



An
Bord
Pleanála

Inspector's Report ABP 306999-20.

Development	Permission for a Phase 2b residential development.
Location	Site located to the south east of Glenamuck Road South, Kiltarnan, Co. Dublin
Planning Authority	Dún Laogaire-Rathdown Co. Council
Planning Authority Reg. Ref.	D20A/0015
Applicant	Goodrock Project Management Limited
Type of Application	Permission
Planning Authority Decision	Refuse permission
Type of Appeal	First Party
Appellant	Goodrock Project Management Limited
Observers	(1) John Watters (2) Susan Floyd (3) Jennifer Naughton

Date of Site Inspection

17th of July 2020

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is situated on the southern side of Glenamuck Road in Kiltiernan, Dublin 18. It lies circa 430m from the junction of Enniskerry Road and Glenamuck Road. The Wayside Celtic Football Club have a clubhouse and pitches to the east of the appeal site.
- 1.2. The site has a stated area of 1.37 hectares and it comprises a greenfield area situated to the south-east of the Rockville House. Rockville House is a five bay, two-storey over basement house which was built in the eighteenth century. Rockville House and its Gatelodge are Protected Structures. These properties form part of a residential housing scheme 'Rockville' which contains 49 no. residential units. The scheme includes 37 no. dwellings and 12 no. apartments. The majority of these units have been constructed and many are currently occupied. Rockville is served by a vehicular access off Glenamuck Road. The original access to Rockville House has been upgraded including road improvements on Glenamuck Road which have been carried out under Phase 1 of the development at Rockville.
- 1.3. The appeal site is bound to the east by the approved route of the Glenamuck Distributor Road. A 220Kv powerline transverses the site and there is a restriction corridor associated with this. The site level falls from a level of circa 133.6m OD at the south western section of the site to a level of 123 OD the north west.

2.0 Proposed Development

- 2.1. Permission for a Phase 2B residential development. The application site is located to the south east of the Phase 1 residential development permitted under Reg. Ref.: D17A/0793 which is currently under construction. The Phase 2B proposal relates to the construction of a four storey apartment block comprising of 56 no. residential units including 11 no. 1 beds, 39 no. 2 beds and 6 no. 3 beds. The apartment block includes a gym facility with GFA of 50.6 sqm a creche facility with GFA of 126 sqm, both at ground floor level, and private, communal and public open space. The proposed includes a homezone access and parking area containing 72 no. surface parking spaces, cycle parking spaces, including bike stores, and bin stores. The proposal includes all associated site works, including internal access roads, cycleways and footpaths, drainage, hard and soft landscaping and boundary

treatment. The proposed development will connect to the infrastructure and services in the permitted Phase 1 residential development to the north west and provide for future connections to other adjoining lands.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons;

1. The proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in intensification of vehicular traffic on Glenamuck Road. No firm timeframe has yet been established with regards to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. This part of the Kiltiernan LAP lands has reached capacity in terms of unit numbers and no further development can take place until these infrastructural developments have been constructed.
2. Having regard to the piecemeal nature and location of the majority of public open space within the restriction corridor for the 220Kv electricity line, it is considered that the proposed open space is of poor quality and would result in a poor level of amenity for future residents, contrary to Section 8.2.8.3 (Open Space) of the Dun Laoghaire-Rathdown Development Plan (2016-2022) and to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

- It was concluded given the location of the site within lands within the Kiltiernan Local Area Plan are zoned for residential development the proposed development is considered acceptable in principle. The proposed development contravenes Section 10.6 of the Local Area Plan which sets out the phasing of residential development prior to the construction of the distributor road. The proposed development would be premature by reference

to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in intensification of vehicular traffic on Glenamuck Road. The Transportation Department stated that no firm timeframe has yet been established with regards to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. This part of the LAP lands has reached capacity in terms of unit numbers and no further development can take place until these infrastructure developments have been constructed.

- The Planning Authority also had serious concerns regarding the usability and layout of the areas of open space proposed that is located underneath a 240Kv electricity line, contrary to Section 8.2.8.3 of the Development Plan. A refusal of permission was recommended.

3.2.2. Other Technical Reports

3.2.3. Transportation Planning – Refusal of permission is recommended. The delivery of the Glenamuck District Roads Scheme (GDRS) and Enniskerry Road/Glenamuck Road Junction Upgrade Scheme (PC/IC/01/17) is not within the control of the applicant a condition such as ‘prior to occupation’ at this time may not be enforceable/implementable. Until the GDRS is constructed any significant development applications relying on upgraded road network may need to be deemed premature.

No firm timeframe has yet been established with regards to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme (PC/IC/01/17) and the Glenamuck District Roads Scheme (ABP: 303945-19). It is likely that the Enniskerry/Glenamuck Road Junction Upgrade Scheme will be implemented as part of the works for the Glenamuck District Roads Scheme (GDRS).

In accordance with Section 10.6 of the Kiltiernan Glenamuck Local Area Plan (LAP) until the GDRS is constructed Transportation Planning consider the proposed residential development is premature and therefore recommend refusal.

3.2.4. Drainage Planning – Further information required.

- 3.2.5. Housing – It is noted that the applicant proposes to comply with the Part V requirement for the proposed development by way of the transfer of 5 no. 2 bedroom units on site.

3.3. Prescribed Bodies

- 3.3.1. Irish Water – No objection.
- 3.3.2. Department of Culture, Heritage and the Gaeltacht – If permission is recommended it is advised that a condition referring to architectural monitoring be attached.
- 3.3.3. An Taisce – a refusal of permission is recommended on the basis that a significant level of surface car parking is proposed which could be used for amenity, planting and playgrounds.

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 11 no. submissions/observations in relation to the application. The issues raised are similar to those raised in the observations to the appeal.

4.0 Planning History

Reg. Ref D18A/0940 & ABP 303324-18 – Permission was refused by the Planning Authority for Phase 2B residential development on a site located to the south east of Phase 1 residential development permitted under Reg. Ref. D17A/0793 at Rockville House, Glenamuck Road South. The development relates to a 4 storey apartment block comprising 57 residential units. Reasons for refusal issued by the Planning Authority related to prematurity pending the determination of the PA of the GLDR; under provision of a childcare facility; having regard to the car dominated layout of the development, the provision of open space within the restriction corridor of the 220 Kv electricity line and the lack of own door units, it was considered the development would fail to provide an adequate sense of place. The application was appealed to the Board and was refused on the 7th of May 2019. The Board refused permission on the basis that the proposed would be premature pending the determination of the road layout for the area.

Reg. Ref. 17A/0793 – Permission was granted at Rockville House and Gatelodge (both protected structures) for 49 No. dwellings (Phase 1).

Reg. Ref. D18A/0566 – Permission granted for 5 No. dwellings for residential development on a site to south of Rockville House (Phase 2(a)).

ABP 303954-19 & ABP 304174-19 – Part 10 application for the Glenamuck District Distributor Road Scheme (GDDRS) and a Compulsory Purchase Order for the acquisition of the necessary land to construct the GDRS was granted by the Board in December 2019.

Reg. Ref. PC/IC/01/17 – Consent issued in 2017 for a Part VII Scheme for upgrade works at the Glenamuck Road.

ABP 306160-19 – Permission granted for the demolition of Greenmount and Dun Oir, construction of 197 no. residential units (62 no. houses, 135 apartments) and associated site works on a site on the northern side of Glenamuck Road.

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.

- The site is zoned Objective ‘A’ with a stated objective ‘to protect and/or improve residential amenity’.
- The land is subject to Specific Local Objective No. 40: “To develop the Kiltiernan/Glenamuck area in accordance with the policies and objectives of the adopted Local Area Plan.”
- There is a six year Roads Objective for the Glenamuck District Distributor Road, Glenamuck Local Distributor Road (including Ballycorus Link) and Glenamuck Road South.
- RPS No: 1790 - Rockville House, Glenamuck Road, Carrickmines, Dublin 18, - House and Gate Lodge.

5.4. Kiltiernan/Glenamuck Local Area Plan 2013

- 5.4.1. The site forms part of a larger parcel of land designated Development Parcel 20a & b. This Parcel is designated for medium density residential development comprising apartments, duplex, terrace/courtyard, providing an average density of 40-45 per hectare.

5.5. Natural Heritage Designations

- 5.5.1. The nearest Natura 2000 sites are;

- Knocksink Wood SAC is 3.1km to the south of the appeal site.
- Ballyglen SAC is 3.7km to the south of the appeal site.
- Wicklow Mountains SAC and Wicklow Mountains SPA are 5.1km to the south-west of the appeal site.
- South Dublin Bay SAC is 6.6km to the north-east of the site.
- South Dublin Bay and River Tolka Estuary SPA is 6.6km to the north-east of the site.
- Dalkey Island SPA is 7.5km to the east of the site.
- Rockabill to Dalkey Island SAC is 6.7km to the east of the site.

5.6. EIA Screening

- 5.6.1. 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.

6.0 The Appeal

6.1. Grounds of Appeal

A first party appeal has been submitted by John Spain Associates on behalf of the applicant Goodrock Project Management Ltd. The issues raised are as follows;

- The adjacent lands which form the Phase 1 lands contain Rockville House and Gate Lodge which are Protected Structures. In Phase 1 permission was granted under Reg. Ref. 17A/0793 for the development of 49 no. units. It is noted that this scheme is well advanced with the majority of unit occupied.
- Phase 2A development was granted under Reg. Ref. D18A/0566 & amended under Reg. Ref. D18A/1191 for 5 no. houses.
- The Phase 2 lands and the adjoining lands to the north are traversed by a 22kV powerline. ESB/Eirgrid have confirmed that the existing 220kV powerlines will not be undergrounded as was originally envisaged in the Local Area Plan. The proposed development has been designed having regard to this matter.
- The Board approved the Glenamuck Distributor Road Scheme (GDRS) under ABP 303945-19. The proposed Phase 2B development incorporates the layout as approved. The GDRS abuts the eastern site boundary. The approved GDRS is considered to be adequate to address the previous refusal reason for the previous application which refers to Phase 2B.
- In relation to Enniskerry Road/Glenamuck Road Junction upgrade, section 10.6 of the Local Area Plan identifies that the LAP lands could cater for 700 units prior to the determination of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme.
- The Enniskerry Road/Glenamuck Road Junction Upgrade Scheme received Part 8 planning approval in September 2017. The permitted Part 8 scheme identified that it facilitates approximately 1,050 residential units to be developed within the LAP area prior to the construction of the Distributor Road.

- It is submitted that the junction currently has adequate capacity to facilitate the proposed development of 56 no. units. To date a total of 630 residential units have received planning permission with the LAP area and 246 units have been completed or are under construction.
- Table 1. in the appeal details the permissions granted and the number of permitted residential units in the Glenamuck – Kiltarnan LAP. The permitted and proposed residential units amounts to 883 this includes the subject proposal Phase 2B and an SHD application on Glenamuck Road.
- Therefore, this is below the 1,050 units set out in the LAP and the Traffic and Transport Assessment which accompanied the Part 8 scheme.
- In the submission to the SHD application ABP 303978-109 the Planning Authority acknowledged that the approved Enniskerry Road/Glenamuck Road Junction Upgrade Scheme can adequately cater for the traffic of 1,050 units distributed onto the local road network as associated with the initial phase of development outlined in the Local Area Plan.
- With the approval of the GDRS this can facilitate the granting of developments which require access to the GDRS whereby it can be conditioned that the units can only be occupied upon completion of the GDDR or GDRS whichever one is of relevance. However, it is highlighted that such a condition would not be applicable to the subject site as it can be access from Phase 1 lands at Rockville and it also would be below the initial phase of 1,050 units within the LAP.
- A SHD permission on Glenamuck Road was cited. Under ABP 303978-19 permission was granted for a scheme of 203 no. residential units on lands to the north of Rockville House lands and on the opposite side of Glenamuck Road South. It is noted that the Board accepted that the development could be permitted in advance of the GDRS being permitted/delivered in the context of the proposals being below the 1,050 residential units set out in the LAP, as updated in the TTA undertaken for the Part 8 Scheme.
- The appeal also refers to an application made under ABP 306160-19 for a scheme of 197 no. residential units, a creche and link road between

Enniskerry Road and Glenamuck Road. The site is located on the opposite side of Glenamuck Road South.

- In relation to the proposed vehicular access to the scheme, it will be via the existing access road which serves Phase 1 at Rockville from Glenamuck Road South. It is submitted that the proposed four storey apartment building will provide an appropriate urban edge to the approved Glenamuck Link Distributor Road as part of the GDRS scheme.
- With reference to national planning policy it is submitted that the proposed scheme is in accordance with the Apartment Guidelines 2018 and the provisions of the National Planning Framework. The site is zoned for residential use, fully serviced and is in close proximity to Bus, Luas the and M50.
- The proposed density at circa 42 units per hectare is in accordance with the indicative density for the lands set out in the LAP of 40-45 dwellings per hectare.
- The first reason for refusal states that the proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development and the period within which the constraints involved may reasonably be expected to cease, resulting in intensification of vehicular traffic on Glenamuck Road. No firm timeframe has yet been established with regards to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. This part of the Kiltiernan LAP lands has reached capacity in terms of unit numbers and no further development can take place until these infrastructural developments have been constructed.
- In relation to this matter the approval of the Glenamuck Distributor Road Scheme (GDRS) by the Board under ABP 303945-19 is considered to adequately address the Board's only reason for refusal for the previous application on the site.
- The first party notes that the Board did not consider the proposed development to be premature pending the implementation of the permitted Enniskerry Road/Glenamuck Road Junction Upgrade Scheme (Ref.

PC/IC/01/17) which achieved Part 8 planning approval with amendments in September 2017.

- The previous refusal issued by the Board referred to the development being premature until such time as the design and layout of the distributor road had been approved. Therefore, the approval of the GDRS addresses all the concerns raised by the Board. Therefore, it is submitted that it is appropriate that permission be granted for Phase 2B of the development with access to the existing road network and in advance of the Planning Authority implementing the approved Part 8 and Part 10 schemes.
- Furthermore, it is submitted that the existing road network has capacity to facilitate the proposed Phase 2B development. The refusal issued by the Planning Authority referred to intensification of vehicular traffic on Glenamuck Road and that the proposed development would be premature by reference to the existing deficiencies in the road network serving the area of the proposed development. It is stated that having regard to the TTA provided with the application and noting the implemented and permitted development in the area that the proposed 56 no. units is acceptable in traffic terms having regard to the existing capacity of the local road network and the road improvements implemented under Phase 1.
- A response on the traffic and transportation issues raised in the appeal has been prepared by Atkins and is included with the appeal. The application was also accompanied by a Traffic and Transport Assessment prepared by Atkins. It is stated that as detailed in the TTA and response from Atkins that the proposed apartment block can be accommodated on the existing road network similar to Phase 1 and Phase 2A.
- It is concluded in the TTA that the existing road network prior to the implementation of the Part 8 Scheme has capacity to accommodate the proposed development including Phase 1 and 2A.
- The completed Phase 1 has provided an upgraded section of carriageway, footpath and public lighting on the section of the Glenamuck Road South within the applicant's control to provide a tie-in and connection with the permitted Part 8 scheme and the Section 49 Scheme proposed to complete

the Glenamuck Road South improvements required. Road improvements were carried out as part of the Phase 1 permission to circa 70m of Glenamuck Road South in accordance with Section 10.6 of the LAP.

- The Part 8 scheme and the Phase 1 permission will provide the improvements to the Glenamuck Road and Enniskerry Road Junction. This will ensure compliance with Section 5.3.3 Road Objectives of the LAP which states, *“it is also an objective of the LAP to seek improvements to the existing road network in the area, where necessary. The existing Glenamuck Road, irrespective of the new roads network, requires upgrading in terms of footpath improvements and/or installation, resurfacing and most importantly improvements to address the pinchpoint which restricts traffic movements at a location at the western end of Glenamuck Road, adjacent to Cromlech Close.”*
- The improvement works completed under Reg. Ref. D17A/0793 can facilitate the provision of an additional 56 no. apartments units on the site having regard to the LAP requirement for phased delivery of development in advance the GDDR and GLDR. Therefore, it is submitted that the provision of an additional 56 no. units on the subject lands should not be delayed pending the implementation of the Part 8 scheme and as the Part 10 scheme is now approved there is no other capacity or phasing issues which would restrict the development of the lands.
- The grant of permission will contribute towards the Section 49 supplementary development contribution scheme for the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Pond Scheme.
- It is considered that the infrastructural constraints at Glenamuck Road and Enniskerry Road have been addressed in the short-term by way of the road improvements completed under the Phase 1 permission.
- Regarding the matter of phasing it is stated in the Planner’s Report, ‘The capacity for Phasing Area is 266 units, and it has been demonstrated that 272 units have been approved in this area. Therefore, the development would be contrary to Section 10.6 of the LAP.’ The report also states, ‘This part of the LAP lands (as identified on the Phasing Map within the LAP) has reached

capacity in terms of unit numbers and no further development can take place until these infrastructure developments have been constructed'.

- This refers to the subphases of development identified in the LAP. The subject site is located within Phase 1B. It is submitted that as has been the case with other recent developments in the area the proposed development should be assessed based on the overall phasing proposals for the LAP area. Which is a maximum of 1,050 units in advance of the GDRS and the Part 8 scheme being implemented.
- The number of permitted residential units are estimated as 630 no. units which is below 700 no. units and updated to the 1,050 units as per the documentation included in the Part 8 Scheme. Therefore, it is submitted that even with the proposed scheme there would still be capacity for circa 364 additional residential units prior to the GDDR and GLDR being delivered.
- The permitted and proposed residential units amounts to 833 units this includes the proposed 56 units in the apartment building and 197 units in the SHD scheme (ABP 306160-20).
- It is highlighted that this approach was accepted by the Board in determining the SHD application ABP 303978-19. The Board assessed this and other recent SHD applications against the overall phasing requirements of the LAP and not the sub-phases. The Inspector in their assessment of ABP 303978-19 stated, *'Whilst the proposed development (203 units) is slightly over this quantum, I do not consider it material, and in the context of the fact that out of a potential capacity for 1,050 units that only 204 units have been permitted in total across areas A,B and C, I am satisfied that the development can be provided for within the interim phasing arrangements as set out in the LAP and that the quantum of development can be facilitated.'* The Board granted permission for this residential scheme in advance of the Part 8 junction upgrade and Part 10 being approved.
- It is noted that the Board previously overturned decisions to refuse permission by Dún Laoghaire-Rathdown Co. Council on the basis that the proposals were premature in relation to the roads network. These include an application at Ashwood Farm (Reg. Ref. D10A/0026 & PL06D.236476) an application at the

Golden Ball (Reg. Ref. D16A/0090 & PL06D.246537) and at Kilternan Garden Centre (Reg. Ref D10A/0716 & PL06D.239662).

- It is submitted that the proposed development is appropriate given the residential zoning of the site under the Development Plan and LAP. The proposal would contribute to much needed residential accommodation in the area in accordance with National, Regional and Local planning policy.
- Refusal reason no. 2 states, *'Having regard to the piecemeal nature and location of the majority of public open space within the restriction corridor for the 220Kv electricity line, it considered that the proposed open space is of poor quality and would result in a poor level of amenity for future residents, contrary to Section 8.2.8.3 (Open Space) of the Dun Laoghaire-Rathdown Development Plan (2016-2022) and to the proper planning and sustainable development of the area.'*
- The report of the Planning Officer states, *'the majority of the proposed open space and car parking area is located within this 30m exclusion zone associated with the overhead 220Kv overhead power lines and it is therefore considered that this area cannot be considered to be recognisable open space.'*
- The appellant notes the Board Direction on the previous application (Reg. Ref D18A/0940 & ABP 303324-18). In the direction, the particular constraints of the application site were acknowledged. The Board considered that the open space and car parking as proposed in the scheme updated at appeal stage was appropriate for the site subject to a high-quality landscape and public realm approach. Therefore, it is submitted that the Planning Authority did not take into account the Board's direction in relation to this matter. It is requested that this reason for refusal should be disregarded as it has already been determined by the Board.
- The appellant also provides a justification of this aspect of the scheme notwithstanding the previous direction of the Board. The site is constrained by 220Kv overhead power lines. Section 8.2.9.10 of the Development states that a 30m clearance to either side of the centreline of powerlines is required. Buildings are not permitted within the corridor and therefore open space and

car parking have been proposed to this sterilised area. The total area of Phase 2B is 1.37 hectares. The apartment building occupies 1,417sq m which is 10.34% of the area. The car parking area and access road occupies 2,000sq m which is 15% of the site and the open space, swale and greenway link occupies circa 75% of the site.

- In relation to the matter of the public open space the Planning Authority considered that it was piecemeal. A response was prepared by Dermot Foley Landscape Architects. The submission advises that the proposed landscaping defines and encloses the intermediate usable communal open space. It also spills out into public open space and bridges the gap between the two areas. It is concluded in the submission that there is fluid integration between public and private open space and that the different spaces are defined using the existing topography and vegetation. The presence of the existing oak tree is highlighted and the other existing trees which would provide a positive addition to the already granted section of development and therefore would make a constructive contribution to the character and sense of place.
- Therefore, as acknowledged in the Board's Direction in the previous Phase 2B application, the scheme provides a high quality urban design response to the sites constraints which create a real and interesting sense of place for future residents. Given the location and site features, the scale of the public open space being provided and having regard to the careful landscape design and the provision of surface car parking and the associated open space is the only appropriate and viable solution.
- The Drainage Department of the Council in their assessment of the scheme sought further information. The four issues referred to in further information have been addressed in a response provided by Atkins project engineers.
- The report of the Planning Officer referred to the third party objection from An Taisce which raised concern at the lack of basement or undercroft car parking within the scheme. The design team did examine the possibility of incorporating basement/undercroft carparking however it was not considered viable or functional for the location. The direction of the Board in relation to the previous application is also noted which states, '*having regard to the*

particular constraints of this site, the Board considered that the configuration of the surface car parking and open space areas would be acceptable, subject to the provision of additional landscaping measures to improve the public realm in the vicinity of the car park.'

- It is highlighted that due to levels at the location of the access from Phase 1 that the provision of a significant ramp and basement area would be visually obtrusive. It is considered that an undercroft carpark would not provide the visual amenity or passive surveillance from/to the GLDR or the proposed greenway. The costs were also reviewed and found to be uneconomic at this location.
- The proposed car parking provision is marginally below the Development Plan requirement for car parking outlined in Section 8.2.4 of the Plan. However, it is in accordance with the Apartment Guidelines 2018.
- Therefore, it is respectfully submitted that the proposed scheme is not car dominated and that it provides a high quality urban design response to the site which creates a real and interesting sense of place for future residents.
- It is respectfully submitted that the proposed Phase 2B development at Rockville House complies with the land use zoning, policies and objectives relating to the site in Dun Laoghaire-Rathdown Development Plan 2016-2022 and the Kilternan-Glenamuck LAP 2013 both which designate the site for new residential development and will provide much needed housing within the designated growth area in Dun Laoghaire Rathdown in accordance with Government policy. The proposed development is therefore considered to be in accordance with the proper planning and sustainable development of the area and it is requested that the Board issue a decision to grant permission.

6.2. Planning Authority Response

- It is considered that the grounds of appeal do not raise any new matters, which in the opinion of the Planning Authority would justify a change of attitude to the proposed development

6.3. Observations

Observation to the appeal have been submitted by (1) John Watters (2) Susan Floyd (3) Jennifer Naughton. The issues raised are as follows;

- Potential overshadowing from the proposed apartment building
- Inadequate car parking provision.
- The issue of the capacity of the access road to accommodate the proposal is raised.
- The Glenamuck Distributor road will not be constructed until 2021 at the earliest. In the absence of this road the proposed development will add to the existing traffic congestion on Glenamuck Road. The proposed development may facilitate traffic accessing the Glenamuck Distributor road from outside the scheme.
- The proposed development would negatively impact upon the visual amenities of the area. The height and scale of the proposed development is considered out of character with the existing development in Rockville.
- The proposed public open space is considered unsuitable and inadequate to serve the proposed scheme.
- There is a proposal for a small creche withing phase two. The proposed development does not provide suitable greenspace for outdoor play areas.
- Noise and disturbance would be generated from the construction phase.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. The issue of appropriate assessment screening also needs to be addressed. The issues can be dealt with under the following headings:

- Access and traffic
- Design, layout and impact on amenities

- Appropriate Assessment
- Other issues

7.1. Access and traffic

- 7.1.1. The first reason for refusal issued by the Planning Authority refers to issues of access and traffic. The Planning Authority determined that the development would be premature by reason of the existing deficiencies in the road network serving the area of the proposed development. They considered that the period of time involved before which the constraints may reasonably be expected to cease would result in intensification of vehicular traffic on Glenamuck Road. The refusal reason referred to the lack of a firm timeframe in relation to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. In relation to the phasing of development the Planning Authority considered that this part of the Kiltiernan LAP lands has reached capacity in terms of unit numbers and that no further development can take place until these infrastructural developments have been constructed.
- 7.1.2. The first party in the appeal cites the previous decision of the Board in relation to the appeal case Reg. Ref D18A/0940 & ABP 303324-18. Under that application permission was also sought for Phase 2B residential development which comprised a four storey apartment block containing 57 no. residential units. The first party noted in the appeal that the Board refused permission for that proposed development on the basis that it would be premature pending the determination of a road layout for the Glenamuck Link Distributor Road. It is also highlighted in the appeal that the Board did not consider the development proposed under ABP 303324-18 would be premature pending the implementation of the permitted Enniskerry Road/Glenamuck Road Junction Upgrade Scheme.
- 7.1.3. The first party submit that the determination of the Board in respect of ABP 303324-18 should guide the assessment of the current proposal. Therefore, the appellants consider that with the Board's decision to approve the Glenamuck Distributor Road Scheme (GDRS) under ABP 303945-19 that it fully addresses the previous refusal by the Board for the Phase 2b residential development at Rockville.
- 7.1.4. In relation to the proposed vehicular access arrangements it is highlighted in the appeal that permission can be granted for Phase 2b with access to the existing road

network and in advance of the Planning Authority implementing the approved Part 8 and Part 10 schemes.

- 7.1.5. The refusal issued by the Planning Authority refers to the resulting in intensification of vehicular traffic on Glenamuck Road. The first party has addressed this matter stating that the Traffic and Transport Assessment (TTA) prepared by Atkins, submitted with the application confirms that the existing road network has capacity to accommodate the traffic which would be generated by the proposal. The first party highlighted that the existing vehicular access to 'Rockville' has been upgraded including road improvements on Glenamuck Road South which have been carried out under Phase 1 of the development.
- 7.1.6. A response to refusal reason no. 1 was also prepared by Atkins. It is detailed in the response that as set out in Section 10.6 of the Kiltiernan-Glenamuck LAP that the Transportation Department consider that up to 700 no. dwelling units could be accommodated on an upgraded existing road network. The upgrade works carried out in the existing road network under the permission for Phase 1 of the Rockville scheme (Reg. Ref. D17A/0763) are noted including road widening, footpath improvements and a new access junction to the scheme from Glenamuck Road.
- 7.1.7. In relation to the level of development carried and permitted within the Kiltiernan-Glenamuck LAP area it is highlighted that 630 units have been permitted with 240 units being completed or under construction. Therefore, Atkins submit that with the addition of the proposed 56 no. residential units the level of permitted units would be 686 which is below the 700 unit threshold. In relation to the traffic generated by the proposed development as detailed in the TTA Atkins confirm that in the morning peak hour there would be 28 vehicular movements with 25 vehicular movements in the evening peak hour. Atkins considered this traffic generation is modest. The junction capacity assessment detailed in the TTA confirms that the existing Enniskerry Road/Glenamuck Road signalised junction has adequate capacity to accommodate the increase in traffic the proposed development would generate.
- 7.1.8. Refusal reason no. 1 refers to the lack of a firm timeframe in relation to the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme approved under (PC/IC/01/17). The Transportation Planning Section of the Council in their report highlighted that no firm timeframe for the project had been established.

However, their report confirmed that it is likely that the Enniskerry/ Glenamuck Road Junction Upgrade Scheme will be implemented as part of the works for the Glenamuck District Roads Scheme (GDRS). The response from Atkins to the refusal notes that Dun Laoghaire-Rathdown Co. Council are currently in the process of completing the detailed design of the overall scheme including the Enniskerry/ Glenamuck Road Junction Upgrade Scheme and that it is intended to go out to tender in Q3 of 2020 and to have a contractor on site before the end of 2020. The construction period for the project is estimated as between 18 and 24 months.

- 7.1.9. I note the point made by the first party that a grant of permission for the proposed development would contribute towards the Section 49 supplementary development contribution scheme for the Glenamuck District Distributor Road Scheme and Surface Water Attenuation Pond Scheme.
- 7.1.10. The last section of refusal reason no. 1 states that this part of the Kiltiernan LAP lands has reached capacity in terms of unit numbers and no further development can take place until these infrastructural developments have been constructed.
- 7.1.11. In relation to this matter I note that the development of the LAP lands is dependent on the Glenamuck Link Distributor Road (GLDR) and the Glenamuck District Distributor Road (GDDR). The Kiltiernan-Glenamuck Local Area Plan 2013-2019 provides for interim development of circa 700 units to be delivered subject to assessment against 13 no. criteria set out in Section 10.6 of the Local Area Plan.
- 7.1.12. The first party have outlined in the appeal that the report of the Council's Planning Officer refers to the capacity of the phasing area as 266 units. This refers to Phase 1B as detailed in the LAP. The report of the Planning Officer stated that 272 units have been approved for the phasing area and that the area has reached capacity and that no further development should take place until the roads infrastructure required under the provisions of the LAP has been constructed.
- 7.1.13. In response to this issue the first party notes that this refers to the subphases of development identified in the LAP. It is set out in the appeal that the issue of phasing has been assessed on the basis of overall phasing within the LAP area rather than on a subphase basis. It is also highlighted in the appeal that the maximum number of units which can be permitted within the LAP area in advance of the Glenamuck District Distributor Road Scheme and the Glenamuck Link Distributor Road is 1,050

units. The number of units was updated to 1,050 units as per the conclusion of the Part 8 Council Enniskerry Road/Glenamuck Road Junction Upgrade Part 8 Environmental Report Volume 1 (May 2017) which stated,

7.1.14. *“This analysis demonstrates that the proposed upgraded junction layout at the Golden Ball junction can adequately cater for both the increase in background traffic and the additional development traffic of approximately 1,050 residential units distributed onto the local road network as associated with the initial phase of development of residential zoned lands outlined in the Glenamuck LAP.”*

7.1.15. It is therefore contended in the appeal that as the estimated number of residential units permitted within the LAP area is 630 which is below 700 and that the maximum capacity prior to roads projects completion has been updated to 1,050 then there is capacity for circa 364 additional residential units prior to the GDDR and GLDR being delivered. I note this figure of 630 permitted units did not include the 197 no. units permitted under the SHD scheme ABP 306160-19 which was granted after this appeal was made. Therefore, a figure of 827 units would be an up to date assessment of the number of units permitted within the LAP area.

7.1.16. In relation to the matter of phasing the SHD application ABP 303978-19 is highlighted in the appeal. Under this application the Board granted permission for 203 no. residential units. It is noted in the appeal that the assessment in relation to the phasing of development was based on overall phasing requirements of the LAP and not the sub-phases. The appeal cites the report of the Inspector which stated, *‘Whilst the proposed development (203 units) is slightly over this quantum, I do not consider it material, and in the context of the fact that out of a potential capacity for 1,050 units that only 204 units have been permitted in total across areas A,B and C, I am satisfied that the development can be provided for within the interim phasing arrangements as set out in the LAP and that the quantum of development can be facilitated.’* The first party note that the Board granted permission for this residential scheme in advance of the Part 8 junction upgrade and Part 10 being approved.

7.1.17. The SHD scheme ABP 306160-19 is also cited in the appeal. This refers to a scheme of 197 residential units on a site on the northern side of Glenamuck Road. The Board granted permission for this development on the 6th of April 2020. The report of Inspector assessed the matter of phasing and residential development

within the LAP area and they determined that *‘a high level overview of permissions granted in the 3 phases identified in the LAP are detailed in Appendix 2 and I estimate that approximately 453 units have been constructed across the LAP area.’* The report of the Inspector further states that *‘if the submission from the PA is correct and 700 units have been permitted within the LAP area, it is evident that this quantum of development has not actually been constructed in the area since the adoption of the plan.’* The Inspector concluded that *‘having regard to the fact that permission has now been granted for the GDRS and that the Enniskerry Road/Glenamuck Road Junction Improvements have been approved since 2017, I consider that the development be permitted given this road infrastructure is likely to be implemented in a similar timeframe to the development of the site.’*

7.1.18. In relation to the development of this scheme, I note that the Inspector recommended the attachment of a condition specifying that no unit within in Phase 2 of the development shall be occupied prior to the completion of the Enniskerry Road/Glenamuck Road Junction Upgrade. The Board in granting permission for this residential scheme did not include this condition.

7.1.19. Having regard to the details as set out above I consider that proposed development would not be premature by reference to the existing deficiencies in the road network serving the area. I consider that the previous refusal reason issued by the Board in respect of ABP 303324-18 has been fully addressed with the approval by the Board of the Glenamuck District Distributor Road Scheme. This Scheme is scheduled to be completed by 2022 and it will also include the construction of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme. Therefore, it is likely that these infrastructural projects would be completed in a similar timeframe to a residential development being constructed in the subject site. However, in the absence of the completion of the Enniskerry Road/Glenamuck Road Junction Upgrade Scheme, I am satisfied that the first party has demonstrated that the existing road network has sufficient capacity to accommodate the traffic which the proposed development would generate. Finally in relation to the matter of phasing of development within the LAP area, while I note that the Planning Authority has assessed the proposed development on the basis of a compartmentalised subphase and determined that the lands have reached capacity until the roads schemes set out in the LAP have been constructed, this is not the approach which the Board’s Inspectors have taken in

respect of recent SHD applications. Given that the matter of phasing of development has been assessed in recent SHD applications ABP 303978-19 and ABP 306160-19 on the basis of overall phasing within the LAP area rather than on a subphase basis I consider that this is the appropriate approach to take in the case of the current appeal. Accordingly, I am satisfied that as there is capacity for 1,050 residential units to be developed prior to the GDDR and GLDR being completed and with a maximum of 827 units being permitted within the overall LAP area there remains sufficient capacity for the proposed scheme of 56 no. residential units.

7.2. Design, layout and impact on amenities

- 7.2.1. The second reason for refusal issued by the Planning Authority refers to proposed location and piecemeal location of the public open space within the restriction corridor of the 220Kv electricity line. The Planning Authority considered that it would provide a poor quality of amenity for future residents and that it would be contrary to Section 8.2.8.3 of the Development Plan which refers to Open Space.
- 7.2.2. In response to this issue the first party note the Direction of the Board issued with their decision to refuse permission under ABP 303324-18 for the Phase 2b residential scheme on subject site. The Direction of the Board included a note which advised that *'Having regard to the particular constraints of this site, the Board considered that the configuration of the surface car parking and open space areas would be acceptable, subject to the provision of additional landscaping measures to improve the public realm in the vicinity of the car park.'*
- 7.2.3. Therefore, the first party submit that the Board considered that the open space and car parking as proposed in the scheme updated at appeal stage under ABP 303324-18 was appropriate for the site subject to a high-quality landscape and public realm approach. It is argued in the appeal that the Planning Authority did not take into account the Board's direction regarding the open space provision and the particular constraints of the site.
- 7.2.4. In response to the matter of the quality of the open space a submission with the appeal was prepared by Dermot Foley Landscape Architects. They consider that the proposed landscaping defines and encloses the intermediate usable communal open space. They note that the communal open space also spills out into public open

space and bridges the gap between the two areas. They consider that there is fluid integration between public and private open space and that the different spaces are defined using the existing topography and vegetation. The presence of the existing oak tree which it is proposed to retain is highlighted.

- 7.2.5. In relation to the proposed open space provision on site communal open space area are proposed to the west of the surface car parking. The design of the surface car parking area incorporates landscaping and planting which will serve to screen the area from direct view from the existing housing to the west. The public open space is proposed to the north-western corner of the site and also the southern end of the site.
- 7.2.6. Section 8.2.8.2 of the Development Plan refers to public open space and requires “for all developments with a residential component – 5+ units - the requirement of 15sq m - 20sq m of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms (1.5 persons for two bed or less)”. It is also noted that irrespective of the circumstances outlined under Section 8.2.8.2 including relaxed standards due proximity to existing park facilities and financial contributions in lieu of public open space “the default minimum 10% open space requirement must be provided on site”. The area of public open space proposed is 6,600sq m. This represents over 60% of the site area.
- 7.2.7. Regarding access to additional public open space and parks, the area to the north of the site is zoned proposed open space/recreational amenity and it is the location of a future park. The proposed layout includes a pedestrian/greenway links between the site and the future local park. Furthermore, as part of Phase 1 of the Rockville development the existing walled garden of Rockville House is incorporated into the open space provision serving the development. Dermot Foley Landscape Architects have designed the walled garden. The walled garden is in close proximity to the proposed apartment building.
- 7.2.8. While, I note that the proposed open space area is within the restriction corridor for the 220Kv electricity line an extensive area of public open space has been proposed along with communal open space. Furthermore, I note the proximity of other existing

open space areas and the future local park. Having regard to the particular constraints of the site I would concur with the opinion of the Board as detailed in their previous direction that the proposed configuration of the surface car parking and open space areas would be acceptable subject to landscaping measures to improve the public realm in the vicinity of the car park.

7.2.9. The matter of the proposed open space provision to serve the creche it is raised in the observations to the appeal. The creche is proposed at ground floor it is relatively small with an area of 126sq m. An outdoor play area of 100sq m is proposed to the area to the adjoining the creche. Accordingly, I am satisfied that an adequate area has been proposed to serve the creche.

7.2.10. In relation to the matter of car parking, An Taisce in their observation on the application considered that a significant level of surface car parking is proposed which could be used for amenity, planting and playgrounds. In response to this the first party stated in the appeal that the design team did examine the possibility of incorporating basement/undercroft carparking however it was not considered viable or functional for the location. Furthermore, the first party stated given the fall in site level the construction of a basement car park would entail the provision of a significant ramp and that the basement area would be visually obtrusive. Having regard to these arguments and also the Direction of the Board in respect of ABP 303324-18, I consider the provision of surface car parking to serve the scheme is acceptable subject to appropriate landscaping and screening.

7.2.11. The scheme comprises 11 no. 1 bedroom units, 39 no. 2 bedroom units and 6 no. 3 bedroom units. A total of 72 no. car parking spaces are proposed within the surface car parking area. Car parking standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. Generally, 1 space per one bed unit, 1.5 spaces per two bed unit and 2 spaces per three bed unit are required. Accordingly, a total of 81.5 no. car parking spaces would be required in accordance with Table 8.2.3 of the Development Plan. There would be a shortfall of 9.5 no. spaces. In relation to cycle parking I note that 70 no. bicycle parking spaces are proposed.

7.2.12. ‘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 includes 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. The site is located within 2km of the Luas and I note that each dwelling unit would be served by a minimum of one car parking space which I consider is acceptable having regard to the relative proximity of public transport and the bicycle parking proposed.

7.2.13. The proposed apartment building is four storeys. Under the provisions of the Kiltiernan-Glenamuck Local Area Plan 2013-2019 the subject site is located within development parcel 20a and b. This parcel is designated for medium density residential development comprising apartments, duplex, terrace/courtyard, providing an average density of 40-45 per hectare. As per the Building Heights Map of the LAP the building heights of between two and four storeys are permissible. The observations to the appeal have raised the matter of the height and character of the proposed development relative to the existing housing at Rockville. As detailed above the proposed apartment building is permissible within this parcel of land as set out in the Kiltiernan-Glenamuck LAP. The proposed density of development is equivalent to 40.8 units per hectare which is in accordance with the provisions of the LAP.

7.2.14. In relation to the proposed design of the building while the proposed height is a maximum of four storeys due to a fall in levels on site the design incorporates the stepping down of three sections of the building towards the south. The nature of the site means that the proposed scheme features a relatively long frontage. The building extends for approximately 88m. In relation to the elevational treatment, I consider that there is reasonable variety provided with a mix of fenestration, brick finish, zinc cladding to roof level and glazed screen to the balconies and terraces. I consider that the stepping down of the building and variation in the elevational treatment are appropriate having regard to the extent of the frontage of the building. Overall, in terms of the visual impact of the proposed scheme on the surrounding streetscape I consider that the development has been designed well to integrate with the surrounding development.

7.2.15. The issue of potential overshadowing by the proposed apartment building was raised in an observation to the appeal. In relation to this matter I note that there is a separation distance of circa 50m between the proposed apartment building and the closest dwelling on Rockville Avenue. Accordingly, I am satisfied that the proposed development would not result in any undue overshadowing of the neighbouring residential properties.

7.2.16. The matter of noise and disturbance generated during construction was raised in the observations to the appeal. I consider that these matters can be satisfactorily addressed by condition.

7.3. **Appropriate Assessment**

Stage 1 Screening

7.3.1. An AA screening report is submitted with the application. The report describes the development and identifies that the appeal site is not located within or directly adjacent to any Natura 2000 sites. It addresses a number of sites within a 15km catchment. I have reviewed the NPWS web site and consider that there are no other sites that would be within the zone of influence of the subject site or that have a potential hydrological link to the site. The nearest European site to the subject site is Knocksink Wood SAC it located circa 3.1 km from the site. Ballyman Glen SAC is located circa 3.7km south and Rockabill to Dalkey Island SAC circa 6.7km to the east. The Screening Report considers whether the proposed development would have any potential impact on the qualifying interests and conservation objectives of these sites.

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

Knocksink Wood SAC – Site Code (000725)	Ballyman Glen SAC – Site Code (000713)
Petrifying springs with tufa formation (Cratoneurion) [7220]	Petrifying springs with tufa formation (Cratoneurion) [7220]
Old sessile oak woods with Ilex and Blechnum in the British Isles [91A0]	Alkaline fens [7230]

Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, Alnion incanae, Salicion albae) [91E0]	
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Rockabill to Dalkey Island SAC - Site Code (003000)
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Reefs [1170]

Harbour porpoise (<i>Phocoena phocoena</i>) [1351]
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- 7.3.6. The Conservation Objective for Knocksink Woods SAC (000725) is to maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected. The Conservation Objective for Ballyman Glen SAC (000713) is to restore the favourable conservation condition of Petrifying springs with tufa formation (Cratoneurion)* in Ballyman Glen SAC and to restore the favourable conservation condition of Alkaline fens in Ballyman Glen SAC, which are defined by a list of attributes and targets.
- 7.3.7. The Conservation Objectives for Rockabill to Dalkey Island SAC (003000) is to maintain the favourable conservation condition of Reefs in the SAC, which is defined by a list of attributes and targets and to maintain the favourable conservation condition of Harbour porpoise in the SAC, which is defined by the a list of attributes and targets.
- 7.3.8. Knocksink Woods SAC and the Ballyman Glen SAC are situated a higher elevation than that of the site and are located in a separate river catchment. There is, therefore, no scope for the development to negatively impact the groundwater which feeds these habitats. The qualifying interests of both sites would not be affected by the proposed development.
- 7.3.9. The appeal site is a greenfield 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 existing Carrickmines Valley Sewer which runs to the Shanganagh

WWTP. The Rockabill to Dalkey Islands SAC is located off shore approximately 1.4km from the mouth of the Shanganagh River. The proposed development is likely to result in a marginal increase in the discharge of wastewater to the Irish Sea. The development will incorporate SuDS and drain to the municipal system. It is considered that there is no risk that pollutants could reach the SAC in sufficient concentrations to have any likely significant effects on its qualifying interests.

AA Screening Conclusion

- 7.3.10. 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. (000725), European Site No. (000713) and European Site No. (003000) 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.

7.4. Other issues

Section 49 Supplementary Development Contribution Scheme

- 7.4.1. In relation to the Section 49 Supplementary Development Contribution Scheme Glenamuck District Distributor Road Scheme and surface Water Attenuation Ponds, it is noted that the subject site is located within the delineated catchment area of the scheme and is therefore liable for a contribution in respect of the scheme should the Board decide to grant permission.

Drainage

- 7.4.2. The Drainage Planning Section of the Council in their report required further information in relation to the design and location of the proposed swale and that adequate attenuation is available to compensate for loss of storage due to possible future siltation of the swale. In response to these issues Atkins confirm that the design by Atkins Engineering and Dermot Foley Landscape Architects in terms of drainage and landscaping of the swale matches the swale approved and constructed under Phase 1 of the development. In relation to the volume of attenuation required Atkins confirm it is based on the current design and is 156m³. An additional allowance of 5% volume for siltation would require a storage volume of 164m³. The

total volume of storage within the proposed swale includes a 150mm freeboard and has a capacity of 199m³.

- 7.4.3. The report of the Drainage Planning Section also required that size of the surface water pipe downstream of the hydrobrake chamber be limited to 150mm diameter. In response to this Atkins stated that the pipe is 300mm in accordance with the minimum taking in charge standards of the Council to facilitate future proposed developments to the south. This is considered appropriate that the drainage infrastructure constructed within the scheme will facilitate future development. I consider the response from Atkins address the main issues of concern raised in the report of the Drainage Planning Section.

8.0 Recommendation

- 8.1. I recommend a grant of permission.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the zoning objective 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), 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 achieve an acceptable standard of urban design and would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. 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.

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

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

4. The site access arrangements and the internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed requirements of the planning authority for such works. All residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle

charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points

Reason: In the interests of amenity and of pedestrian and traffic safety.

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

Reason: In the interest of visual amenity.

6. Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

7. The developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

Reason: To ensure full and verifiable implementation of the approved landscape design.

8. Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the

planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Tree Survey Report. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

9. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

Reason: In the interests of visual and residential amenity.

10. Proposals for the development name and apartment numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, signs and numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including noise management measures and off-site disposal of construction/demolition waste.

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

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 and for the ongoing operation of these facilities 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: In the interests of residential amenity and proper waste management.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any unit.

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

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and Section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

17. 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 of roads, footpaths, watermains, drains, 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 of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion of the development.

18. 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.

19. The developer shall pay to the Planning Authority a financial contribution in respect of the Glenamuck District Distributor Road Scheme and the Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the Planning Authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Siobhan Carroll
Planning Inspector

6th of August 2020