a 1 in 100 year rainfall event. The details on drainage submitted with the application were stated to be acceptable by the Drainage Planning Section of the council, subject to the clarification of details that can reasonably be made the subject of a condition. The information available to the board would therefore support a conclusion that the water supply and drainage infrastructure in the area, as well as that proposed within the site, would be sufficient to serve the proposed development. Therefore it would not be prejudicial to public health and would not be at undue risk of flooding or give rise to an undue risk of flooding of other land. The information submitted in connection with the application would not reasonably support a contrary conclusion that would justify refusing permission for the development.

11.6.2. **Procedural issues**

11.6.3. The address of the site was properly stated on the published notices by referring to Churchview Road and Church Road. Members of the public are entitled to express dissatisfaction with the provisions of the SHD legislation. However this does not affect the duty of the board and its employees to implement them.

12.0 **Recommendation**

12.1. I recommend that permission be granted subject to the conditions set out below.

13.0 **Reasons and Considerations**

Having regard to the site's location in an established suburban area on lands zoned for residential use in the Dun Laoghaire Rathdown County Development Plan 2016-

2022, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the National Planning Framework 2040 adopted by the government in February 2018, the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March, 2018 and the Guidelines on Urban Development and Building Height issued by the Department of Housing, Planning and Local Government in December 2018, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would respect the character of the area, would not be prejudicial to public health or give rise to an undue risk of flooding, and would be acceptable in terms of road safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The proposed entrance to the authorised development from Churchview Road shall be amended to provide adequate priority for pedestrians and cyclists along Churchview Road across that entrance in accordance with the model for junctions where a two-way cycle track crosses a side road set out in section 4.9.2 of the National Cycle Manual issued by the National Transport Authority.

Revised drawings showing compliance with this condition shall be submitted for the written agreement of the planning authority prior to the commencement of development.

Reason: In the interests of road safety

3. The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interests of visual and residential amenity

4. Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

5. Prior to the commencement of development the developer shall submit for the written agreement of the planning authority details of bicycle parking which shall demonstrate that the form, layout and spacing of the facilities are sufficient to provide safe and convenient access to the permitted 348 spaces for a suitably wide range of users and types of bicycle in compliance with section 8.2.4.7 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and section 5.5 of the National Cycle Manual issued by the National Transport Authority.

Reason: In the interests of residential amenity and to facilitate sustainable travel modes

6. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

Reason: In the interests of visual and residential amenity.

7. The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

8. Drainage arrangements, including those for the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health

9. 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 details of intended construction practice for the development, including:

(a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

(b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 residential amenities of property in the vicinity.

11. 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.

Reason: In the interest of sustainable waste management

12. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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

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

14. 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.

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

15. 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

Stephen J. O'Sullivan
Planning Inspector

30th September 2019