



An
Bord
Pleanála

Inspector's Report ABP-307001 - 20

Development	Demolition of existing house and construction of 11 new residential units.
Location	'Caldragh', Saval Park Road, Dalkey, Co. Dublin, A96 ET93
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D19A/0561
Applicant(s)	Savalside Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Party
Appellants	John & Ricky Maguire – Submitted by Andrew Lohan Architecture John Short & Helen Pomphrey, Robert & Bernadette Gaffney, Tony & Denise Brophy

Sheena Ward – Submitted by Hughes
Planning and Development
Consultants

Observers

Liam & Madeleine Guidera and others.

Date of Site Inspection

23rd June 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. Caldragh comprises of a detached two storey house located to the south western side of Saval Park Road in Dalkey, Co. Dublin. The house has a stated floor area of 233 sqm and is located on a generous site with a stated area of 0.2522 hectares. There is extensive tree and hedgerow planting on site and forming the site boundary. A low wall also forms part of the front boundary though this nearly hidden by vegetation growth. The vehicular access to the site is fenced off with temporary 'Harris' type fencing; this is attached to at least one gate pillar.
- 1.2. This section of Saval Park Road consists of large, detached houses on large sites. To the east of the road is Fairlawns, small residential development of detached houses focused on a cul-de-sac. House types consist of a variety of designs and the front boundaries also consist of hedgerows similar to the subject site, and boundary walls of various types.
- 1.3. The site is circa 1 km to the south west of Dalkey Village and is a similar distance to Dalkey DART station. Bus services are available to the north on Barnhill Road. The 7D provides peak hour only services to the city centre and the 59 provides an hourly service between Dun Laoghaire and Killiney via Dalkey Village.

2.0 Proposed Development

- 2.1. The proposed development consists of:
 - The demolition of the existing house with a stated floor area of 233 sq m.
 - The construction of two residential blocks providing for a total of 11 units as follows:
 - Part two/ Part three storey block with a floor area of 535 sq m, of five, two-bedroom apartments.
 - 2.5 storey terraced block of 6 houses – five no. four bedroom houses and one no. three bedroom house.
 - Vehicular access from Saval Park Road and a total of 20 car parking spaces and 20 bicycle parking spaces to be provided to serve the development.
 - All landscaping and associated site works.

- Proposed density is 44 (43.6) units per hectare.

2.2. Further information was received by the Planning Authority on the 3rd of February 2020. The submitted details in response to the further information request, resulted in the following alterations:

- The floor area of the apartment block reduced from 535 sq m to 433 sq m. The unit mix is changed from five no. two bedroom units to three no. two bedroom units and two no. one bedroom units.
- The apartment block is realigned to be parallel with Saval Park Road.
- A total of 257.5 sq m of public open space is provided – 10.2% of the total site area.
- Roof design is changed from mono-pitch to flat roof.
- Revisions made to the elevations, front boundary treatment, retention of an additional tree on the eastern boundary and a pergola is now provided to define the entrance to the site. In order to meet minimum floor to ceiling height requirements, the overall height of the building has increased from 9.7 m to 9.8 m.

3.0 Planning Authority Decision

3.1. Decision

Following the receipt of further information, the Planning Authority decided to grant permission for the development subject to conditions which are generally standard. Some specific site conditions are Condition no. 2 which requires a bat report regarding mitigation, Condition no. 5 limits access to a second-floor terrace for maintenance purposes only, Condition no. 16. requires the provision of a motorcycle parking space, Condition no. 24. requires the employment of an arborist during the construction phase and Condition no. 25 requires the employment of a Landscape Architect during the same phase.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning report reflects the decision to grant permission for the proposed development, following the receipt of further information. The Planning Authority Case Officer noted the impact of the development on adjoining properties and much consideration was given to the demolition of the existing house on site. The proposed density was considered appropriate and following revisions in response to a further information request, the proposed development was considered to be acceptable.

3.2.2. **Other Technical Reports**

Housing Department: No objection to the proposed development subject to condition that the developer/ applicant enter into an agreement in accordance with Part V of the Planning and Development Act 2000 as amended.

Drainage Planning – Municipal Services Department: Further information was requested in relation to a number of issues including: determining the location of a surface water sewer, the provision of suitable surface water drainage, details of surface water attenuation, demonstration of adequate SuDS measures, road/ car park cross sections and details on tree removal. On receipt of further information, it was reported that there was no objection to the development subject to conditions.

Transportation Planning: Further information was requested in relation to a number of issues including: relocation of bin storage, demonstrate compliance with DMURS, provision of motorcycle/ visitor car parking and electric vehicle charging spaces, bicycle parking space provision, a construction management plan and technical road design and signage details. On receipt of further information, it was reported that there was no objection to the development subject to conditions.

Public Lighting: No objection and same comment on receipt of further information.

3.2.3. **Prescribed Bodies**

Irish Water: No objection subject to conditions.

3.2.4. **Objections**

A total of 22, third party, submissions were received objecting to this development. Submissions were received from Dalkey Community Council, Councillor D. Quinn and individual members of the public.

Issues of planning concern included:

- The development of the site is acceptable subject to meeting regulations for a site of this size and location. A small 'boutique' style development would be suitable here.
- Concern about the additional traffic and parking that the development will generate. Reference a disability service bus that parks in the area and may be impacted by the development.
- Insufficient off-street parking has been proposed. 20 spaces for 11 units is insufficient.
- Insufficient public transport in the area – there is no QBC here.
- Saval Park Road is already busy as it is used by tourists etc. going to Killiney Hill and is also used by bus routes.
- Density is too high for a development over 1 km from a railway station. Density should be set at 35 units per hectare.
- Development is out of character with the area. Three storey units will be overbearing on the existing form of development in the area.
- Breaks an established building line.
- Sets a precedent for similar developments in the area. The area is characterised by two-storey houses.
- Gives rise to overlooking leading to a loss of privacy of adjoining properties.
- There is a need for improved separation distances between the proposed development and existing houses in the area – suggested minimum separation of 22 m.
- The development will have a negative impact on wildlife – clearing the site will impact on connective greenways that wildlife use.
- Saval Park Road is used by tourists to access a number of attractions in the area.
- Concern about the layout of the gardens serving the proposed houses, these are set at an angle to the house.
- Not all houses have adequate private amenity space.
- Concern about the loss of trees and shrubs. Trees have already been removed from the site.
- No bat survey was included in the appropriate assessment screening.

- Inadequate public open space is provided.
- The existing house which is of an 'Arts and Crafts' style should be retained and not replaced. It is council policy as set out in the Dun Laoghaire-Rathdown County Development Plan to retain houses of such important character and heritage.
- The proposed houses have no regard to the existing character of the area.
- The provision of dormer attic storey is not necessary and increases the height of these houses to an unacceptable level.
- Concern about refuse collection and potential for multiple bins on the footpaths on collection day.
- Concern about existing drains and sewers on the road in the area. Also, concern about a drainage wayleave along an existing 450 mm diameter surface water sewer.
- Concern about boundary treatment and impact to existing ivy clad concrete block wall.
- Concern regarding light pollution.
- Query over procedural issues including accuracy of drawings, site size, site levels,
- Potential for impacts to Natura 2000 sites – refers to the removal of rock in particular as a matter of concern.

On receipt of the further information response, a total of nine (9) letters of objection were received. Issues were similar to those originally raised, though some additional comments were made:

- Some improvements were noted such as the revised roof design from mono-pitch to full flat roof, relocated bin storage and bicycle parking areas and relocation of the apartment building to the south.
- However, the relocated apartment and bin storage areas were not welcomed by the majority of the observers.

- Revisions to the houses were seen as dis-improvements – roof design, attic dormer in Unit 6 and the provision of additional windows in Unit 6 were raised as issues of concern.
- Concern raised about the quality and quantity of private amenity areas.
- Request that additional trees be retained on site including 1699C and 1700C.
- The submitted Construction Management Plan (CMP) gave rise for concern in relation to the location of site offices etc.
- The proposal would give rise to overdevelopment of this site and does not have regard to the existing character of the area. The design was not innovative or unique to the area.
- Concern raised about overlooking leading to a loss of privacy. Residents in the area use their front garden as their primary amenity space – this will be negatively impacted upon by the proposed development.

4.0 Planning History

P.A. Ref. D17A/0938 / ABP Ref. PL06D.300676 refers to a July 2018 decision to refuse outline permission for the demolition of an existing detached dwelling – ‘Caldragh’ and garage and the construction of three no. detached 2-storey dwellings with access for House No. 1 through an existing vehicular entrance which is to be improved, together with a proposed combined vehicular entrance to serve House Nos. 2 & 3. A single reason for refusal was issued as follows:

‘Having regard to the proposed density of the development, at 12 dwelling units per hectare, it is considered that the proposed development would not be developed at a sufficiently high density to provide for an acceptable efficiency in serviceable land usage given the urban infill location of the site and to the established social and community services in the immediate vicinity. It is considered that such a low density would be contrary to Policy RES3 ‘Residential Density’ as set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, and would be contrary to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May, 2009, to planning authorities under section 28 of the Planning

and Development Act, 2000. The proposed development would, therefore, 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. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.
- 5.1.3. Under 2.1.3.3 ‘Policy RES3: Residential Density’ it is policy to: ‘.. to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development’. I also note the following:

‘As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives ‘GB, ‘G’ and ‘B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area’.

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'.

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

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

Section 8.2.4.12 refers to Electrically Operated Vehicles – One parking space per 10 spaces to provide for electric charging.

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).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHPLG, 2018).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).
- Quality Housing for Sustainable Communities (DoEHLG, 2007).

5.3. Natural Heritage Designations

None

5.4. EIA Screening

Having regard to the nature of the proposed development comprising a residential development of 11 units in the form of apartments and houses including all necessary site works, in an established zoned, 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

6.1.1. Appeals have been lodged by Andrew Lohan Architecture on behalf of John & Ricky Maguire of 'Ardeevin' Saval Park Road and by Hughes Planning & Development Consultants on behalf of John Short & Helen Pomphrey, Robert & Bernadette Gaffney, Tony & Denise Brophy and Sheena Ward, all of Saval Park Road, against the decision of Dun Laoghaire-Rathdown County Council to grant permission for the proposed development of this site.

Issues raised in the appeals include:

Andrew Lohan Architecture:

- The development as submitted would impact negatively on their client's property – 'Ardeevin' but do recognise the need for the development of houses on suitably zoned lands. Request that the following be undertaken:
 - Request that the height and bulk of the gable of Unit no.1 be reduced by stepping back the top floor or omit Unit no.1 altogether.
 - Increase the screening along the south party boundary. The revisions to the unit position have resulted in a bicycle store located in a very tight space and which will not allow for suitable screening here. High level lights will be used to illuminate the bicycle storage area. Request that the bicycle storage area be relocated away from this part of the site.

Additional comments were made following the receipt of the First Party (Applicant's) response. In summary the proposed details do not address the raised concerns.

6.1.2. Hughes Planning and Development Consultants:

- The proposed development which includes a three-storey apartment block and a terrace of houses, would not be keeping in character with the existing form of development in the area.

- The symmetry of the western side of Saval Park Road would be upset by the proposed development consisting of a block of apartments and a terrace of houses.
- The density is far in excess of the existing, that of the surrounding area and the standard of 35 units per hectare for such an area. The site is also over 1 km of the nearest DART station and the higher density cannot therefore be justified.
- The existing house has sufficient character worthy of its protection/ retention.
- The design of the development does not add to the character of the area.
- Traffic congestion and safety issues may arise due to the proposed development.
- Insufficient parking is proposed to serve this development.
- The development does not adequately demonstrate compliance with the 'Guidelines for Sustainable Residential Development in Urban Areas, 2009.
- The residential zoning of the area is not adequately protected by this development and there will be a loss of amenity through visual impact, overbearing and overshadowing leading to a loss of daylight and sunlight.
- The Construction Management Plan is not adequately detailed.
- There will be a loss of trees and the proposed site landscaping is not acceptable.
- No details have been provided in relation to the management of the site/ development at occupation stage.

Additional comments were made following the receipt of the First Party (Applicant's) response. Reference is made to a previous application under P.A. Ref. D17A/0938/ ABP Ref. 300676-18, where permission was refused due to the low density of development proposed – the provision of eight units was considered to be appropriate in this location. The potential negative impact on existing residential units is restated.

6.2. Observations

- 6.2.1. Observations have been received from Liam & Madeleine Guidera and Anthony & Phil McCarthy of Saval Park Road.

The following issues, in summary, were raised:

- Note the need for housing.
- Saval Park Road provides for a mix of housing types; however, the proposed development is not suitable for this location.
- There is no demand for apartments in this area.
- Suggest that a townhouse type development would be more suitable in this location.
- The design quality of the proposed development is not of a suitably high quality in this location.
- The proposed development does not demonstrate compliance with the objectives of the Dun Laoghaire-Rathdown County Development Plan.

- 6.2.2. No comments in addition to those already provided were made following the applicant's response.

6.3. Applicant's Response

- 6.3.1. The applicant has engaged the services of PMCA Architects to prepare a response to the appeal.

The following points have been made in response:

- The proposed development was considered to be acceptable by Dun Laoghaire-Rathdown County Council and is in accordance with the County Development Plan as well as National Guidance.
- Condition no. 12 requires revision to the bicycle parking areas and Condition no. 10 requires amendments to the road and footpath layout. These revisions will allow for additional landscaping and ensure the protection of the amenity of 'Ardeevin'. A plan has been submitted demonstrating how the landscaping of the

site can be provided in accordance with the conditions recommended by the Planning Authority.

- In respect of the appeal lodged by Hughes Planning & Development Consultants, the views expressed are subjective statements.
- The applicant outlines the process they undertook before lodging this application. Pre-planning consultation was held, revisions were made to the development and regard was had to the history of the site.
- The existing house on site is not a protected structure and the site is not located within an Architectural Conservation Area (ACA).
- Revisions were made to the development in response to the further information request issued by the Planning Authority.

6.4. Planning Authority Response

- 6.4.1. The grounds of appeal do not raise any new matters, so no additional comment is made by the Planning Authority.

7.0 Assessment

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

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

7.2. Principle of Development

- 7.2.1. The subject site is zoned 'A' and residential development is therefore acceptable on these lands. Having regard to the site history as well as local and national policies, it

is appropriate that an increased density of housing be provided here. Any such development should respect the existing character of the area and this is considered further in this report.

7.2.2. This assessment will consider the layout, elevations, floor plans etc. submitted by way of further information to the Planning Authority on the 3rd of February 2020, the revisions are considered to be an improvement on the originally lodged application. I note also the 'Proposed Site Layout – Drawing No: PL 101-01 submitted in support of the appeal.

7.3. Design, Impact on the Character of the Area

7.3.1. As evident from the submitted site location plan and from the site visit, Saval Park Road is a long road at over 800 m in length. There is not, a single, common design of house along its length, with a mix of semi-detached and detached houses, some gable fronted, some two storey and some single storey. Higher density developments are located to the west on Saval Park Gardens and Fairlawns. The road rises on a north to south/ south east axis. The site is not located within an Architectural Conservation Area (ACA) and there is no protected status on the existing house that requires its retention.

7.3.2. I note the comments made in the appeal and in the observations about the impact on the character of the area. The low-density character of the subject site and the adjoining sites only makes up a relatively short stretch of Saval Park Road and I would argue that they do not form the predominant form of housing along this section of road. The site at 0.2522 hectares is relatively large and I consider it appropriate that the maximum possible number of units be developed on such serviced lands. I accept that the site is not located within or adjacent to high frequency/ capacity public transport though I note that Glenageary and Dalkey DART stations are within 920 m of the site, though the walking distance brings this to over 1 km from the site.

7.3.3. The issue of density was raised in the appeals and observations. A previous application for three houses was refused due to the low-density nature of the development. The proposed development at 44 units per hectare is considered to be appropriate. Reference has been made in the appeal/ observations to a density at 35 units per hectare as appropriate for this site, I would disagree. Density is a way of measuring the development potential of a site/ area; I consider the impact of

a development on adjoining sites/ the character of the area as of more critical importance than the number of units proposed. The proposed development provides for a total of 11 residential units, which is a relatively small infill development in an urban area where such developments would not be unusual.

- 7.3.4. The development proposes a terrace of six houses to the rear/ south western side of the site and a three-storey apartment block to the front/ north east side, which accommodates a total of five apartments. Following the submission of further information, the development provides for two – one-bedroom apartments, three – two-bedroom apartments and six – four-bedroom houses. I consider the unit mix to be appropriate and will meet a variety of housing needs.
- 7.3.5. The retention of a number of mature trees along the front boundary, the relocation of the apartment block southwards in response to the further information request and the provision of a flat roof on the apartment block, will enable the integration of this development into the existing character of Saval Park Road. When viewed front on as per the ‘Proposed Contextual Elevation 1’, the development does appear somewhat large, however I consider this to be exaggerated by the nature of the context elevation which does not provide for a full prospective/ relationship between the apartments and houses to the rear. The apartment block will provide the frontage along Saval Park Road and I consider this to be of an appropriate design for this location.
- 7.3.6. The building line along this section of road is not clearly defined and I therefore consider that the location of the apartment block to be acceptable. The front elevation is set back by over 6 m from the front boundary and this provides for a suitable set back from the boundary and allows for the retention of trees and landscaping.
- 7.3.7. The proposed terrace of houses will provide for large family orientated units and which include attic level accommodation. These houses are of a contemporary design and the terrace format allows for an efficient use of land and enable good separation distances to the adjoining boundaries.

7.4. **Residential Amenity**

- 7.4.1. The apartment block provides for five units. Room sizes including storage provision comply with relevant guidelines. The storage areas are spread throughout the

apartments but are of a suitably large size to be useable. All units are dual aspect and are provided with adequate private amenity in the form of terraces for the ground floor units and balconies for upper levels. The private amenity space is accessed from living room areas. Access to the upper levels is by way of a lift and stairwell. Communal open space is available adjacent to the apartment block.

7.4.2. The proposed houses are similarly acceptable in terms of room sizes. Living, dining and kitchen areas are provided on the ground floor with bedrooms on the first and second floor levels. The second or attic floor level includes a master bedroom, ensuite and a large study/ store which only has a rooflight for natural light and ventilation. A balcony of 6 sq m is provided off the master bedroom. All houses are provided with gardens to the rear/ south west. I note that Unit 5 has a garden of 69 sqm; combined with the balcony this gives a total of 75 sq m of private amenity space. Units 2 to 4 also have gardens of 70/ 71 sq m but combined with the balcony all have over 75 sq m of private amenity space. The private amenity space allocated to the proposed houses is acceptable in terms of quantity and quality of layout.

7.4.3. Overlooking leading to a loss of privacy was raised in the appeal and observations. The apartment block has been carefully designed to address any such issues of overlooking; no windows in the side gables (north west/ south east), a separation of 7m to the north west boundary and the layout submitted by way of further information results in the block positioned such that views of the property to the north are minimalised. The proposed houses provide for rear garden depths in excess of 11 m and back to back separation with the houses on Springhill Park to the west, in excess of 24 m. The window in the side elevation at first floor level serves an ensuite and the balcony is suitably designed to prevent overlooking. I note that reference was made in an observation to the fact that houses on Saval Park Road use their front gardens as their primary amenity space. Whilst I appreciate that that may be the case and for good reason in terms of size of space/ available sunlight etc, it remains the case that it is adjacent to the public road and as such does not have the same level of protection as a garden behind the rear building line of a house.

7.4.4. I do not foresee a significant loss of daylight/ sunlight of adjoining properties from this development. The apartment block is sufficiently set back from adjoining boundaries to address such concerns and the proposed terrace of houses provides

for a suitable setback from the boundaries. I do not foresee that overbearing will be significant, again referring back to the setbacks to the boundaries and I note that part of the house to the south directly adjoins the boundary, whereas the units on the subject site provide for separations to the boundary.

7.5. Traffic and Parking

- 7.5.1. There is nothing to suggest that the proposed development will give rise to traffic congestion or safety issues along this section of Saval Park Road. Sightlines at the entrance are acceptable and the road is within an urban area with restricted road speeds of 30 kmh. Footpaths are available to the front of the site and will connect to proposed footpaths within the site.
- 7.5.2. The issue of car parking was raised in the appeal/ observations. Each of the houses is provided with two parking spaces – this is considered to be acceptable. An accessible parking space is located to the north of Unit 6, whilst this may not be the optimum location for such a space, it is considered to be acceptable. Four parking spaces and two visitor spaces are provided to the south eastern side of the apartment block. Whilst it is desirable that car use be discouraged, I note the location of the site, which is not adjacent to high capacity/ frequency public transport and it is likely that each apartment will generate demand for at least one car parking space. I therefore consider it appropriate in the interest of residential amenity that five parking spaces be allocated to the apartments and that one visitor parking space be provided. These spaces and the visitor parking space should allow for electric vehicle charging.
- 7.5.3. The Transportation Planning were not satisfied with the location and nature of the bicycle parking facilities to serve this development. Generally, bicycle parking would be for the apartment units as the houses should be able to accommodate such parking within their own property boundary. The provision of spaces to the south of Unit 1 is unusual as this location is remote from the apartments and may give rise to nuisance to the occupants of this house. It should be possible to increase the amount of covered parking space to the west of the apartments and it may be possible to provide for inside parking in the lobby area of the apartments perhaps under the stair well. Additional screening/ planting should be provided in lieu of the bicycle parking to the south of House Unit 1.

7.6. Other Issues

- 7.6.1. The 'Drainage Planning – Municipal Services Department' have reported no objection to the proposed drainage system subject to conditions. Irish Water have similarly raised no issues of concern.
- 7.6.2. The submitted landscaping details are generally acceptable. It is considered that block walls suitably finished should be provided for the rear gardens of the proposed houses. The boundary treatment to the front of the site is appropriate in this location.
- 7.6.3. Concern was raised about the submitted Construction Management Plan – Appendix A – Site Facilities Plan with particular reference to the location of the site offices and construction parking areas. Considering the nature and layout of the site, I accept that the developers will be restricted as to where such requirements can be provided on site. Alternative locations may impact negatively on existing trees and a slower phasing of development which allows for the relocation of facilities over time, would prolong the development of this site.
- 7.6.4. The submitted Bat Survey is noted and the recommendations are considered to be acceptable. The submitted Construction Management Plan is also acceptable.

7.7. Appropriate Assessment Screening

- 7.7.1. A screening report was submitted in support of the appeal, prepared by J M McConville + Associates. 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 of 'the six Natura 2000 sites within the threshold distance of the project site'. There is no requirement for any further appropriate assessment.
- 7.7.2. The proposed development is located within an established urban area on zoned lands that are suitably serviced. 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 any Natura 2000 designated sites. 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 for residential purposes, to national guidance for residential development and apartment units, to the location of the site in an established residential area and to the nature, form, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 1st of August 2019 and Further Information lodged on the 3rd of February 2020, 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>Reason: In the interest of clarity.</p>
2.	<p>The proposed layout shall be as indicated on Drawing No: PL 101-01 received by An Bord Pleanála on the 5th of June 2020. The development shall be amended as follows:</p> <p>(a) Five parking spaces shall be provided to the south east of the site for the use of the occupants of the apartment units and one visitor parking space</p>

	<p>to be provided in this area. All six of these spaces shall facilitate the provision of electric vehicle charging.</p> <p>(b) The six covered bicycle parking spaces to the south east of House/ Unit 6 shall be omitted from this area and bicycle parking shall be provided in alternative locations including the extension of the parking area to the west of the apartment block and/ or within the lobby area serving the apartments.</p> <p>(c) Additional landscaping shall be provided along the southern boundary of the site with particular reference to the area that was designated for bicycle parking.</p> <p>(d) All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.</p> <p>Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>Reason: In the interest of residential amenity.</p>
3.	<p>The flat roof elements of the apartment building other than those areas specifically indicated as a terrace, shall not be used as a terrace, balcony or for any similar amenity purpose.</p> <p>Reason: In the interest of residential amenity.</p>
4.	<p>The proposed houses shall be used as single dwelling units.</p> <p>Reason: In the interest of clarity.</p>
5.	<p>Details of the materials, colours and textures of all the external finishes to the proposed dwelling shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>

6.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
7.	<p>The landscaping scheme shown on Drawing No. 0100 by Mitchell + Associates, as submitted to the Planning Authority on the 3rd day of February 2020 shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
8.	<p>Bat roosts shall be incorporated into the site and the recommendation of the Bat Survey report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to the planning authority on the 3rd of February 2020.</p> <p>Reason: To ensure the protection of the natural heritage on the site.</p>
9.	<p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p>Reason: To protect birds and bird breeding habitats during the nesting season.</p>
10.	<p>a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout</p>

	<p>fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.</p> <p>Reason: To protect trees and planting during the construction period in the interest of visual amenity.</p>
11.	<p>The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
12.	<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>Reason: In the interest of public health.</p>
13.	<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>Reason: In the interest of public health.</p>

14.	<p>All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.</p> <p>Reason: In the interest of visual amenity.</p>
15.	<p>Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
16.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 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>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
17.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July</p>

	<p>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>Reason: In the interest of sustainable waste management.</p>
18.	<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>Reason: To protect the amenities of the area.</p>
19.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
20.	<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</p>

	<p>be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
21.	<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>Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
22.	<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>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.</p>
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Paul O'Brien

Planning Inspector

7th September 2020