



An  
Bord  
Pleanála

## Inspector's Report ABP-305843-19

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<b>Development</b>	Revisions to residential development previously permitted under PA Ref. D17A/0590/ ABP Ref. ABP-301533-18).
<b>Location</b>	Former Richmond Cheshire Home, Richmond Park, Monkstown, Co. Dublin
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0378
<b>Applicant(s)</b>	Randalswood Construction
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission
<b>Type of Appeal</b>	Third Party
<b>Appellants</b>	Liam & Tove O'Flanagan Bernard & Rosaleen Duggan Tony & Carmel Sheppard
<b>Observers</b>	Palma Management Co. Ltd.

John & Denise McEvoy

**Date of Site Inspection**

19<sup>th</sup> December 2019

**Inspector**

Paul O'Brien

## 1.0 Site Location and Description

- 1.1. The subject site with a stated area of 0.95 hectares, comprises the former Richmond Cheshire Home at Richmond Park, Monkstown, Co. Dublin. Access to the site from the public road is by the Carrickbrennan Road in the centre of Monkstown village. The cul-de-sac roadway extends in a southerly direction, serving Richmond Green, a residential development to the east, some detached houses, a terrace of houses known as Alma Place and the subject site which is located north west of the access road.
- 1.2. The development area consists of a long, single storey unit attached to a smaller unit to the north western end of the site. The site is relatively narrow with what appears to have been an access road to the southern side, which is now fenced off forming play areas/ amenity spaces and a retaining wall with vegetation beyond forming the southern boundary. The northern side is provided with a pedestrian pathway adjoining a narrow strip of open space. The boundary here is a timber post and wire mesh fence. To the north is the Monkstown Stream which is also known as the Stradbroom Stream and which is set below the established ground level of the subject site and extensive mature tree/ vegetation growth. There is a car parking area/ yard area to the eastern side of the site.
- 1.3. The building on site was previously used as a care home and although active on the day of the site visit, I am unsure as to its current function other than for day care use. No signage indicating current use was visible. The building and site surroundings appeared to be well maintained.
- 1.4. Surrounding sites to the south and east are primarily in residential use. Lands to the north and west are in a mix of open space/ amenity uses. Monkstown village is served by a number of bus routes including the Aircoach 703, Dublin Bus 7, 7A and peak hour only 7D. Salthill and Monkstown DART station is located approximately 400 m to the north east of the subject site. Monkstown village provides for an active range of retail, restaurant, commercial and social services.

## 2.0 Proposed Development

2.1. The proposed development consists of revisions to a previously approved residential development under PA Ref. D17A/0590/ ABP Ref. ABP-301533-18 for:

- Revisions to the siting and footprint of permitted apartment blocks.
- Elevational changes and reconfiguration of the internal permitted floor plans of both blocks resulting in an additional 16 apartment units providing for a total of 72 residential units.

The breakdown in unit numbers is demonstrated in the following table:

Block	Unit Type	Permitted under PA Ref. D17A/0590/ ABP Ref. ABP-301533-18	Subject of this Appeal	Difference
<b>Block A</b>	One Bed Unit	16	17	+1
	Two Bed Unit	12	23	+11
	Three Bed Unit	4	0	-4
	<b>Total</b>	<b>32</b>	<b>40</b>	<b>+8</b>
<b>Block B</b>	One Bed Unit	8	17	+11
	Two Bed Unit	12	15	+3
	Three Bed Unit	4	0	-4
	<b>Total</b>	<b>24</b>	<b>32</b>	<b>+8</b>
	<b>Overall Total</b>	<b>56</b>	<b>72</b>	<b>+16</b>

- Revisions to the basement level to provide for 79 car parking spaces, 64 bicycle parking spaces and 7 motorcycle spaces.
- All necessary site works.

There is no change in the height of the two blocks from the previous permitted development.

2.2. Further Information (subsequently deemed by the Planning Authority to be significant) was requested and responded to by the applicant. Further information was sought in respect of clarity on room sizes, provision of dual aspect/ non north facing units and bicycle/ car parking details. The further information response resulted in modifications to Block A to provide for an additional 40 sq m of floor area and for revisions to the floor plan layout of both Block A and B. Fenestration and layout revisions to Blocks A and B were carried out to increase the percentage of dual aspect units and finally car/ bicycle parking was revised in accordance with Dun Laoghaire-Rathdown County Council standards. It is considered that the revisions made by way of further information do not change the character of the proposed development.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

The Planning Authority decided to grant permission subject to conditions following the receipt of significant further information. The conditions are generally standard. Specific conditions refer to compliance with previous conditions under PA Ref. D17A/0590/ ABP Ref. ABP-301533-18 and the maintenance of access from the Carrickbrennan Road.

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

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

The Planning report reflects the decision to grant permission subject to conditions. The development was considered to be acceptable in terms of design, impact on residential/ visual amenity and demonstrates compliance with relevant national and local policy on apartment development such as this.

##### 3.2.2. **Other Technical Reports**

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

**Drainage Planning – Municipal Services Department:** No objection subject to recommended conditions.

**Housing Department:** No objection subject to recommended condition.

### 3.2.3. Prescribed Bodies Report

None.

### 3.2.4. Objections/ Observations

A number of letters of objection were received to the original application and objections were also received on receipt of further information. These came from residents of Richmond Park, Palma Management Co. Ltd – management company for Richmond Green, and from individuals living in the area.

Issues raised include:

- Concern about potential for subsidence along the southern boundary due to construction, development of underground car park and removal of trees/ vegetation.
- Retention of dense planting along southern embankment is considered to be important for screening.
- Concern that fire brigade access may be limited by the layout.
- Road safety issues through blind spots where pedestrians and vehicles interact.
- Potential traffic safety issue at the junction of Richmond Green and Carrickbrennan Road. The completed Monkstown Village Traffic Improvement Scheme and Public Realm is referenced a number of times and the proposed development may be restricted by the completed works.
- Proposed pedestrian measures may negatively impact on existing residential car parking in the area.
- The proposed shared surface for pedestrian/ vehicle use is not suitable for this development/ location.
- Concern that there is no turning circle provided for commercial vehicles and bin lorries that may serve the development.
- The net site area is 0.53 hectares giving an excessive density of 135 units per hectare. The density is understated as the access road which is under the control of Dun Laoghaire-Rathdown County Council and the adjoining footpaths, legally owned by adjoining landowners, should be omitted from the calculations

giving a higher density than the 76 per hectare as stated (72 units/ 0.95 hectares).

- The original proposal for 70 apartments was refused permission and the current proposal for 72 apartments would be a 29% increase in unit numbers.
- The proposed development is not of a suitably high architectural or residential quality.
- Issue of legal ownership over lands in the area.
- The submitted application is not a revision to an existing application but is in fact a new application. Previous development for 70 apartments was refused and permitted application was for 56 units; subject application is for 72 units.
- The proposed development provides for very limited, quality useable open space.
- Insufficient details have been provided in relation to potential flooding in the area.
- Concern about direct overlooking into adjoining properties. Recommend that balconies be moved from the north elevation of Block B to the west elevation.
- Block B Apartment Type S are not provided with direct sunlight and propose that these be revised by a redesign of the floorplan layout and provided with revised fenestration.
- There may be a shortfall in car parking provision.
- Concern about the loss of mature trees and vegetation.
- The proposed development would put additional strain on infrastructure in the area.

The following additional comments were made on receipt of the further information response:

- Revised elevational drawings do not accurately detail window design/ finish.
- The issue of North facing units is not adequately resolved. Future residents of these units will experience a poor quality of residential amenity.
- Insufficient details provided in relation to the road/ pedestrian layout.
- Concern in relation to service vehicle use, car parking and pinch point at south east corner of Block A.
- Fire regulations are ignored.

- The access road is included as a wayleave when it should be omitted as it is in the charge of Dun Laoghaire-Rathdown County Council. The inclusion of this road provides for an incorrect density.
- No new traffic survey/ impact assessment details have been provided.
- Concern about the potential for overlooking from Block B Apartment Type T and quality of Apartment Type M in Block B.

## 4.0 Planning History

**P.A. Ref. D17A/0590/ ABP Ref. PL06D.301533** refers to a January 2019 decision to grant permission for 56 apartments in two blocks on the site of the former Richmond Cheshire House. The 56 units to be in the form of 24 no. one bed units, 24 no. two bed units and 8 no. three bed units. Car, bicycle and motorcycle parking to be provided and all necessary site works. The following conditions are noted:

*‘2. This permission is for 56 number apartments only.*

*3. An additional footpath and road markings shall be constructed adjacent to the existing footpath in accordance with drawing number PA-003 submitted to An Bord Pleanála on the 9<sup>th</sup> day of July, 2018.*

*7. The developer shall comply with the requirements of the planning authority in relation to works on the public road and the developer shall submit a project traffic management plan for all stages of construction which shall be agreed in writing with the planning authority before excavation and construction commences. The plan shall detail access arrangements for labour, plant and materials and shall indicate the locations of plant and machine compound’.*

**P.A. Ref. D16A/0678/ ABP Ref. PL06D.247679** refers to an April 2017 decision to refuse permission for the demolition of the Richmond Cheshire Home and for the construction of 70 no. residential units in the form of three apartment blocks, two to be four storey and the other to be three storey with a fourth floor set back. The proposed development to include all necessary site works and car, bicycle and motorcycle parking. Each of the blocks to have a similar footprint and the main entrance to each block was to be located to the southern side. A single reason for refusal was issued as follows:



*‘Having regard to the density, scale and layout of the proposed development, the loss of substantial screening arising from the provision of the development and the restricted separation distances between the proposed blocks and adjoining properties, it is considered that the proposed development would seriously injure the residential amenities of adjoining properties and would depreciate the value of these properties. Furthermore, it is considered that the layout of the proposed development and the provision of substandard qualitative functional open space would provide a substandard form of accommodation for future occupiers in terms of residential amenity. The proposed development would, therefore, give rise to a poor standard of development, would constitute overdevelopment of the site and would be contrary to the proper planning and sustainable development of the area’.*

## **5.0 Policy and Context**

### **5.1. Development Plan**

- 5.1.1. Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/ or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.
- 5.1.2. To the north/ north east of the site is a map-based objective *‘To protect and preserve Trees and Woodlands’* and also *INST – ‘To protect and/ or provide for Institutional Use in open lands’*.
- 5.1.3. Monkstown Village is located within an Architectural Conservation Area (ACA); however the subject site is located outside of the ACA designated lands.
- 5.1.4. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential
- 5.1.5. Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – *‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’*.
- 5.1.6. Under 2.1.3.4 ‘Policy RES4: Existing Housing Stock and Densification\*’ it is policy to:

- *Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill’ housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc.*

Under 2.1.3.7 ‘Policy RES7: Overall Housing Mix’ *‘It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy’.*

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

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

Section 8.2.3.3 *Apartment Development* – *‘Apartment developments should be of high quality design and site layout having due regard to the character and amenities of the surroundings’.*

Section 8.2.8.2 *Public/Communal Open Space – Quantity* is also relevant and states *‘The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph’.*

## 5.2. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 - *‘People Homes and Communities’* which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
  - National Policy Objective 27 seeks to *‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by*

*prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.*

- *National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.*
- *National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.*
- *Design Manual for Urban Roads and Streets (DMURS).*
- *Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual - A Best Practice Guide (DoEHLG, 2009).*
- *Quality Housing for Sustainable Communities (DoEHLG, 2007).*
- *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities (DoHPLG, 2018).* In particular ‘Specific Planning Policy Requirement (SPPR) 1’ is relevant to this development and which states:

*‘Apartment developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.*

*Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s)’.*

### **5.3. Natural Heritage Designations**

None.

## 5.4. EIA Screening

Having regard to the nature of the proposed development comprising revisions to an approved development that will result in the demolition of existing buildings on site and the construction of a total of 72 apartment units and associated site works in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal can be summarised as follows:

- The density is excessive and will result in negative impact on the residential amenity of adjoining properties and on the future occupants of these units.
- Overlooking of adjoining properties may be addressed by the relocation of balconies/ revised fenestration.
- The development should not be assessed as a revision to an existing application but is a new development through the additional 16 units and similarities to the previous refusal under P.A. Ref. D16A/0678/ ABP Ref. PL06D.247679.
- Concern about fire safety/ access for fire services.
- Concern in relation to pedestrian and traffic safety within the site and at the junction with the Carrickbrennan Road.
- Pedestrians have not been adequately provided for.
- Potential negative impact to existing residential parking and rights of way.
- Requirement for a turning circle for commercial vehicles and refuse lorries.
- Poor quality of design and residential amenity.
- Inadequate car parking provision in terms of layout and numbers of proposed parking spaces.

- Negative visual impact when viewed from adjoining residential units.

## 6.2. Planning Authority Response

- 6.2.1. No new matters have been raised that 'would justify a change of attitude to the proposed development'.

## 6.3. Observations

Observations have been received from T & C Sheppard on behalf of D Tyndall, Director of Palma Management Co Ltd, 5 Richmond Green and also on behalf of J & D McEvoy of Richmond Park.

The following are stated in summary:

- The development is more than a revision to a previous application.
- Design is of a low quality.
- Density is excessive.
- Potential traffic/ pedestrian hazards are identified.
- Insufficient open space provision.
- Inadequate car parking provision to serve the development.

## 6.4. Applicant's Response to the Appeal

The applicant has engaged the services of Downey Planning to prepare a response to this appeal and the following comments are made, in summary:

- The site is suitable for development in terms of its location and planning history. Revisions to an approved development is common practice and adequate documentation has been provided.
- Units were reconfigured at further information stage to ensure that all standards were met.
- The design and its finishes have been carefully considered and high quality, durable materials will be provided.

- The density of development is appropriate for such a site and is in accordance with national guidance.
- Trees will be removed to facilitate this development, but replacement trees will be provided in compensation.
- High quality amenity space is provided to serve the future residents of this development.
- All pedestrian and vehicle requirements have been carried out in accordance with appropriate standards.
- Adequate space is available for safe vehicle turning on site.
- The development has been assessed to ensure compliance with the fire safety requirements.
- Bin storage and collection have been considered in the overall design of this development.

## 7.0 **Assessment**

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

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

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

7.2.1. The site is located within an established urban area and which is within easy walking distance of Salthill and Monkstown DART station and a number of bus routes operate through Monkstown village. The subject site is zoned 'A' and is therefore suitable for residential use in accordance with the zoning objective.

- 7.2.2. The proposed development consists of 72 apartment units located in two blocks and providing for one and two-bedroom units. The principle of apartment development has been established by the previous application under P.A. Ref. D17A/0590/ ABP Ref. PL06D.301533. The applicant has applied to revise the development to provide for an increase from 56 to 72 apartment units and all necessary site works.
- 7.2.3. Concern has been expressed in a number of the appeal submissions that this is a new development, not just revisions to an approved development, and should be assessed accordingly. The applicant submitted adequate information to enable the Planning Authority to assess the application and I consider that sufficient information is available on file to fully consider this appeal. The submitted public notices make clear the nature and extent of the proposed development. The findings of the Urban Design Statement, landscaping details and Tree Survey previously undertaken are applicable to this development. Similarly, the photomontages prepared for P.A. Ref. D17A/0590/ ABP Ref. PL06D.301533 can be used in the assessment of the subject appeal.

### 7.3. **Density**

- 7.3.1. The overall site area as outlined in red is stated to be 0.95 hectares and the development of 72 apartments provides for a density of 76 units per hectare. Full regard has been had to the '*Sustainable Residential Development in Urban Areas*' guidelines. The site can be defined as 'brownfield' as there are existing buildings on the development lands which are to be demolished to accommodate the new apartment blocks. Whilst Monkstown can be defined as a village rather than a town centre, it is suitably urbanised to be able to accommodate appropriate higher density development. High-quality public transport, in terms of frequency and capacity, is available within walking distance of the site and there is a wide range of shopping, commercial and community services within walking distance of the site.
- 7.3.2. I note the comments made in a number of the appeal submissions that the density is understated as the existing roadway access should be omitted from the stated area of 0.95 hectares; the revision in the site area measurement would therefore significantly increase the proposed density. Whilst this is true, it is not considered to be relevant to this development. The ability of a site to accommodate additional development and the impact on the adjoining area are greater considerations. The

applicant has already received permission for the two apartment blocks and all necessary site works; the additional unit numbers/ increased density is achieved through the reconfiguration of the floor plans. This reconfiguration also requires alterations to windows and balcony locations and the impact of this is assessed under Section 7.5 of this report.

- 7.3.3. The increase in density from 57 to 76 units per hectare is considered to be acceptable and is in accordance with relevant national guidelines. There is no restriction on density in the area due to environmental or infrastructural reasons. The applicant has proposed a revised development that can accommodate an increase in density/ unit numbers, and this is acceptable.
- 7.3.4. In order to achieve the increase in density, the reconfigured floor plans have included the omission of the three-bedroom units and their replacement with additional one and two-bedroom units. The revision in unit numbers is considered to be acceptable as the development will provide for a greater mix of housing types in the area which is dominated by larger units in excess of three bedrooms.

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

- 7.4.1. The proposed apartment blocks are of a simple design which is appropriate in this location. They do not directly address any public road/ street and their visual impact should be as inobtrusive as possible. The external treatment of the two blocks will utilise similar materials in the form of brick and stone cladding. This mix of materials will ensure the quality of the external treatment and prevent an over dominance of one material type. The existing building is predominantly finished in render and brick/ stone finished buildings are found in the immediate area.
- 7.4.2. The use of galvanised metal railings for the balconies would reduce the overall quality of finish and it is considered that an alternative finish including for example, painted metal railings could be provided.
- 7.4.3. I do not foresee that the proposed development would have a negative impact on the visual character of the area. The heights and footprints of the proposed apartment blocks are similar to those previously permitted and the impact on the visual amenity of the area has been assessed previously to be acceptable. The development will be adequately screened by the existing trees on site. I note that there will be



removal of trees, but this is minimal in the context of such a large site and is necessary to provide the basement car park access.

## **7.5. Impact on Residential Amenity**

- 7.5.1. The Planning Authority sought further information from the applicant and revised floor plans/ elevational drawings were submitted in response that demonstrate that the development complies with SPPR1 in that no more than 50% of the units are one bedroom; the proposed development will provide for 47% one bedroom units and 53% two bedroom units. The revised floor plans provide for
- 7.5.2. Room sizes including storage provision will meet/ exceed the requirements of Appendix 1 of the *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities* (DoHPLG, 2018).
- 7.5.3. One lift/ stair core provides access to the upper floor in each of the blocks. The lift/ stair core provide access to the basement level car parking, motorcycle/ bicycle parking and refuse storage areas.
- 7.5.4. Private amenity areas, which again comply with the guidelines in terms of minimum area, are provided in the form of ground floor terraces and balconies for the upper level units. These comply with the requirements as set out in Appendix 1 of the *Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities* (DoHPLG, 2018). Minimum balcony/ terrace depths of 1.5 m are provided and are exceeded in a number of locations.
- 7.5.5. A separation distance of at least 22 m is provided between Block A and Block B. In addition, adequate separation distances between the proposed apartment blocks and adjoining properties are provided to ensure that overlooking leading to a loss of privacy does not arise. Separation distances are in excess of 22 m and generally the design has provided for separation distances between existing houses and the proposed apartments in excess of 30 m. The height and orientation of the apartment blocks ensures that overshadowing leading to a loss of daylight does not arise as a matter for concern.
- 7.5.6. The development for which permission was refused under P.A. Ref. D16A/0678/ ABP Ref. PL06D.247679, was for 70 units in three separate apartment blocks. The orientation of these three blocks was different to that of the subject application and

would have given rise to negative impact on neighbouring properties and would have provided substandard open space for future occupants of the apartment units. The development as permitted under P.A. Ref. D17A/0590/ ABP Ref. PL06D.301533 provides for a suitable layout/ block orientation that does not give rise to overlooking leading to a loss of privacy and useable open space can be provided on site. The subject development proposes the same orientation and therefore addresses the reasons for refusal under P.A. Ref. D16A/0678/ ABP Ref. PL06D.247679. The additional units now proposed, do not give rise to any additional overlooking from what was previously permitted.

## **7.6. Traffic and Access**

- 7.6.1. The vehicular/ pedestrian route that is proposed to access this development is similar to the current layout serving the former Richmond Cheshire Home and is similar to that previously approved. Relatively minor alternations are proposed to improve pedestrian access and to ensure vehicular safety. The Dun Laoghaire-Rathdown Transportation Planning Section have reported no objection to the development following the receipt of further information, and subject to recommended conditions. Access for refuse vehicles/ similar large delivery vehicles are considered to be acceptable and sufficient provision for turning movements is available.
- 7.6.2. The revised plans submitted to the Planning Authority in response to the further information request, demonstrate that a total of 72 residential car parking spaces can be provided and an additional 4 visitor parking spaces. This is considered to be acceptable. The development is composed of one and two bedroom units and as already stated in this report, there is good public transport provision within walking distance of this site. An additional 8 no. visitor parking spaces are available at surface level, one of these spaces is fully accessible.
- 7.6.3. 37 bicycle parking spaces are located within the basement level and additional bicycle parking spaces are located at surface level. Parking for 7 motorcycles is also located within the basement area.
- 7.6.4. The applicant has proposed that 8 of the car parking spaces in the basement be for the electric charging of cars. In addition, future provision for additional electric

vehicle charging areas is indicated on the submitted basement plan. The provision for electric car charging is adequately and appropriately considered by the applicant.

## **7.7. Other Issues**

- 7.7.1. The alterations to the footprint of Block B are relatively minor and the alterations to Block A see an extension to the south east but a reduction to the north western side. This allows for a larger area of public amenity area between the two blocks and this is desirable as this space is easily accessible and is secure to the residents of these apartments. A play area remains proposed to the area to the south of Block B. This is again accessible to the future residents of these apartment blocks and is afforded good passive surveillance.
- 7.7.2. Adequate public amenity space is provided to serve this development. In addition, the proposed development will ensure that the majority of the existing trees on site can be retained. Whilst not all of the public amenity space will be easily accessible or useable for active recreation, the retention of the trees and sloped land on the southern side of the site will provide for a visually attractive area to the south of the apartment blocks. The removal of trees was addressed under the previous application and suitable arboricultural reports were prepared.
- 7.7.3. I note that concern was expressed previously about potential subsidence due to the demolition phase of development and through the provision of a basement car park. This is not a matter that can be addressed under the Planning and Development Act and is to be addressed within the remit of the Building Regulations. Similarly, issues relating to fire safety are for consideration within the fire safety certification process. The applicant has stated that the proposed development is compliant in accordance with all relevant regulations.
- 7.7.4. The proposed site drainage is considered to be acceptable to the Dun Laoghaire-Rathdown County Council Drainage Planning – Municipal Services Department. I note that the proposed development includes a green roof on each of the two apartment blocks.
- 7.7.5. I do not foresee any negative impact to the adjacent Monkstown Architectural Conservation Area (ACA) arising from this development, with respect to the separation distances and nature of development. The existing building on site is not of any architectural importance worthy of protection/ retention and the proposed

structures will be of a significantly higher architectural quality, thereby improving the quality of the built form. The proposed landscaping scheme will also result in an improved quality of development.

## **7.8. Appropriate Assessment (AA) Screening**

- 7.8.1. A screening report was submitted under the previous application under PA Ref. D17A/0590/ ABP Ref. ABP-301533-18 by Openfield Ecological Services and the applicant has referred to this report in the Planning Statement prepared by Downey Planning, dated May 2019. The AA Screening report concluded that significant effects are not likely to arise, either alone or in combination with other plans or projects to any SAC or SPA. Considering the nature of the proposed development, which is for revisions to an approved development, the findings of the AA Screening are applicable to the subject appeal.
- 7.8.2. The site is not located within or directly adjacent to any Natura 2000 sites (SAC or SPA) and the nearest designated European sites are the South Dublin Bay and River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210). The AA Screening report also notes that the Poulaphouca Reservoir SPA (site Code: 004063) also falls within the zone of influence of this project. The South Dublin Bay and River Tolka Estuary SPA is of importance in terms of wild birdlife as it supports an internationally important population of Light-bellied Brent Goose and nationally important populations of a further nine wintering species.
- 7.8.3. The proposed development is located on a brownfield site in a serviced area. It is reasonable to conclude, 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 the South Dublin Bay and River Tolka Estuary SPA, the Poulaphouca Reservoir SPA and the South Dublin Bay SAC or any other Natura 2000 site in the wider area. A Stage 2 Appropriate Assessment is, therefore, not required.

## **8.0 Recommendation**

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

## 9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022 and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of the Salthill and Monkstown DART station and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 5<sup>th</sup> of June 2019 and as amended by the further plans and particulars submitted on the 17<sup>th</sup> of September 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>The developer shall comply with all the conditions of the previous parent permission granted under PA Ref. D17A/0590/ ABP Ref. ABP-301533-18 unless required to do so otherwise by any condition attached to this permission.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>This permission is for 72 no. residential units in the form of 34 no. one bedroom apartment units and 38 no. two bedroom apartment units.</p>

	<p><b>Reason:</b> In the interest of clarity.</p>
4.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the planning authority, full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications. The terrace/ balcony railings shall be painted/ coated metal and shall not be unpainted galvanised metal railings.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed standards of the planning authority for such works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
6.	<p>The developer shall ensure that all cycle parking areas and facilities be designed and provided in accordance with the Dun Laoghaire - Rathdown County Council – ‘Standards for Cycle Parking and associated Cycling Facilities for New Developments’ (January 2018).</p> <p><b>Reason:</b> In the interest of sustainable development and in the interest of proper planning.</p>
7.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name.</p>

	<p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
9.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>To ensure full implementation of the proposed landscape plan, the developer is required to retain the services of a Landscape Consultant throughout the life of the site development works. A completion certificate is to be signed off by the Landscape consultant when all works are completed and in line with the submitted landscape drawings. This completion certificate shall be submitted to the Planning Authority for written agreement upon completion of works.</p> <p><b>Reason:</b> In the interest of amenity.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
12.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in</p>

	<p>accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>
13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
14.	<p>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.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
15.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>



	<p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
16.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
17.	<p>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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

	Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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**Paul O'Brien**  
**Planning Inspector**

**14<sup>th</sup> January 2020**