



An  
Bord  
Pleanála

## Inspector's Report ABP 305265-19.

### Development

Residential Development consisting of 68 no. apartments (build to rent) and demolition of 2 no. existing dwellings on site know as Rose Cottage and No.1 Cullen's Cottages.

### Location

Site located at the junction of Fleurville Road and Newtownpark Avenue and abutting Annville Avenue to the east, Blackrock, Co. Dublin.

### Planning Authority

Dún Laoghaire-Rathdown Co. Council

### Planning Authority Reg. Ref.

D18A/1184

### Applicant

Rockshore Investments Ltd.

### Type of Application

Permission

### Planning Authority Decision

Grant permission

### Type of Appeal

Third Party

### Appellant

Newpark Service Station Ltd.

### Observers

(1) Niall Cullen

(2) Fergus Lynch

**Date of Site Inspection**

6/12/19

**Inspector**

Siobhan Carroll

## Contents

1.0 Site Location and Description .....	5
2.0 Proposed Development .....	5
3.0 Planning Authority Decision .....	6
3.1. Decision .....	6
3.2. Planning Authority Reports .....	6
3.3. Prescribed Bodies .....	13
3.4. Third Party Observations .....	13
4.0 Planning History.....	13
5.0 Policy Context.....	14
5.1. Project Ireland 2040 - National Planning Framework.....	14
5.2. Section 28 Ministerial Guidelines .....	15
5.3. Dún Laoghaire Rathdown County Development Plan, 2016-2022:.....	15
5.4. Environmental Impact Assessment (EIA).....	16
5.5. Natural Heritage Designations .....	16
6.0 The Appeal .....	16
6.1. Grounds of Appeal .....	16
6.2. Applicant Response .....	20
6.3. Planning Authority Response .....	27
6.4. Observations.....	27
6.5. Further Responses.....	28
7.0 Assessment.....	29
7.8. Other Issues.....	45

8.0 Recommendation..... 46

9.0 Reasons and Considerations..... 46

10.0 Conditions ..... 47

## 1.0 Site Location and Description

- 1.1. The appeal site is located at the junction of Fleurville Road and Newtownpark Avenue, Blackrock in south County Dublin. Newtownpark Avenue is a Regional road (R113) which links the Stradbroke Road to the east and the Stillorgan Road (N11) to the west. Fleurville Road extends from Newtownpark Avenue to Carysfort Avenue and forms part of the Monkstown Ring Road.
- 1.2. Benamore Court and Benamore Square a scheme of apartments and duplex units are situated on the eastern side of Newtownpark Avenue directly across from the appeal site. The apartment building directly addresses the corner at the junction of Newtownpark Avenue and Benamore Road.
- 1.3. The site is brownfield, it has a stated site area of 0.38 hectares it contains Rose Cottage with frontage onto Newtownpark Avenue and No. 1 Cullen's Cottage with frontage onto Annville Avenue. Rose Cottage a single storey dwelling adjacent to Newpark Service Station is a vacant property. No. 1 Cullen's Cottage is a single storey end of terrace property. It adjoins 2a Annville Avenue. The site lies in close proximity to the Neighbourhood Centre at Newtownpark Avenue which includes a variety of shops, café/restaurant and a Dunnes supermarket.
- 1.4. The northern site boundary extends for circa 116m along Fleurville Road. The boundary is formed by a capped block wall. Newtown Service Station adjoins the site to the south with the rear garden of no. 2a Annville Avenue forming the remaining 55m of the southern boundary. The western boundary of the site extends for circa 41m along Annville Avenue.

## 2.0 Proposed Development

- 2.1. Permission is sought for a residential scheme comprising 68 no. apartments. Features of the scheme include;
  - 43 no. 1 bedroom units and 25 no. 2 bedroom units, accommodated in two no. 3-5 storey buildings, on an overall site area of 0.38 ha. The proposed development will be a long term `Build-to-Rent` residential development, intended for use as a long-term rental housing scheme.

- The proposed development will be accessed off Fleurville Road via a new vehicular entrance, with proposed pedestrian/cyclist access onto Annville Avenue to the west and Newtownpark Avenue to the east.
- The proposed development provides for a basement car park underneath one of the proposed buildings which will accommodate 42 no. car parking spaces, bicycle parking and associated plant, with disabled car parking and bicycle parking provided at surface level.
- The proposed development provides for all associated site development works, open spaces, landscaping, boundary treatments, bin storage and relocation of existing ESB substation.
- Permission is also sought for the demolition of 2 no. existing dwellings on site know as Rose Cottage and No.1 Cullen's Cottages, and making good gable elevation to no. 2A Cullen`s Cottages.

2.2. Changes within the scheme at clarification of further information stage resulted in the number of apartments within the scheme being reduced from 68 no. to 67 no. with 1 no. one bedroom unit in Block A omitted in order to provide support facilities.

### **3.0 Planning Authority Decision**

#### **3.1. Decision**

Permission was granted subject to 21 no. conditions.

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

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

Further Information was sought in relation to the following;

1. As detailed in SPPR 7 of the 2018 Apartment Guidelines, the application must be accompanied by a proposed covenant or legal agreement which stipulates that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that no individual residential units are sold or rented separately for that period. The applicant has not submitted

any proposed covenant or legal agreement. The applicant is requested to provide this by way of further information.

2. In order to comply with the requirements of SPPR 7(b) of the 2018 Apartment Guidelines, the applicant is requested to submit detailed improved proposals for resident support facilities and resident services and amenities.
3.
  - (a) There are several windows and terraces on the southern elevation of Block B which may impact on the possible future development of the service station. The applicant is requested to submit revised proposals to address this issue.
  - (b) In regard to the south elevation of Block B, the Planning Authority have some concerns regarding its urban design. To ameliorate this, it may require a reduction in height by setting back part of the proposed upper fourth and fifth floors to the rear of Block B directly adjacent to the boundary with the service station with the loss of some of the living space and bedroom space and balcony.
  - (c) The applicant is requested to marginally reduce the height of the central stair core area on Block B in order to soften the transition from the five-storey element to the four-storey element.
  - (d) In regard to the urban design of Block A, the applicant is also requested to set back the upper floor (Third) of Block A at the corner of Fleurville Road and Annville Avenue which may require the reduction of that unit from a two-bed unit to a one bed unit.
  - (e) The applicant is requested to reconsider the extensive use of metal cladding at the upper levels of the proposed development and to consider replacing it with a light brick to compliment with the proposed buff brick, in order to provide a more visually appealing residential scheme.
  - (f) The applicant should consider the use of obscure glazing to the balustrades of the balconies in order to provide a coherent finish to the scheme.

(g) The applicant is requested to clarify the extent of their ownership included with the red line site boundary along the boundary with the service station and submit any amendments if required.

#### 4. Transportation issues

(a) The applicant shall submit a detailed drawing showing an increased number of car parking spaces and which car parking spaces within the proposed residential development are to be designated for the relevant apartment/visitor/disable parking.

(b) With regard to the request for additional off-street car parking spaces for the proposed Residential Development, the Applicant shall provide a revised 'Transport Statement'.

(c) The applicant is requested to undertake a detailed Road Safety Audit to demonstrate that appropriate consideration has been given to all relevant aspects of the proposed residential development in accordance with the Design Manual for Urban Roads and Streets (DRUMS).

(d) The applicant shall submit a detailed plan and elevation drawing of a proposed ramped entry treatment for pedestrian and cyclist priority at the vehicular entrance to the proposed development on the Monkstown Ring Road similar to the existing at Fleurville.

(e) The applicant shall submit a detailed assessment of the required length of a right turning lane on the Monkstown Ring Road, similar to the existing at Fleurville at the new vehicular entrance to the proposed residential development.

(f) The applicant shall submit a letter of consent from the Planning Authority (Property Management Section) stating that the Traffic Section and Water Drainage Section accept a right turning lane on the Monkstown Ring Road at the vehicular entrance to the proposed development.

(g) The applicant shall submit details showing the provision of a STOP sign and a STOP line road marking at the vehicular entrance to the proposed development at the back of the required ramp entry



treatment. This is in order to maintain pedestrian and cyclist priority in front of this proposed residential development.

- (h) The applicant shall show on a detailed drawing an overall minimum 2.5m wide footpath along the frontage of Newtownpark Avenue.
- (i) The applicant shall show on a detailed plan and elevation drawing the proposed pedestrian accesses from the residential development onto both Newtownpark Avenue and Annville Avenue.
- (j) The applicant shall submit detailed drawings indicating the omission of the proposed cycle parking (Tiered Racked System) and replacement with 'Sheffield' bicycle stands.
- (k) The applicant shall show on a detailed plan layout drawing the access arrangements and vehicle manoeuvres required for refuse collection, emergency vehicles and furniture delivery etc. within the proposed residential development.
- (l) To comply with development plan standards as set out in Section 8.2.34.12 of the current County Development Plan the applicant shall show that the proposed residential car parking spaces are constructed so as to be capable of accommodating future electric charging points for electrically operated vehicles.

#### 5. Drainage issues

- (a) The proposals for the Blue roof needs the necessary flow control certainty, in the absence of this it cannot be considered to provide or contribute to the provision of attenuation storage.
- (b) The applicant is proposing to use Long Term Storage (LTS). In principle this is an acceptable SuDS solution, Drainage Planning does not consider that the proposal as submitted functions as LTS. The applicant is required to redesign the proposed attenuation system to provide for full attenuation for the 1.0% AEP event with the outflow restricted to  $Q_{bar}$  or 2l/s/ha, whichever is greater.
- (c) Given the density and confined extent of the development as currently proposed, it is not immediately apparent how or where this additional

attenuation storage volume can be provided and therefore an alternative layout, possibly with the reduction in the footprint of the proposed built footprint may have to be considered.

- (d) Submit full details of the proposed podium drainage.
  - (e) Provide confirmation from the chosen manufacturer of the storage systems that the specific model chosen has the required load bearing capacity to support the vehicular traffic loading that may be imposed upon it.
  - (f) Provide details of maintenance access to the roofs, which must be through the common and not private areas of the building. In the absence of a stairwell type access to the roof, provision should be made for alternative maintenance and access arrangements such as external mobile access that will be centrally managed.
  - (g) Provide a detailed section indicating that there is no potential for a clash of pipes between the foul and surface water sewers or other utilities at the entrance to the proposed development.
  - (h) Mark on the drainage drawing that the flow limitation device will be placed in the SWMH01 manhole.
  - (i) It is not evident why some of the drainage pipes carrying surface water from outside the building have to enter the pipes in the basement of the building A, rather than be sent directly towards the attenuation tank. The applicant is requested to review this arrangement.
  - (j) The 300mm diameter surface water sewer on Fleurville Road, which the applicant has proposed to discharge the surface water effluent, gets very close to the border of this land. The applicant shall clarify their intentions in relation to the border treatment (walls, etc) proposed in the vicinity of this sewer.
6. The lighting level at the development entrance is too low in comparison to the level on the Monkstown Ring Road and needs to be increased to remove any apparent dark areas to pedestrians, and drivers entering and leaving the development. The applicant is requested to provide drawings and details showing this.

**Clarification of further information was sought in relation to the following;**

1. Provide clarification in relation to item 2 of the request for further information in relation to proposals for resident support facilities and resident services and amenities in order to comply with the requirements of SPPR 7 (b) of the 2018 Apartment Guidelines. The provision of resident laundry facilities on site, concierge/reception facilities should also be provided on site. Another communal area should be provided in Block B at ground floor level and further resident services and amenities provided in Block A for communal recreational and other activities including sports facilities, shared TV/lounge area, work/study spaces, function rooms for use as private dining and kitchen facilities.
2. With regard to item 3(a) at first and second floor levels the K-type one - bedroom apartments are shown on the floor plans as having no south facing window and balcony elements. However, drawing no. 1801-P-301, Elevations Block b-South elevation shows windows and south facing balconies at these levels. Provide revised drawings showing the balconies and windows omitted.
3. In relation to item 3(d) of the request for further information, the applicant has submitted revised drawing no. 1801-P-300 'Elevations Block A' which shows the third floor partly set back at the corner of Fleurville Road and Annville Avenue. The effect of the setback is that a previously proposed two-bedroom apartment (A type) has been omitted and replaced with a 1 bedroom (M type). This apartment does not show any storage on the floor plans. Applicant is requested to provide revised drawings showing storage of the required 3sq m.
4. In relation to item 4(a) and (b) of the further information, the applicant is requested to provide details of proposed car parking and cycle parking management to support the significantly reduced level of car parking with regard to SPPR8 of the 2018 Apartment Guidelines. Including proposed arrangements to ensure all future occupants are made aware of the reduced car parking and lack of car parking entitlement. Arrangements to ensure available car club vehicles for future rental with 2 proposed car club parking space.

5. With regard to item 4(e) of the further information, the applicant is advised that there are inconsistencies in the submitted drawings. The proposed right turning lane is not indicated on Site Layout Plan Drawing No. 1801-P-03. The applicant is requested to provide revised drawings clarifying this.
6. With regard to item 4(f) of the further information, the letter of consent submitted by the applicant refers to Reg. Ref. D15A/0265 only. The applicant is requested to provide a letter of consent from the Planning Authority (Property Management Section) stating that the Traffic Section and Water Drainage Section accept a right turning lane on the Monkstown Ring Road at the vehicular entrance to the proposed residential development.
7. With regard to item 4(j) of the further information, of the further information, the access route to the basement cycle parking is not clear. Provide revised drawings demonstrating how safe access to and from the proposed cycle parking can be provided.
8. With regard to item 4(k) of the further information, the applicant's proposal to use Annville Avenue for refuse collection is not acceptable. Submit proposals demonstrating how refuse collection can be accommodated within the proposed BTR development.
9. With regard to item 4(l) of the further information, the applicant's response that up to 10% will have access to electric car charging points is not acceptable. In accordance with Section 8.2.4.12 of the County Development Plan a minimum of one car parking space per ten units should be equipped with a fully functional ev charging point. Provide revised plans showing this.

### 3.2.2. Other Technical Reports

Drainage Planning Report dated 16/5/19 – No objection subject to conditions.

Transportation Planning – Report dated 23/7/17 – conditions recommended.

Public Lighting Report dated 21/4/19 – No objection subject to conditions.

Housing – No objection subject to condition.

Parks and Landscape Services – Refusal recommended based on the proposed site layout and inadequacy of Green Infrastructure and Play Opportunities.

### 3.3. **Prescribed Bodies**

Irish Water – No objection.

### 3.4. **Third Party Observations**

- 3.4.1. The Planning Authority received 17 no. submissions/observations in relation to the proposed application. The main issues raised are similar to those set out in the third party appeal and observations to the appeal.

## 4.0 **Planning History**

**PA Reg. Ref. D15A/0265** – Permission was granted for (1) The demolition of two dwellings, Rose Cottage and No. 1 Cullen's Cottages (2) The construction of 9 no. two-storey with attic level accommodation dwellings (174 sqm) each) in two terraces with 2 car parking spaces per dwelling (3) The construction of 11 no. apartments in a four storey building, comprising 8 no. 2 beds (89-148 sqm) and 2 no. 3 beds (105 sqm each) with 23 no. car parking spaces. (4) A new vehicular access at Fleurville Road. (5) Ancillary site development works, including new boundary treatments, pedestrian access at Annville Avenue, removal of partially constructed basement car park, landscaping, relocation of an ESB substation and making good gable elevation to no. 2A Cullen's Cottages.

**PA Reg. Ref. D05A/0109 & PL06D.211839** – Permission was refused for a residential development, consisting of 21 apartments in two blocks. Block A consisting of 6 apartments, 3 no. 2 bed ground floor apartments, 1 no. 2 bed 1st floor apartment and 2 no. 3 bed maisonettes, in part 2 and part 3 storeys. Block B consisting of 15 no. 2 bed apartments in 3 storeys with parking for 27 cars in a basement with access via the basement parking of St. Judes development (Planning Ref. D03a/0553). Together with ancillary site development works and car parking for 5 cars with access from Annville Avenue at surface level and the demolition of the existing Warehouse / Factory building.

1. Having regard to its scale, bulk and design, it is considered that the proposed development would represent an unsatisfactory standard of development in terms of design and layout, which would not integrate well with the surrounding residential area, would be visually obtrusive and would seriously injure the amenities and character of the area. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.
2. The proposed development would result in overlooking of residential properties to the south and constitute an overbearing feature when viewed from adjacent rear gardens. The proposed development would, therefore seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

**PA Reg. Ref. D03A/0553** – Permission was granted for Demolition of existing house, demolition of extensions and sheds to rear, the reconstruction and extension of house to provide 2 No. 1 bedroom and 2 No. 2 bedroom apartments and the construction of three storey block, over basement car park (16 spaces) , to the rear of the site to contain 3 No. 1 bedroom and 9 no. 2 bedroom apartments, with vehicular access to car parking from existing entrance, to be upgraded, off Yankee Terrace.

## 5.0 Policy Context

### 5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. 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”.
- 5.1.2. National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

5.1.3. National Planning Objective 13 also provides that “In urban areas, planning and related standards, including in particular 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”.

## 5.2. Section 28 Ministerial Guidelines

5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Urban Development and Building Heights’ Guidelines for Planning Authorities
- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

## 5.3. Dún Laoghaire Rathdown County Development Plan, 2016-2022:

5.3.1. Land Use Zoning: The western section of the proposed development site is located in an area zoned as ‘A’ with the stated land use zoning objective ‘To protect and-or improve residential amenity’. The eastern section of the site is located in an area zoned objective, ‘NC’, to protect and provide for and improve mixed use neighbourhood centre facilities.

5.3.2. Chapter 8 – Principle of Development

5.3.3. Section 8.2.3 – refers to Residential Development

#### **5.4. Environmental Impact Assessment (EIA)**

- 5.4.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment 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.

#### **5.5. Natural Heritage Designations**

- 5.5.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 1.3km north of the site.
  - The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 1.3km north of the site.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

A third party appeal was submitted by Kiaran O'Malley & Co. Ltd on behalf of Newpark Service Station Ltd. The issues raised are as follows;

- The northern and part of the western boundary abuts the appellant's property at Newpark Service Station.
- It is stated that part of land within the ownership of Newpark Service Station Limited is shown within the red line boundary of the site. The area is the side passage to the left/south of Rose Cottage. The appellant states that a "gentleman's agreement" was reached to provide a side passage to Rose Cottage over their land. This was the most practical way at the time of addressing the request from the then owner and resident at Rose Cottage. It is highlighted that no legal agreement was entered into and the appellant states that the land to the side of Rose Cottage remains in their ownership.



Therefore, it is submitted that the side passage to Rose Cottage is mistakenly shown, however no letter of consent has been sought from them.

- The validity of the application is queried in relation to the matter of land ownership. The matter of the details provided on the submitted drawings is raised in relation to distance from the proposed development to boundaries. The appellant suggests that the application should be deemed invalid on the basis of the lack of separation distances shown on drawings.
- It is submitted that the height, scale and massing of the proposal fails to have regard to the established character of the area and that it would be detrimental to the visual amenity of the area. Any re-development of the site must have due regard to the neighbouring properties in respect of the physical and visual relationship.
- The appellant argues that the proposal would represent overdevelopment of the site without any due regard to the character of the area or compliance with relevant Development Plan standards including off-street car parking and mix of units.
- The Planning Authority in their assessment of the proposal referred to the Benamore Court development directly opposite the site. Benamore Court was also considered when the Planning Authority assessed the previous scheme on the site under PA Reg. Ref. D15A/0265. That granted scheme respected the height of Benamore Court. The current proposal is five storeys while the previously permitted scheme was four-storey. It is noted that Benamore Court is three-storey with a setback to a fourth-storey. It is noted that the two other corners of the junction are two-storey dwellings with recently completed three storey schemes adjacent to it.
- Block B has a height of 15.3m. The proposed finished floor level at ground floor is +31.8 which is 1.7m above the level at the centre of the crossroads of Fleurville Road/Rowanabyrn & Newtownpark Avenue. Therefore, the height of Block B relative to the public road is 17.0m. In comparison the eaves level of Benamore Court is 12.52m. The significant difference in height and the harsh design of Block B would exacerbate the negative visual impact of Block B.

- The appellant has no objection in principle to the redevelopment of the site, however they contend that the proposal would represent a substantial overdevelopment of the site.
- Concern is expressed in respect of the proximity of the proposed residential units from Newpark Service Station (which operates on a 24 hour basis), particularly the proximity of Block B and the potential impact upon future residents. As illustrated on Drawing No. 1801-P-301 (CFI version) the excessive provision of windows and balconies which would face the service station has been reduced from what was previously proposed. However, there remains a number of elevated windows and balconies which face the service station. Some windows are circa 5m from the boundary with the service station. The proximity of the service station is raised in terms of noise, traffic generation, fumes from fuel and general disturbance associated with the 24-hour commercial facility.
- Should the Board decide to grant permission, it is requested that 4 no. south facing bedroom windows in the J-type one bedroom apartment from first floor to fourth floor at the south-east corner of Block B are omitted and to condition the provision of non-transparent glazing on the southern facing corridor window on the first, second and third floors of Block B.
- Traffic generated by the proposed development is of concern. It is submitted that the proposal is materially deficient in terms of the off-street car parking. 42 no. car parking spaces for 68 no. units is considered wholly inadequate and that it fails to have due regard to the site's distance relative to public transport corridors. The N11 is circa 1.4km from the site and Seapoint Dart station is circa 1.5km from the site. The existing bus service along Fleurville Road is very limited in frequency and the location which is served. As per table 8.2.3 of the Development Plan the car parking requirement is a minimum of 80.5 spaces this excludes visitor parking this proposal provides just over half the required car parking.
- It is highlighted that there is an absence of alternative on-street car parking which could accommodate the shortfall. The recent development of the Dunnes Stores supermarket at the former Playwright is noted and it is stated that it has significantly increased demand for on-street parking. It is argued

that the proposal will result in haphazard on-street car parking and that the Management of the Scheme will not be able to control this

- The appellant's primary concern to the proposed development refers to the potential impact on groundwater, which affected Newtown Service Station since the partial construction of a basement level car park on the site on foot of a previous permission PA Reg. Ref. D03A/0553. It is stated that during that construction, groundwater accumulated above the fuel tank located beneath the service station forecourt. The appellant also understands that the partially constructed basement accumulated groundwater. The previous developer of the site sought to connect and drain groundwater from the site through Newpark Service Station.
- Drawing No. 16139-11 indicates the basement plan. The appellant considers that the underground car park would result in circa 40% of the site being dug out during construction. It is estimated that the proposed basement car park area is in excess of 1,500sq m which would be about 3.75 times the size of the existing underground car park on the site. It is considered that the proposed development would displace a substantial amount of ground water which would have the potential to greatly affect the appellant's property. It is submitted there was no consideration of the localised groundwater issue. This was not an issue in respect of previous permission on the site under PA Reg. Ref. D15A/0265 because the scheme did not include a basement.
- The appellant has no objection in principle to the appropriate redevelopment of the site. However, the appellant submits that the height, scale and massing of the buildings fails to respect the established character of the built environment and that the proposal represents overdevelopment of the site.
- It is submitted that the construction of a substantial underground car park would materially affect the operation of the appellant's service station through the increase in ground water flooding beneath the forecourt.
- It is requested that the Board refuse permission for the reasons set out in the appeal.

## 6.2. Applicant Response

A response to the third party appeal was submitted by Delphi Architects and Planner on behalf of the applicant Rockshore Investments Ltd. The issues raised are as follows;

- In relation to the matter of the red line boundary it is stated that as part of the further information response a letter from the applicant's solicitor (Margeston & Green) and associated OS map confirming the applicant's ownership was submitted to the Planning Authority.
- A letter from the applicant's solicitor Leman is included with the appeal response. This confirms the applicant's ownership and a copy of the neighbouring Folio DN214213F owned by appellant Newpark Service Station Limited is also provided. The first party submit that it is evident from both maps that there is no ambiguity over the title to lands.
- The area referred to by the appellant, the side passage to the left/south of Rose Cottage is not included in the appellant's folio DN214213F but is included in the applicant's ownership.
- The appeal refers to a "gentleman's agreement" regarding the use of a side passage. However, the appellant's own title deeds registered in 2017 contradict this. Leman solicitors confirm that a "gentleman's agreement" does not amount to a binding contract or agreement.
- The red line boundary of the site of a previous application on the site Reg. Ref. D15A/0265 along the southern boundary of the site is identical to that of the current application.
- Delphi Architects & Planners agents for the applicant confirm that there is no legal requirement for any letter of consent from Newpark Service Station Limited. They also cite the legal advice provided Leman solicitors in relation to the matter.
- Regarding the validity of the application it is noted that the Planning Authority were satisfied with the plans and particulars submitted and the application was deemed valid.

- In relation to the height, scale and mass of the proposed development, the site context is highlighted as being a prominent location at the junction of Fleurville Road and Newtownpark Avenue. It is submitted that the proposed 3-5 storey apartment development located in an urban context is in accordance with national policy objectives to provide compact forms of urban development in order to consolidate and strengthen the existing built up area. The provisions of 'Urban Development and Building Heights' Guidelines for Planning Authorities are noted. It is government policy that building heights are generally increased in appropriate urban locations.
- Section 3.6 of the Guidelines state, *'Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.'*
- The Guidelines also state where relevant that the Planning Authority or the Board considers that such criteria are appropriately incorporated into development proposals the relevant authority shall apply SPPR4.

*It is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:*

- 1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled "Sustainable Residential Development in Urban Areas (2007)" or any amending or replacement Guidelines;*
- 2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and*
- 3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively so in any one development of 100 units or more.*

- It is evident that the Planning Authority accepts that the development would provide an appropriate density of development to ensure efficient use of land close to public transport corridors with a mix of up to 4 & 5 storey building,

which is appropriate to the site. Having regard to the context at the corner of a junction and the existing character of the it is considered that the proposal will mirror the prevailing height on the opposite corner of Newtownpark Avenue.

- It is submitted that sufficient separation distance has been provided, particularly along the southern boundary and therefore that it will not impinge on any future development options for the appellant's lands. Furthermore, revisions to the scheme as part of the further information and the clarification of further information ensure that there would be no undue overlooking from the southern gables of the proposed development into the adjoining property.
- It is submitted that the proposal will provide a modern 3-5 storey development on a site where it is considered an appropriate design response and that it will positively bookend development at this junction location. The proposal will provide a strong urban edge to both Newtownpark Avenue and Fleurville Road. It represents high density of development which would create a good urban street frontage. It is argued that the proposed development provides a high quality design response on the corner site which would successfully integrate with its environs.
- The variation in height from 5 storeys at the eastern end of the site where Block A addresses Newtownpark Avenue and Fleurville Road is considered a strong urban design response. The building tapers to three storeys at the western end of the site, this is considered an appropriate design response to the existing lower building form along Annville Avenue.
- The western portion of Block A at 3 storey adjacent to the existing houses on Annville Avenue increases gradually up to a maximum height of five storeys and 15.6m at the eastern end in the form of Block B. The majority of Block B is 4 storeys presenting to Fleurville Road but it is five storeys at the eastern most end. The proposed tapering in building height demonstrates that cognisance has been paid to its surrounding.
- The Board is referred to the shadow analysis prepared by Chris Shackleton, which concludes that the proposed development complies with the recommendations and guidelines of Site Layout Planning for Daylight and Sunlight: A Guide Practice (BRE 2011) & BS 8206 Lighting for Buildings Part

2: Code of Practice for Daylight. Therefore, it is submitted that the neighbouring properties will not be materially affected by the proposed development.

- The Planning Authority in their assessment of the proposal stated that having regard to the proposed setback from the public road and site boundaries that they were generally satisfied that the proposal will not unreasonably impact the visual amenity or character of the immediate surroundings. The Planning Authority also noted that a four-storey apartment building was permitted in the north-east corner of the site.
- It is highlighted that there is a greater separation distance between the current proposal and the scheme granted under Reg. Ref. D15A/0265.
- In relation to residential amenity and specifically potential overlooking from Block B to the appellant's filling station to the south it is highlighted that as per the submitted floor plans that there are no primary windows from any of the units in Block B directly overlooking the filling station to the south.
- Any future development on the site would likely have a minimal amount of openings/fenestration/glazing on the opposing elevation as it would be north facing. Therefore, it is submitted that the current proposal will not negatively impact on any future development proposals that may or may not occur on the neighbouring lands to the south.
- It is submitted that careful design consideration has been paid to the layout of the floor plans and individual units in Block B in terms of maximising future residential amenity and ensuring privacy. Therefore, there is no requirement to omit any units from the proposed development as suggested by the appellant. There are no direct overlooking issues or impacts on any future residential amenity or development potential on the adjoining site.
- The proposed development is a Build-To-Rent (BTR) scheme, this is clearly stated in the public notices. The proposed development will be privately managed and a proposed Draft covenant/legal agreement, prepared by the applicant's solicitors was submitted to the Planning Authority and they were satisfied with the proposals.

- The document confirms that the Development shall enter into a formal agreement with the Council pursuant to Section 47 of the Planning and Development Act, 2000, as amended and that the development shall remain owned and operated by an institutional entity and that this status shall continue to apply for a minimum period of 15 years from the date of the grant of permission and furthermore to enter an agreement that no individual residential Build to Rent units are sold or rented separately for that period.
- An outline Operational Management Plan, prepared by the applicant was submitted with the application the plan confirms that the proposed Build to Rent (BTR) development will be privately managed by an operational team. This confirms that the proposal is different from that of a traditional housing development.
- 40 no. regular car parking spaces are proposed at basement level in addition to 2 no. “Go Car”/car club scheme spaces to serve 67 no. apartments. International experience indicates that car clubs run by “Go Car” operate at a provision of 30 clients per car and can replace up to 6 private cars.
- In accordance with the ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’, given the site’s location relative to high centres of employment, high quality/high frequency public transport and good cycle and walking permeability with existing cycle lanes abutting the site, the proposal to have a reduced car parking ratio was accepted by the Planning Authority.
- The proposal to reduce car parking ratio complies with National policy, including SPPR 8 of the Design Standards for New Apartments. SPPR8 states, *“(iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;”*
- The proposed development is in compliance with SPPR 8. Details submitted with the application included an Outline Operational Management Plan and



letter submitted by the project Consulting Engineers, Pinnacle Engineering, confirming that future residents will be made aware of the reduced car parking/car storage and lack of car parking entitlements and how this will be mitigated through additional cycle parking, car club access and bicycle share facility. All spaces will be let to residents of the development and access to the car park will be through a remote control access system or an Automatic Number Plate Regulation system.

- 2 no. “Go Car” car parking spaces are proposed in the basement car park. The number of “Go Car” car spaces are proposed in the basement car park. The number of “Go Car” spaces will be assessed on an on-going basis. It is the experience of “Go Car” that the demand for spaces becomes self-regulating. Members book in advance of planned trips, however if the space on site is not available the nearest alternative “Go Car” location is Dr. Michael Smurfit Business school, Carysfort Avenue, which is 1.3km from the site.
- It is submitted that the current national planning policy caters for BTR schemes with reduced car parking provision. Therefore, the appellant's assertions that the proposed development does not comply with Development Plan Standards is irrelevant in this instance. As future residents of the proposed development will be made aware of the car parking arrangements and their entitlements, along with the availability of “Go Car” on site, it is considered having regard to the nature of tenure and that residents will have a reduced car parking requirement therefore will not impact on local car parking arrangements.
- A report was prepared by JA Gorman Consulting Engineers on behalf of the appellant which detailed their concerns. The matters raised in the appeal were also raised in the observation to the Planning Authority.
- The applicant has engaged the services of the project engineers Doherty Finnegan Kelly (DFK) to respond to the five points raised by JA Gorman Consulting Engineers.
- It is asserted in the report of JA Gorman that the proposed basement construction would impact on groundwater levels, which may result in locally

raised ground water levels on the appellant's adjoining site. DFK confirm in their technical response that the extent of the proposed basement would not cause any significant fluctuations in the ground water and that there are no substantial water retaining structures in the area which would restrict the flow paths.

- It is acknowledged that there is a partially built basement on the site which arose from a previously permitted development which was commenced but not completed.
- DFK confirm that the water table at the site is not high and that the proposed basement is remote from the appellants site aside from the access ramp which will not be constructed to full basement depth. A sump is proposed remote from the appellant's site boundary and pumping from there can be agreed with the Planning Authority as part of the Construction Management Plan.
- The report submitted by JA Gorman refers to a water well on the appellants site and states that the construction of the basement will impact on the yield of the water from the well. No details were provided regarding the exact location of the well. There is confusion in the report of JA Gorman that the proposed development will increase the ground water level yet decrease it. DFK confirm that ground water levels fluctuate seasonally and that wells are normally bored to levels of 60-120m below ground level. Therefore, DFK state that the proposed development will not affect the well.
- The ramp accessing the basement is the only portion which is in close proximity to the boundary between the application site and the appellants site. At a worse case scenario the finished level of the ramp before it bends away from the appellant's site would be 2m below existing ground levels with the finished line of the retaining wall being 1.8m at the closest point.
- A 980mm clearance to the temporary work zone which will not impact on the bulb of pressure under the adjoining property foundations. The suggestion of a 4m dig close to the boundary between the two sites is exaggerated.
- Site investigations carried out by DFK confirm that rock levels recorded were quite low and that the main basement works to be carried out are remote from

the appellant's property. It is confirmed that a full condition survey will be carried out and all necessary construction practises will be adhered to in order to avoid any disruption. It is submitted that the appellant's concerns in relation to ground water are without foundation.

- It is submitted that the proposed development has been designed to a high quality and will have no impacts on adjoining properties or amenities. The applicant requests that the Board uphold the decision of Dún Laoghaire Rathdown Co. Council to grant permission for the redevelopment of the site.

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

- The Board is referred to the report of the Planning Officer in respect of the application.
- The Planning Authority concluded that the grounds of appeal do not raise any new matters which would justify a change of attitude to the proposed development.

### **6.4. Observations**

Observations to the appeal were received from (1) Noel Cullen and (2) Fergus Lynch. The issues raised are as follows;

- Concern in relation to the height, mass, scale and design of the proposed apartment buildings.
- Traffic generation.
- Concern in relation to the proposal to build the apartments for rental.
- Concern in relation to car parking and the shortfall in spaces.
- The site is considered remote from high quality, high frequency public transport.
- Issues raised regarding the proposed vehicular access and potential conflicts with right turning traffic onto Newtownpark Avenue.

## 6.5. Further Responses

A further response was received from Kiaran O'Malley & Co. Ltd on behalf of the appellant Newpark Service Station Limited. The issues raised are as follows;

- Regarding the red line boundary the appellant's position remains unchanged.
- In relation to the design and scale of the proposed scheme it is not adequately detailed in the appeal response how the site is suitable location for a building of increased height.
- It is submitted that the site is very poorly served by public transport and that it is not situated in a town or city centre. The site is just under 20 miles walking distance to the N11 QBC, and 1.6km to Seapoint Dart Station. There are three routes which operate adjacent to the site 7b, 7d and 46e. These provide 13 journeys per weekday. It is therefore considered that the site is not an "accessible urban location".
- The appeal response refers to Section 3.6 of the Design Standards for New Apartments – Guidelines. It is argued that the site is not alongside larger buildings, also there are not trees, parkland, river/seafrontage and the public road cannot be classified as wider street to justify any height above what was previously approved on the site.
- The appellant submits that given the existing traffic conditions that there is sufficient capacity to cater for current traffic loads. The proposal is considered materially substandard in terms of its car parking provision and that it cannot rely on proximity to public transport to justify low off-street parking. It is highlighted that the roads and streets in the vicinity of the site are full with parked cars and that the current proposal will further worsen the situation. The appellants are not satisfied that "Go Car" would address the private car use demand which would arise from all future residents due to the lack of public transport. In the absence of high quality and high frequency public transport it is considered that two Go Cars would not be sufficient. It is noted that the dwellings in the vicinity of the site are heavily dependent upon private car use as the primary means of transportation. It is considered that this would also apply to the site.

- In relation to the matter of ground water there was no hydrogeological or hydrological preview/study carried out for the proposed development and its potential impact on adjacent lands.
- The submitted plans indicate plant room under the ramp therefore they consider that a full basement dig is proposed adjacent to the appellant's site.
- It is submitted that the well will be dewatered during the construction of the basement.
- Concern is expressed that as the partially constructed basement which has been constructed on site has been submerged with water that it should be completely removed as part of any re-development of the site.

## 7.0 **Assessment**

I consider that the main planning issues in the assessment of the proposed development can be dealt with under the following headings:

- Principle of the proposed development
- Build to Rent (BRT)
- Visual impact
- Impact on residential amenity
- Access and traffic
- Proposed basement
- Appropriate Assessment
- Other Issues

### 7.1. **Principle of the proposed development**

- 7.1.1. The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity on the western section of the site. The eastern section of the site is located in an area zoned objective, 'NC', to protect and provide for and improve mixed use neighbourhood centre facilities.

- 7.1.2. The proposal is to demolish two existing dwellings and construct 68 no. apartments in a two apartment buildings represents an appropriate efficient use of zoned and serviced lands in accordance with the overarch provisions of the National Planning Framework – Project Ireland 2040.
- 7.1.3. The site has an area of 0.38 hectares the proposed density would be equivalent to 179 units per hectare.
- 7.1.4. The appeal and observations raise concerns about the scale, density and overall height of the proposed development, that it would be out character with the existing area. I note that the prevalent character in the area in proximity of the site is single-storey properties to the west and two-storey properties on the opposite side of Fleurville Road to the north. However, the Benamore Court development located to the on the opposite side of Newtownpark Avenue to the south comprises a four-storey apartment building which address the south-eastern corner of the junction of Newtownpark Avenue and Monkstown Ring Road.
- 7.1.5. Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments defines central and / or accessible urban locations as sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. 10 minute peak hour frequency) urban bus services.
- 7.1.6. The 114 bus serves Newtownpark Avenue. The site is located approximately 1.4km from the N11 QBC which is served by no.'s 7b, 7d, 46a, 46e, 47, 116, 118, 145 and 155 routes. Fleurville Road is served by the no. 7b and no. 7d commuter bus routes. The site is situated circa 800m from Stradbroke Road which is served by the no. 4 bus route and approximately 1km from Monkstown Road which is served by the no. 7 and no. 7a routes. Seapoint Dart Station lies approximately 1.4km from the site and Blackrock Dart Station is circa 1.5km away.
- 7.1.7. Section 8.2.3.2 of the Development Plan recommends the provision of densities at higher than 50 dwellings per hectare at locations readily accessible to public transport corridors – QBCs, Luas, DART. Accordingly, I would consider that the site is an appropriate location to develop at the proposed density of 179 units per hectare subject to all other relevant planning considerations being satisfactorily addressed.

7.1.8. Regarding the matters of building height and adherence to existing pattern of residential development in the area as raised in the observations, Ministerial policy as set out in 'Urban Development and Building Heights' Guidelines for Planning Authorities advises that the constant expansion of low-density suburban development around our cities and towns cannot continue. Section 3.4 of the Guidelines refers to Building height in suburban/edge locations (City and Town) and it advises that for newer housing developments outside city and town centres and inner suburbs, i.e. the suburban edges of towns and cities, should now include town-houses (2-3 storeys), duplexes (3-4 storeys) and apartments (4 storeys upwards). The Guidelines advise that such developments also address the need for more 1 and 2 bedroom units in line with wider demographic and household formation trends, while at the same time providing for the larger 3, 4 or more bedroom homes across a variety of building typology and tenure options, enabling households to meet changing accommodation requirements over longer periods of time without necessitating relocation. Accordingly, having regard to the provisions of the Ministerial Guidelines in relation to Building Heights, I would accept that the principle of an apartment building of five storeys can be considered subject to all other relevant planning considerations being satisfactorily addressed.

## 7.2. **Build To Rent (BTR)**

- 7.2.1. The proposed development is for 68 no. BTR apartment units, as advertised and in the development description. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BRT) which is defined as "purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord". A covenant for the entire building is required at a minimum of 15 years.
- 7.2.2. The third party appeal and observations to the appeal have raised concern in relation to the use of the units as BTR and refer to the impact of the type and tenure. I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland. Furthermore, I do not consider the management of the apartments as BTR rather than Build to Sell

should have a negative impact on the existing or proposed residences, rather the model will provide a better experience for the tenant, subject to the specified supplementary residential amenities being provided within the development as discussed below.

7.2.3. Specific Planning Policy Requirement 7 (SPPR 7) of the 'Sustainable Urban Housing: Design Standards for New Apartments', 2018, sets out that detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:

(i) Resident Support Facilities - comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.

(ii) Resident Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

7.2.4. In terms of resident support facilities and resident services and amenities, I note that a common room of 95.71sq m is proposed to the fourth floor of Block A this adjoins the rooftop terrace with an area of 46.24sq m. The Planning Authority in their assessment of the scheme at further information stage were concerned that no residential support facilities including a laundry facility or concierge were proposed. Therefore, they sought clarification of further information on the matter which included the provision of another community area in Block B at ground floor level for communal recreational and other activities including sports facilities, shared TV/lounge area, work/study space and function room for dining and kitchen facilities.

7.2.5. In response I note that a concierge/reception desk, resident lounge, staff wc/shower and meeting room/study/co-working area has been proposed on the ground floor of Block A as indicated on Drawing No: 1801-P-102. Provision for post boxes within the entrance lobbies of Block A and Block B with access restricted to residents only is also proposed. In relation to parcel storage it is stated that oversized items for residents can be redirected to the concierge. A parcel storage locker is proposed to the ground floor of Block A. Resident lounges are proposed to ground and fourth floor of Block A and within the terrace in Block A. The fourth floor amenity space in



Block A has been redesigned to facilitate a gym, shared kitchen facilities and private dining area this is indicated on Drawing No: 1801-P-104. In Block B a winter garden is proposed at third floor level this is indicated on Drawing No: 1801-P-104.

- 7.2.6. In relation to laundry facilities the applicant confirms that all units will be let fully furnished with all appliances including an A rated washer/dryer. This therefore negates the need for a specific laundry room to service the development. Having regard to the revised proposals for resident support facilities and resident services and amenities within the scheme, I am satisfied that the it is in accordance with the provisions of SPPR 7.
- 7.2.7. Specific Planning Policy Requirement 8 (SPPR 8) of the ‘Sustainable Urban Housing: Design Standards for New Apartments’, 2018, sets out for proposals that qualify as specific BTR development in accordance with SPPR 7:
- (i) No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise;
  - (ii) (Flexibility shall apply in relation to the provision of a proportion of the storage and private amenity space associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. This shall be at the discretion of the planning authority. In all cases the obligation will be on the project proposer to demonstrate the overall quality of the facilities provided and that residents will enjoy an enhanced overall standard of amenity;
  - (iii) There shall be a default of minimal or significantly reduced car parking provision on the basis of BTR development being more suitable for central locations and/or proximity to public transport services. The requirement for a BTR scheme to have a strong central management regime is intended to contribute to the capacity to establish and operate shared mobility measures;
  - (iv) The requirement that the majority of all apartments in a proposed scheme exceed the minimum floor area standards by a minimum of 10% shall not apply to BTR schemes;

- (v) The requirement for a maximum of 12 apartments per floor per core shall not apply to BTR schemes, subject to overall design quality and compliance with building regulations.

7.2.8. Accordingly, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable, including the extent of one bed units. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development.

7.2.9. I note that the proposed scheme in this case seeks minimal relaxations in residential amenity standards, with all units generally consistent with the requirements as set out in Appendix 1 of the Apartment Guidelines. However, I would consider that any subsequent extension of use of the subject accommodation as BTR beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further assessment of residential amenity associated with the subject units or suitability of the scheme for any other purpose that maybe proposed in the future.

### 7.3. **Visual impact**

7.3.1. The appeal and observations to the appeal refer to the height, design and scale of the proposed development. The scheme comprises two separate apartment buildings. Block A is located to the western section of the site. It contains five storeys. The maximum height of the building is 15.6m. The fifth floor is inset from the eastern side of the building which is located to the centre of the site. The fifth floor is inset over 20m from the western side of the building. The proposed design provides a tapering of the building height to three storeys at the western end which adjoins Annville Avenue. I consider that design approach satisfactorily integrates the Block A with the surrounding residential development at Annville Avenue.

7.3.2. Block B is located to the eastern section of the site. It is situated at the junction of Fleurville Road and Newtownpark Avenue. The proposed apartment building contains five storeys and it has a maximum ridge height of the building is 15.65m.

The proposed building height is five storeys at the junction I consider this provides a strong urban edge to the prominent location of the site at the junction of Fleurville Road and Newtownpark Avenue. Furthermore, I note that the Benamore Court Apartment building located to eastern side of Newtownpark Avenue and at the corner with the Monkstown Ring road is a four-storey building. Accordingly, having regard to the site context and the existing four-storey apartment development situated on the opposite side of the road and also addressing the junction, I would consider that the proposal would be an appropriate addition to the streetscape.

7.3.3. Furthermore, I note the provisions of 'Urban Development and Building Heights' Guidelines for Planning Authorities. It is government policy that building heights are generally increased in appropriate urban locations. Section 3.6 of the Guidelines state, 'Development should include an effective mix of 2, 3 and 4-storey development which integrates well into existing and historical neighbourhoods and 4 storeys or more can be accommodated alongside existing larger buildings, trees and parkland, river/sea frontage or along wider streets.' The subject site is at a corner site on a prominent junction. The road width at Fleurville Road is circa 20m wide and as such I would consider it is an appropriate location to site the proposed apartment building.

7.3.4. In relation to the proposed design of the apartment buildings, it is contemporary it includes a flat roof and inset balconies. I consider that the proposed development is of high quality of design particularly the materials and colour pallet of the external finish and that it is a well designed attractive modern building.

7.3.5. The proposed stepping down of the two apartment buildings from five to three storeys serves to reduce the massing of the proposal. I consider that there is reasonable variety to the elevational treatment of the front of the building with a mix of high quality finishes including buff/beige brick, zinc cladding, rendering and glass balustrades to the balconies. Overall in terms of the visual impact of the proposed scheme on the surrounding area I consider that the development has been designed well to integrate with the surrounding development.

#### 7.4. **Impact on residential amenity**

7.4.1. The third party appeal refers to the proximity of the site to Newpark Service station. The appellant expressed concern at the proximity of Block B to the service station

and the potential impact upon future residents in terms of noise, traffic generation, fumes from fuel and general disturbance associated with the 24-hour commercial facility. They submit that notwithstanding the reduction in windows and balconies to the south elevation of Block B that there still remains a number of elevated windows and balconies which face the service station. They note that some windows are circa 5m from the boundary with the service station.

- 7.4.2. The revised south elevation of Block B is illustrated on Drawing No. 1801-P-301. I note that the windows to this elevation primarily serve corridors. To the south-eastern corner of the building the J-type one bedroom apartments are proposed at first, second, third and fourth floors and features a south facing bedroom window. The window design is narrow. The appellant has requests that should the Board decide to grant permission, that these proposed windows be omitted and that provision of non-transparent glazing on the southern facing corridor window on the first, second and third floors of Block B is also required.
- 7.4.3. In response to these issues the first party submit that sufficient separation distance has been provided, particularly along the southern boundary and therefore that it will not impinge on any future development options for the appellant's lands. Furthermore, revisions to the scheme as part of the further information and the clarification of further information ensure that there would be no undue overlooking from the southern gables of the proposed development into the adjoining property. I would concur with the opinion of the first party that proposed revised elevation design including the reduction in fenestration satisfactorily addresses the matter.
- 7.4.4. In relation to the issue of potential overlooking from the proposed apartment building to the closest dwellings to the north at Castlebyrne Park on the opposite side of Fleurville Road, I note that a minimum separation distance of 22.4m is provided between the front elevation of Block A and the gable of the closest dwelling in Castlebyrne Park. The front elevation of Block B would be located a minimum distance of 27.8m from the gable of the closest dwelling at Castlebyrne Park. Furthermore, I note that there are no windows to the south facing gables of these dwellings. Accordingly, I am satisfied that having regard to the separation distance provided that the proposed apartment buildings would not result in any undue overlooking of the neighbouring dwellings to the north.

- 7.4.5. Block B is five-storey it addresses Newtownpark Avenue for circa 19.5m. The western end of the building addresses Newtownpark Avenue. Benamore Court a four-storey apartment building is situated to the opposite side of Newtownpark Avenue. A separation distance of 22.23m is proposed between the balconies in Block B and Benamore Court. I note that the windows in the western elevation of Block B are further setback. Accordingly, I am satisfied with the separation distance provided between the existing and proposed apartment buildings.
- 7.4.6. Block A is located to the western area of the site. Annville Avenue lies immediately to the west of the site. The dwellings along Annville Avenue are predominately single storey. At its closest point Block A would be setback 13.6m from the closest dwelling at two-storey end of terrace property on Annville Avenue. I note that the building height is stepped down to three-storey at the western end which addresses Annville Avenue. Furthermore, I note that there is limited fenestration and no balconies proposed to this elevation. Accordingly, I am satisfied that the separation distance of 13.6m is provided between the three-storey section of the proposed building and the front elevations of the closest dwellings at Annville Avenue. The increased separation distance provided with the stepping down and tapering of the building at the western side provides an acceptable separation distance between the closest point of the three-storey section and adjacent dwelling. I consider that this address concerns relating to overbearing impact.
- 7.4.7. The rear of Block A addresses the boundary with no. 2a Annville Avenue. I note that a separation distance of 20m is provided between Block A and the boundary with no. 2a Annville Avenue. A 2m high wall is proposed along this boundary and tree planting is also proposed along this boundary. Subject to the provision of this proposed boundary treatment and tree planting I consider that the separation distance from Block A to the boundary with no. 2a Annville Avenue would be acceptable.
- 7.4.8. In relation to the matter of overshadowing, a Sunlight, Daylight and Shadow Assessment was prepared by Chris Shackleton Consulting. The shadowing diagrams have been provided in respect of the Spring Equinox, 21st of March and analysis was provided in respect of the nearest gardens of the neighbouring dwellings to the north at Castlebyrne Park and also the two lower balconies on the Benamore Square apartments. The analysis confirmed that the all amenity spaces

passed the 50% requirement as set out in the BRE Guidelines. In relation to access to sunlight all tested windows passed the relevant test for Annual and Winter sun. In relation to access to daylight, all tested windows to the west passed the VSC requirements and for windows to the east the results were comparable with those of a mirrored development which complies with Appendix F of the BRE Guidelines.

7.4.9. Having reviewed the proposed layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the apartment buildings and relative separation distances to the existing property that the proposed scheme would not result in any undue overlooking, overbearing or overshadowing of neighbouring residential properties.

#### **7.5. Access and traffic**

7.5.1. The appellant and observers have raised concern regarding the additional vehicular traffic the scheme would generate and lack of car parking within the development.

7.5.2. A Transportation Statement and Traffic Statement were submitted with the application. The proposed development has frontage onto Fleurville Road and Newtownpark Avenue. A new vehicular access is proposed onto Fleurville Road. At surface level a set down area and 3 no. disabled car parking spaces are proposed.

7.5.3. I note that the Transportation Planning section required a detailed assessment of the required length of a right turning lane on the Monkstown Ring Road to serve the scheme, similar to that which serves Fleurville estate. The applicant was also required to submit a letter of consent from the Planning Authority Property Management Section stating that the Traffic Section and Water and Drainage Section accept a right turning lane onto Monkstown Ring Road.

7.5.4. In response to the matter of the assessment of the right turning lane, Pinnacle Consulting Engineers carried out a comparison between the previously permitted development (Reg. Ref. D15A/0265) and the currently proposed development. They projected that the total inbound trips in the PM peak is 8 no. trips. They assume that the trips are split 40% eastbound and 60% westbound. Therefore, they conclude that there would be 5 no. right turners in the PM peak, i.e. 1 per 12 minutes. The proposed right turning lane has a length of 8.5m which can accommodate a queue length of 2 no. cars. Therefore, Pinnacle Consulting Engineers concluded that based on the anticipated right turning movement i.e. 5 per hour during peak hour, the right

turn lane proposed is adequate to serve the proposed development. Drawing No. P190305-130 and Drawing No. P190305-131 indicates the details of road markings and proposed signage.

- 7.5.5. Regarding the matter of traffic generation, in terms of overall scale and intensity of the proposed development it is relatively modest in scale. I note that having regard to the nature of the development, car parking provision and the public transport provision that the modal choice to and from the site would primarily be public transport with some private car usage. As detailed in the Traffic Statement submitted with the further information, the total vehicular movements generated by the development in the AM peak is 9 with 1 arrival and 8 departures.
- 7.5.6. Accordingly, having regard to the details provided in the Traffic Statement and having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.5.7. A letter was submitted from the Property Management Section of the Council which confirms that the Council consents to the inclusion of Council lands at Fleurville Road/Monkstown Ring Road in a planning application for a proposed right turning lane on lands shown on Drawing No. P02. Accordingly, the Planning Authority were satisfied with the proposed access arrangements.
- 7.5.8. In terms of car parking provision, 41 no. spaces are proposed comprising 35 no. general spaces and 2 no. Go Car spaces located in the basement car park and 4 no. accessible car parking spaces. This represents to 0.6 spaces/unit. Table 8.2.3 of the operative County Development Plan sets out car parking standards for residential development. Generally, 1 no. car parking space is required for all one bed units, 1.5 spaces per two bed unit. The proposed scheme comprises a total of no. 68 apartments with 43 no. one bed units and 25 no. two bed units as originally proposed. A one bedroom unit was omitted at clarification of further information stage. Therefore, based on the development plan standards 42 no. spaces would be required for the one bed units and 37.5 no. spaces would be required for the two bedroom units. Accordingly, a total of 79.5 no. car parking spaces would be required in accordance with Table 8.2.3 of the Development Plan. A total of 41 no. basement car parking spaces are proposed. There would be a shortfall of 38.5 no. spaces.

- 7.5.9. The applicant has put forward that this 50% under provision in relation to the car parking standards as set out in the Development Plan would represent a recognised method of reducing car dependency. They submit that the proposed location which is located in relatively proximity to high centres of employment, high quality/high frequency public transport with good cycle and walking permeability would be appropriate for a reduced car parking provision which would comply with the provisions of the Sustainable Urban Housing – Design Standards for New Apartments. Furthermore, the applicant submits that the proposed operation of GoCar can replace up to six private cars.
- 7.5.10. The Transportation Planning Section has concerns in respect of how the reduced car parking would operate and further information and clarification was required. In response to the matter the applicant stated that all residents will be informed of the car parking provision at letting stage and that only residents who have a specific space allocated them are permitted to park in the scheme.
- 7.5.11. ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’ advise for accessible urban locations where apartments are proposed and that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Suitable locations for such a reduction in car parking include locations which are within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.
- 7.5.12. Regarding public transport provision in the area, I note that the site is located approximately 1.4km from the N11 QBC which is served by no.’s 7b, 7d, 46a, 46e, 47, 116, 118, 145 and 155 routes. Fleurville Road is served by the no. 7b and no. 7d commuter bus routes. The site is situated circa 800m from Stradbroke Road which is served by the no. 4 bus route and approximately 1km from Monkstown Road which is served by the no. 7 and no. 7a routes. Seapoint Dart Station lies approximately 1.4km from the site and Blackrock Dart Station is circa 1.5km away.
- 7.5.13. Therefore, I consider that the location of the site within circa 10 minutes walking distance to routes on Stradbroke Road and Monkstown Road and circa 15 minutes walking distance of the N11 QBC and Monkstown Dart Station means that it is an appropriate location for a reduction in car parking standards.



- 7.5.14. Furthermore, I also note the location of the site beside the Neighbourhood Centre at Newtownpark Avenue and the relative close proximity to a range of employment in the surrounding areas of Blackrock, Stillorgan and Sandyford. I note the nature of the proposal, namely Build to Rent, and the measures put forward in relation to parking within the submitted documentation. Having regard to all of the above, I am satisfied with the level of parking proposed.
- 7.5.15. A total of 127 no. bicycle parking spaces contained within bicycle stands in the basement and at ground level. This is in accordance with the requirements set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development' which requires one long stay bicycle parking space per dwelling unit and 1 visitor space per 5 units. I also note that the scheme includes facilities for electric car charging with 7 no. charging spaces proposed which is in accordance with Section 8.2.4.12 of the Development Plan.
- 7.5.16. The proposed scheme is well served by public transport and each dwelling unit has bicycle parking, therefore I consider the shortfall in car parking in terms Development Plan standards would be acceptable.

## 7.6. **Proposed basement**

- 7.6.1. As set out the appeal, the primary concern refers to the matter of the potential impact the proposed construction of the basement would have upon the adjacent service station. The appeal refers to a previous permission on the site granted under PA Reg. Ref. D03A/0553 and a partially constructed basement on the site which was constructed on foot of that permission. The appellant has concerns that the partially constructed basement accumulated groundwater.
- 7.6.2. The submission from JA Gorman Consulting Engineers states that no hydrogeological study was carried out. They consider such a study would be necessary to assess the potential impact on groundwater levels due to the proposed basement construction. Due to the substantial proposed concrete basement structure at a depth of 4m and circa 1m from the boundary with the service station they have concerns that ground water levels could be raised on the service station site.
- 7.6.3. The construction of the basement would require pumping out of groundwater to below the basement formation level before construction. JA Gorman consider that

pumping in close proximity to the boundary with the service station could result in settlement on that site.

- 7.6.4. The location of a well on the service station site is highlighted. The well is used to supply water to the car wash. They raise the matter of the cone of depression formed during pumping for the basement construction which would be lower than the water table locally at the time and which would likely impact on the well yield and therefore the car wash water supply.
- 7.6.5. The basement has a floor level of -3.5m which would require a dig depth of circa - 4m. The southern boundary with Newpark Service Station is circa 1m from the boundary. They have concern that the construction of the basement has the potential to cause structural damage to the boundary wall and car wash house. JA Gorman state that from their records that bedrock would expect to be reached at a depth of 3.5m. If excavation through bedrock is required to construct the basement it could cause vibrations and potentially damage structures.
- 7.6.6. The applicant Rockshore Investments Limited employed the services of the project engineers Doherty Finnegan Kelly (DFK) to respond to the above issues raised by the appellants Consulting Engineer's, JA Gorman Consulting Engineers. The applicant acknowledges that a partially built basement is located on the site which was commenced but not completed.
- 7.6.7. DFK submit that the construction of the basement would not cause any significant fluctuations in the ground water and that there are no substantial water retaining structures in the area which would restrict the flow paths. They confirm that the water table at the site is not high and that the proposed basement is remote from the appellants site aside from the access ramp which will not be constructed to full basement depth. In relation to the depth of the water table I note the result of the site investigations. Seven trial pits were dug on the site. The ground water was encountered at between a depth of 2.8m below ground level and 3.2m below ground level. I note that ground water was not encountered at trial pit no.3. In respect of bedrock, I note that no bedrock was encountered up to a depth of 3.2m below ground level. The results of the site investigations do in my opinion correlate with the statement from DFK that the water table at the site is not high.

- 7.6.8. In relation to the matter of pumping water encountered during the construction of the basement, DFK state that a sump is proposed remote from the appellant's site boundary and pumping from there can be agreed with the Planning Authority as part of the Construction Management Plan.
- 7.6.9. Regarding the issue of the well on the appellants site and the potential that the construction of the basement will impact on the yield of the water from the well. DKF state that the appellant did not provide details regarding the exact location of the well. DFK confirm that ground water levels fluctuate seasonally and that wells are normally bored to levels of 60-120m below ground level. Therefore, DFK state that the proposed development will not affect the well.
- 7.6.10. In relation to the proximity of the proposed basement to the appellant's site, DFK state that the ramp accessing the basement is the only portion of the basement which is in close proximity to the boundary between the application site and the appellants site. They submit that at a worse case scenario the finished level of the ramp before it bends away from the appellant's site would be 2m below existing ground levels with the finished line of the retaining wall being 1.8m at the closest point.
- 7.6.11. Regarding potential structural impact, DFK confirm that a 980mm clearance to the temporary work zone which will not impact on the bulb of pressure under the adjoining property foundations will be provided.
- 7.6.12. Accordingly, based on the details provided from the applicant's project Engineers DFK including the results of site investigations where a series of trial pits were dug, I am satisfied that the proposed underground basement car park can be constructed without undue impact to the appellant's property subject to the detailed measures proposed being carried out during construction.

## **7.7. Appropriate Assessment**

### Stage 1 Screening

- 7.7.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European sites, South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), are located 1.3km to the north of the development site.

7.7.2. The qualifying interests/special conservation interests of the designated sites, are summarised as follows:

South Dublin Bay cSAC	South Dublin Bay & River Tolka Est. SPA
<p>Mudflats and sandflats not covered by seawater at low tide [1140]</p> <p>Annual vegetation of drift lines [1210]</p> <p>Salicornia and other annuals colonising mud and sand [1310]</p> <p>Embryonic shifting dunes [2110]</p>	<p>Light-bellied Brent Goose [A046]</p> <p>Oystercatcher [A130]</p> <p>Ringed Plover [A137]</p> <p>Grey Plover [A141]</p> <p>Knot [A143]</p> <p>Sanderling [A144]</p> <p>Bar-tailed Godwit [A157]</p> <p>Redshank [A162]</p> <p>Dunlin [A149]</p> <p>Black-headed Gull [A179]</p> <p>Roseate Tern [A192]</p> <p>Common Tern [A193]</p> <p>Arctic Tern [A194]</p> <p>Wetlands &amp; Waterbirds [A999]</p>

7.7.18. The Conservation Objectives for South Dublin Bay SAC (000210) are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC. The Conservation Objectives for South Dublin Bay and River Tolka Estuary SPA (004024) are to maintain the favourable conservation condition of each qualifying bird species in the Natura 2000 site.

7.7.19. The subject site is a brownfield site, buildings previously on site have been demolished and it is proposed to demolish the two existing cottages on site. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that

could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the wastewater treatment system for Dublin. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.

7.7.20. There is no identified “source-pathway” to connect the appeal site with South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA or any other European Designated Site.

7.7.21. It is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. (000210) and European Site No. (004024), or any other European site, in view of the site’s Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 7.8. Other Issues

### Legal issues

7.8.1. The appellant has raised the matter of the redline boundary. They submit that the side passage located to the south of Rose Cottage is not in the applicant’s ownership and that is part of land within the ownership of Newpark Service Station Limited. They state that a “gentleman’s agreement” was reached to provide a side passage to Rose Cottage over their land and that no legal agreement was entered into. Therefore, the appellant states that the land to the side of Rose Cottage remains in their ownership.

7.8.2. In response to the matter the applicant stated that at further information response stage a letter from the applicant’s solicitor (Margeston & Green) and associated OS map confirming the applicant’s ownership was submitted to the Planning Authority. The appeal response includes a letter from the applicant’s solicitor Leman. The letter confirms the applicant’s ownership of the site and a copy of the neighbouring Folio DN214213F owned by appellant Newpark Service Station Limited is also

provided. Therefore, the applicant states that having regard to maps and documents submitted that it is evident that there is no ambiguity over the title to lands.

7.8.3. The appellant, Newpark Service Station Ltd. in their further submission to the Board state that they dispute this claim and also acknowledged that the matter is being pursued separately between solicitors. Having regard to the details submitted by the applicant and the appellants this is a disputed matter between the parties.

7.8.4. The Planning and Development Act 2000, as amended, requires that the applicants have sufficient legal interests in the lands to carry out the development. Furthermore, I note that it is not within the remit of the Board to determine legal interests and/or obligations held by the applicant, in relation to such lands. Section 34(13) of the Planning and Development Act, 2000, as amended, relates as follows: "A person shall not be entitled solely by reason of a permission or approval under this section to carry out a development." This subsection makes it clear that the grant of permission does not relieve the grantee of the necessity of obtaining any other permits or licences which statutes or regulations or common law may necessitate." Accordingly, I do not consider that these matters are reasonable and substantive grounds for refusal of the proposed development.

## **8.0 Recommendation**

8.1. I recommend a grant of permission subject to the following conditions.

## **9.0 Reasons and Considerations**

9.1.1. Having regard to the zoning objectives for the site as set out in the Dún Laoghaire Rathdown County Council, 2016 – 2022, the National Planning Framework, 2018 – 2040, the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009), Urban Development and Building Heights, Guidelines for Planning Authorities, (2018), Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities, (2018), specifically section 5 of which provision is made for 'Purpose-built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord, and the overall scale, design and height 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 visual or residential amenities of the area or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. 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, as revised by the further plans and particulars submitted to the Planning Authority on the 3<sup>rd</sup> day of May 2019 and the 4<sup>th</sup> day of July 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. The development hereby permitted shall be for Build-to-Rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

**Reason:** In the interest of the proper planning and sustainable development of the area and in the interests of clarity.

3. Prior to the commencement of development, the developer shall submit, for the written consent of the planning authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

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

4. Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority, ownership details and management structures proposed for the continued operation of the entire development as a Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model as authorised in this permission shall be subject to a separate planning application.

**Reason:** In the interests of orderly development and clarity.

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

**Reason:** In the interest of public health and to ensure a satisfactory standard of development.

6. The applicant or developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.



**Reason:** In the interest of public health.

7. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:
  - (a) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the Planning Authority for such works and shall be carried out at the developer's expense.
  - (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.
  - (c) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
  - (d) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.
  - (e) All parking spaces shall have a functional electric vehicle charging point.

**Reason:** In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified landscape architect throughout

the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

**Reason:** In the interest of residential and visual amenity.

9. Details of the materials, colours and textures of all the external finishes, including pavement and link finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of visual amenity.

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

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

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

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

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

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

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. 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.

15. A final site specific, detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning

authority at least five weeks in advance of site clearance and site works commencing.

**Reason:** To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding.

16. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking for construction traffic, parking machinery and the location for storage of deliveries to the site.

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

17. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

18. Prior to commencement of development on site, the developer shall submit, for the written agreement of the planning authority, details of the management company, established to manage the operation of the development together

with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-Rent scheme will operate.

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

19. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion of the development.

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

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

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

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

---

Siobhan Carroll  
Planning Inspector

24<sup>th</sup> December 2019