



An
Bord
Pleanála

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

Inspector's Report ABP-307332-20

Strategic Housing Development

Demolition of existing buildings,
construction of 151 no. apartments and
associated site works.

Location

Dean's Grange Road, Deansgrange,
Co. Dublin.
(www.deansgrangeshd.com)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Ditton Investments Limited

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
National Transport Authority
Department of Culture Heritage and
the Gaeltacht

An Taisce
Heritage Council
Fáilte Ireland
Dun Laoghaire Rathdown County
Childcare Committee.

Observer(s)

- 1) David Hennessy and Anne-Marie Hearne
- 2) Audrey Al-Kaisey and Others
- 3) Brian and Patricia Halion
- 4) Chris and Catherine Rafferty
- 5) Colette Gallagher
- 6) Damien Flynn
- 7) David Brett and Other
- 8) Denise Soden
- 9) Dominique Cleary
- 10) Eoghan McCarthy
- 11) Eugene Babington Wilson
- 12) Frances and Tom Dwyer
- 13) John Dunphy
- 14) Kevin Kelly
- 15) Kill Abbey Residents Association
- 16) Phillipa White
- 17) Rachel Twomey

Date of Site Inspection

28th August 2020

Inspector

Rachel Gleave O'Connor

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1.0 Introduction

- 1.1. This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The site is located on the western side of Dean's Grange Road (or Deansgrange Road), to the south of Deansgrange Cemetery, east of residential properties at Foxrock Close and on the northern edge of the Deansgrange Neighbourhood Centre. The site is currently occupied by Mooney's Car Sales business, which includes a two storey office / car showroom building, a former 'Statoil' petrol filling station, a warehouse and car wash building, associated forecourt areas, and two derelict dwellings known as Marylands and Chickamauga, with associated outbuildings, and large areas of hard surfacing. There are no trees on the subject site, however there are a number of mature trees on the northern boundary with Deansgrange Cemetery.
- 2.2. To the south of the site there are commercial properties, and to the east opposite the site on Deansgrange Road, are 2 storey commercial premises and a terrace of residential dwellings.
- 2.3. The centre of Deansgrange village is further south of the site and includes a Lidl supermarket, a number of retail outlets, a Supervalu supermarket and large garages.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development will consist of:
 - The demolition of all existing buildings on site;
 - The construction of a mixed use building, ranging in height from four to six storeys, over basement, including 1 no. restaurant / café and 5 no. commercial units (for Class 1 – shop or Class 2 – Office / Professional Services or Class 8 – Medical Centre or Class 11 – Gym or Restaurant / Café

use) at ground floor level and 151 no. apartment units from ground to fifth floor level;

- The mix of apartments includes 11 no. studios, 64 no. 1 beds and 76 no. 2 beds;
- The development includes a concierge / reception area at ground floor level which is ancillary to the proposed residential use;
- The proposal contains a total of 99 no. car parking spaces including 5 no. disabled spaces, 4 no. motorcycle spaces, bin storage and plant rooms at basement level. A total of 320 no. bicycle parking spaces, 2 no. designated car sharing parking spaces and 1 no. loading / set down area are proposed at surface level;
- Public realm improvements are proposed along the Dean's Grange Road frontage and outdoor communal open space areas are proposed at surface level and fifth floor level; and
- The proposed development will provide balconies / terraces on all elevations, boundary treatments and landscaping, an ESB sub-station, drainage and service works, the provision of a vehicular access and egress point and a pedestrian / emergency access point from Dean's Grange Road, and all ancillary site development works necessary to facilitate the development.

3.2. Key Figures

Site Area	0.78ha red line boundary including lands on Deans Grange Road in DLR ownership; 0.75ha within ownership of applicant.
No. of units	151
Density	201 units/ha (based on 0.75ha site).
Plot Ratio	1:91 (based on 0.75ha site).
Site Coverage	38% (based on 0.75ha site).

Height	Between 4 and 6 storeys over basement.
Dual Aspect	50%
Commercial Floorspace	525sqm (GIA) commercial; 90sqm (GIA) café.
Communal Amenity Space	1,423sqm internal courtyard and 180sqm roof terrace areas.
Part V	15 no. units (10%)
Vehicular Access	Deans Grange Road.
Car Parking	99 no. spaces at basement level (0.65 per unit).
Bicycle Parking	320 no. cycle spaces (1.37 per unit).
Creche	None.

Unit Mix					
Apartment Type	Studio	1 bed	2 bed	3 bed	Total
No. of Apartments	-	75	76	-	151
As % of Total	-	49.6	50.3	-	100%

4.0 Planning History

4.1. Subject site:

4.2. **PA Ref: D18A/0792, ABP Ref: 302912-18** refers to an application refused on appeal by An Bord Pleanála in February 2019, for demolition of existing warehouse building, disused petrol station and forecourt and two residential properties, conversion of existing office / retail building to a two-storey car dealership, with extension to rear to

accommodate double height service workshop, construction of two-four storey over basement mixed use building to accommodate four number ground floor retail / retail service units fronting Deans Grange Road and 40 no. apartment at ground, first, second and third floors with associated balconies, comprising 9 no. studios, 11 no. 1 bedroom, 13 no. two bedroom and 7 no. three bedroom units, separate vehicular entrances from Deans Grange Road serving the car dealership and residential development, corporate signage to front elevation and standalone totem sign and basement surface car parking, landscaping, boundary treatment and all associated site works and services.

- 4.3. The reason for refusal related to the failure of the scheme to create a strong street frontage as required under the Deansgrange Local Area Plan 2010-2020. The development was also considered to constitute an underutilisation of a prominent site which is identified as a significant redevelopment opportunity site in the Deansgrange Local Area Plan 2010-2020.
- 4.4. **PA Ref. D18A/0748** refers to a 2019 grant of permission for change of use of front and rear garden of derelict house 'Chickamauga' and rear garden of derelict house 'Maryland' from residential use to display of cars for sale; erection of a portacabin canteen and car valet shed, parts shed / containers and general storage shed.
- 4.5. **PA Ref. D13A/0663** refers to a 2013 grant of permission for signage.
- 4.6. **PA Ref. D13A0022** refers to a 2013 decision to refuse permission for signage and a new 2 storey building.
- 4.7. **PA Ref. D09A/0881, ABP Ref. PL.06D.238255** refers to a 2011 decision to refuse permission for the demolition of 2 dwelling and construction of a mixed use development 2 to 4 storeys comprising 8 no. residential units, 1 no. neighbourhood shop, 4 no. commercial units, a funeral home, crèche, restaurant, medical centre and offices and basement carpark (204 spaces). Permission was refused on the grounds of 1) traffic, 2) scale of supermarket development proposed and 3) overbearing impact and overlooking of adjoining houses to the west.
- 4.8. **PA Ref. D09A/0283** refers to a 2009 decision to refuse permission for demolition of all existing structures including 2 no. dwellings and the construction of a mixed-use development consisting of 8 no. duplex 3-bedroom residential units; 1 no. neighbourhood shop; 4 no. commercial units consisting of a delicatessen, off license,

cafe and pharmacy, a crèche; a restaurant; medical / healthcare centre and offices. The proposed development was predominantly two to three stories in height with the proposed restaurant providing a four storey element in the north eastern corner of the site. The development includes a basement containing 234 no. car parking spaces. 3 reason for refusal relating to 1) design and scale and prevalence of office use; 2) overbearing impact upon properties to the west; 3) traffic impact.

- 4.9. **PA Ref. D06A/1517, ABP Ref.PL06D.221550** refers to decision to refuse permission for redevelopment of the site for mixed use development with maximum 5 storey height over basement for 43 apartments, 6 duplexes, creche, café, office and plant storage. 3 no. reasons for refusal relating to 1) height, scale, massing; 2) close proximity to adjoining residents and associated overbearing impact, overlooking and general disturbance; and 3) adverse impact on traffic movements.

5.0 Section 5 Pre Application Consultation

- 5.1. A pre-application consultation with the applicants and the planning authority took place at the offices of An Bord Pleanála on 13th February 2020 in respect of a proposed development of 154 no. apartments and commercial / cafe floorspace.

- 5.2. In the notice of Pre-Application Consultation Opinion dated 11th March 2020 (ABP Ref. 306259-20) the Board stated that it was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. Further consideration was required in respect of the following matter:

- Scale and massing.

- 5.3. Specific information was also requested and is summarised below:

- Schedule of accommodation and confirmation of dual aspect units;
- Detailed drawings;
- Details and CGI of Deansgrange Road frontage;
- Site Layout to be reviewed in context of DMURS and pedestrian connection;
- Response to Parks and Landscape Services / Public Realm report;
- Details of water and drainage infrastructure;

- A building life cycle report;
- Overlooking from the development;
- Daylight and Sunlight analysis;
- Childcare demand assessment;
- Taking in charge details;
- Site Specific Construction and Demolition Waste Management Plan;
- Shadow Impact Assessment.

5.4. **Applicant's Statement**

The application includes a statement of response to the pre-application consultation (Statement of Response to An Bord Pleanála's Opinion), as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

5.5. Further consideration:

Scale and Massing

- Reduction in maximum building height from 22.3m to 19.2m (removal of a 7th storey to north east end of the site). Introduction of step backs, removal of balconies and change to materiality and elevational treatment. Revision of layout to increase dual aspect to 50% and internal reconfiguration resulting in a change in the total number of units from 154 to 151.

5.6. Specific information:

Schedule of accommodation and confirmation of dual aspect units;

- Housing and Quality Assessment Document submitted with the application along with a drawing that illustrates dual aspect provision.

Detailed drawings;

- Details are illustrated in drawings and submitted Housing Quality Assessment Document.

Details and CGI of Deansgrange Road frontage;

- Landscape Masterplan, drawings and photomontages have been submitted.

Site Layout to be reviewed in context of DMURS and pedestrian connection;

- Landscape Design Rationale Report and drawing has been submitted with the application to provide details of potential access to the Cemetery. Discussions have also taken place with DLRCC.

Response to Parks and Landscape Services / Public Realm report;

- A written response to the issues raised has been included.

Details of water and drainage infrastructure;

- Irish Water have confirmed feasibility for the proposed development with upgrade works to the network necessary to accommodate the development.

A building life cycle report;

- A Building Life Cycle Report has been included with the application.

Overlooking from the development;

- The scheme has been amended and plans to illustrate separation distances have been included with the application.

Daylight and Sunlight analysis;

- A Daylight and Sunlight Impact Assessment has been submitted with the application.

Childcare demand assessment;

- Childcare Demand Audit submitted with the application.

Taken in charge details;

- A Taken-in-Charge Areas drawing has been submitted.

Site Specific Construction and Demolition Waste Management Plan;

- A Demolition and Construction Waste Management Plan has been submitted.

Shadow Impact Assessment.

- The submitted Daylight and Sunlight Impact Assessment includes shadow analysis.

6.0 Relevant Planning Policy

6.1. National Policy

6.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including submission from the planning authority, I am of the opinion that the directly relevant Section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, including the associated Urban Design Manual (2009) (the 'Sustainable Residential Development Guidelines').
- Design Manual for Urban Roads and Streets (DMURS) (2019).
- The Planning System and Flood Risk Management (including the associated Technical Appendices) (2009).
- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018) (the 'Apartment Guidelines').
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection- Guidelines for Planning Authorities (2011).
- Childcare Facilities – Guidelines for Planning Authorities (2001).

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.

6.2. Local Policy

6.2.1. The key provisions of local planning policy relating to the proposed development are set out in the following sections. Reference is made to the following documents:

6.2.2. - Dun Laoghaire Rathdown County Development Plan 2016-2022

6.2.3. - Deansgrange Local Area Plan 2010-2020 (expired)

6.2.4. The site is zoned NC "to protect, provide for and-or improve mixed-use neighbourhood centre facilities". Land uses permitted in principle in this area include

Doctor/Dentist, Health Centre / Healthcare Facility, Offices less than 100sqm, Sports Facility, Tea Room / Café, Residential, Restaurant, Shop-Neighbourhood. The surrounding land uses to the west/southwest are zoned Objective 'A' Residential and the cemetery lands to the north/northwest are zoned Objective 'F' Open Space, with specific objective to provide for a burial ground. There is a Specific Local Objective (No.28) for this area "to implement and develop the lands in Deansgrange in accordance with Deansgrange LAP". The policy chapters, especially Chapter 2 - Sustainable Communities Strategy detail the policies and objectives for new residential development and should be consulted to inform any proposed residential development. Chapter 8 deals with Principles of Development and describes the urban design standards for development. Section 8.3.2 Transitional Zonal Areas states that in dealing with development proposals in transitional zonal areas, it is necessary to avoid developments which would be detrimental to the amenities of the more environmentally sensitive zone. For instance, in zones abutting residential development within mixed-use zones, particular attention must be paid to the use, scale and density of development proposals in order to protect the amenities of residential properties. Appendix 9 sets out the Building Height Strategy for the county.

- 6.2.5. The Deansgrange Local Area Plan 2010-2020 expired in June 2020 and therefore cannot be considered as adopted planning policy.

7.0 Statement of Consistency

- 7.1. The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of National Planning Framework, Section 28 Guidelines and the City Development Plan and I have had regard to same. The following points are noted:

- The site is considered to be located in proximity to high quality public transport links.
- The proposed development is aimed at the private rental sector and will therefore contribute to Rebuilding Ireland Pillar 3 and 5.

- There are 77 no. single aspect units. 52% of these have either a south, west or east aspect. 37 no. units, or 24% of the single aspect units, are north-east or north-west facing.
- The site is subject to a recommendation in the LAP for building heights of 2 to 4 storeys. The proposed development ranges from 4 to 6 storeys. A Material Contravention Statement is included to describe how the proposed development meets the criteria under SPPR3 of the Building Height Guidelines.
- The proposed development of 151 units equates to a maximum requirement of 40 no. childcare spaces. Having regard to the Section 28 Apartment Guidelines, the 11 no. studio and 64 no. one bedroom units have been discounted leaving 76 no. units and only marginally exceeding the threshold requirement of 75 no. units requiring the inclusion of a childcare facility. A Childcare Demand Analysis Report is submitted to demonstrate that it is not necessary to provide a childcare facility.
- Chapter 8 of the Development Plan which relates to Principles of Development, includes an advisory note in respect to the Apartment Guidelines 2015, which have been superseded by the Apartment Guidelines 2018.
- 99 no. residential car parking spaces are proposed within the basement and 2 no. designated car sharing spaces at ground floor level, which is less than the minimum standard of the County Development Plan. This is in line with the 2018 Apartment Guidelines.
- Due to the infill nature of the subject site, it is not possible to provide an area of public open space in accordance with the County Development Plan. The development provides public realm and communal open space to meet the requirements of the DLR County Development Plan and Apartment Guidelines.
- The Deansgrange LAP indicates that the site could provide an increase in height above the benchmark two-storeys by 1-2 storeys i.e. 4 storeys. The

proposed development is between 4-6 storeys and a Material Contravention Statement has been submitted.

8.0 Third Party Submissions

8.1. 17 no. submissions on the application have been received from parties as detailed in Appendix A of this report. The issues are summarised below:

8.2. General / Principle / Nature of the Development

- The proposed unit mix will increase transient occupiers in the area.
- Development of the site should be for 2 storey housing with retail.
- The houses on the site could be renovated for occupation and Marylands is a local landmark that should not be demolished.
- Deansgrange is not a town or city core and its transport links cannot be characterised as 'high capacity'.
- Additional commercial premises are not needed in the area.
- The premise of the development under Strategic Housing Development.
- The proposed development sets out 615sqm of commercial floorspace exceeding the limits set out by the LAP.
- Concern that the commercial floorspace could be combined into a single unit capable of occupation by a supermarket.

8.3. Infrastructure

- Insufficient public transport to cater for the population proposed, existing route is already overcrowded and its frequency will not be increased by bus connects.
- The area does not have enough resources and amenities to cater for the population increase proposed.
- Could cause a reduction in the utilisation of school places in the area as a result of low number of family units included.
- The development will create additional stress on the sewer network.

8.4. Residential Amenity

- Existing residential amenities will not be improved by the proposed development and it will detract and seriously compromise them.
- Concern that the development overlooks the cemetery with balconies and that social occasions could therefore take place in close proximity to the cemetery.
- Overshadowing, overdominant and loss of daylight to the east / of the cottages on Grange Terrace, Deansgrange Road.
- Overlooking of properties to the west / adverse impact on the privacy of residents close to the site.
- The drawings do not show the true extent of no.170a Foxrock Close which has been extended and as a result would have very little garden space between that house and the development.
- Fast food / takeaway uses should be excluded from any permission for the commercial units as there is a proliferation of such uses in the area.
- Balconies have been refused by DLRCC and ABP in the past because of overlooking concerns.
- Concern regarding refuse collection arrangements.
- Concern that lighting from the development will affect privacy at night.
- Query whether the development be gated or whether public routes through will mean adjacent houses are less secure.
- Increase in anti-social behaviour as apartments are traditionally used for rental purposes.
- The development is particularly detrimental to the residential amenities of residents of Foxrock Close and Deansgrange Road along with Deansgrange Village as a whole.
- Proposed ESB substation is close to residential dwellings and concern it will emit noise or electro-magnetic radiation.
- Adverse impacts upon residential amenity during construction (noise etc.)

8.5. Transport

- Increase in traffic and parking in the area, which is already under pressure.
- Turning manoeuvres to and from this site will be difficult and disrupt traffic flow as well as cause safety concerns.
- Previous refusal in the area for a car park due to detrimental effect on the busy junction.
- Query how deliveries to the commercial units will be managed.
- Road is narrow and unsuitable for development of this scale.
- Lack of parking in the development will cause overspill into surrounding streets.
- The large number of bicycle spaces will be detrimental to traffic flow as there is no room for bicycle lanes.
- The peak traffic times tested in the Traffic and Transport Assessment do not reflect the reality of peak times in the area.
- Inadequate width to footpath adjacent to the site.
- Concern that construction workers will use surrounding streets for parking.

8.6. Height / Density / Design

- The development is out of character with the general area.
- High density development is at odds with existing residential landscape of the area.
- The development would have a negative and visually obtrusive impact due to the direct conflict with the cottages opposite.
- The roof garden is not practical for Irish weather and increases the overall height of the development.
- The application documents assume the surrounding environment will alter in future and that the future character of the village will be more in character with the proposal than the existing environment.
- The heritage setting and historical relevance of Deansgrange would be adversely impacted by the proposed development.

- Development of the site should blend and provide connection between the different streetscapes.
- The building line should be set back to allow for road widening with incorporation of bus lane and cycle lane.
- The development is not in keeping with the Deansgrange Local Area Plan in relation to building heights.
- The development does not comply with national planning policy or the building heights guidelines, specifically SPPR3.
- The western elevation is one long uninterrupted monolith that is overbearing the main access corridor into Deansgrange.
- The proposed development does not contribute to placemaking or public realm.
- Overdevelopment of the site.
- Photomontages have been taken from a bias angle.
- The development will set a precedent for 6 storey buildings in the area.
- The development will detract from the entrance to the village.

8.7. Flooding

- The underground works in the plan may disturb the water courses that run thru the area and bring about local flooding, which has happened in the past.
- There are ongoing drainage issues on Deansgrange Road which result in serious flooding on the road during wet weather conditions.
- The site has historical flooding issues and the applicant has not acknowledged this in the submitted application.

8.8. Other

- There should not be a private entrance onto the cemetery as this is not a recreational area.
- Concern that the viability of boundary trees to the cemetery will be jeopardised by the development.

- Adverse impact on property values near the site.
- The development does not deliver much needed family housing.
- Disagree that the development will contribute to pillars under rebuilding Ireland.
- Poor air quality and noise pollution as a result of increased traffic associated with the development.
- Concern that the developer has the upper hand in negotiating Part V housing with the council.
- Site should be developed for housing for older people.
- Cumulative impact of other developments in the area should be considered alongside the proposal (old Dunlaoghaire Golf Club, Cherrywood, Beechpark, Baker's Corner and Stillorgan).
- Negative impact on BER of adjacent properties as a result of overshadowing and therefore increased energy use.

Submitted attachments include: Details of neighbours supporting Audrey Al-Kaisy's objection comprising 32 no. signatures; Appendix to submission from residents of Foxrock Close comprising 36 no. signatures; 'Addition One' demonstrating effect on Foxrock Close and 'Addition Two' negative impact on BER; 'Appendix A' extracts from application plans, 'Appendix B' aerial view of the site, 'Appendix C' aerial view showing adjacent residencies and extract from TTA in the application.

9.0 Planning Authority Submission

9.1. Dun Laoghaire Rathdown Council has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i). The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows.

General/Principle

- The principle of the proposal is acceptable subject to a carefully considered architectural response.

- It is noted that the residential component of the scheme should only form an element of the overall development and any future proposal should provide a strong community function with a focus on providing a variety of uses which include those prescribed in Objective RT1 of the recently expired Deansgrange LAP.
- The provision of ground floor commercial units along the full length of the site frontage is viewed favourably by the Planning Authority. However little information has been provided on the nature of the proposed commercial uses. A condition is recommended in relation to further details of the units and signage.
- Concern regarding the scale and form of the proposed development.

Childcare Provision

- From a review of the submitted Childcare Audit, it is unclear how the applicant has concluded that there is sufficient capacity in the surrounding network to cater to the future needs of the proposed development.
- The Planning Authority do not accept the justification put forward by the applicant and the proposal is considered to be contrary to the Development Plan.

Density

- Concern regarding the density and the overall scale and massing of the proposed development which fails to have regard to its setting and surrounding context.

Residential Mix

- The proposal complies with the apartment guidelines.

Residential Amenities

- Concern regarding the visual impact of the proposed development when viewed from the rear of the site boundary, the scale and height of the proposed building and its proximity to the western site boundary.
- Concern regarding the applicant's reliance on 'Green Wall Planting' as a tool to successfully mitigate the visual impact of the proposal.

- The proposal has failed to provide an appropriate transition in height at this sensitive interface and the proposal in its current form will severely compromise the residential amenity of the existing residences. The proposal is therefore contrary to the Development Plan and should be refused.
- Concern regarding undue overlooking from the windows on the western elevation of both the northern and southern ends of the U-shaped block. Conditions recommended for high level windows only.
- Significant concerns regarding the impact upon dwellings opposite in terms of daylight and overshadowing.
- The submitted Daylight and Sunlight Analysis describes unacceptable impact on surrounding dwellings.
- The proposal in its current form would dominate views from the cemetery to the north.

Building height and scale

- The proposal is considered to be contrary to the DLRCC building height strategy.
- It is considered that the site is appropriate for additional building height.
- Although it is considered that additional height has the potential to be absorbed at this location, the proposed scheme does not respond to the low-rise character of the surrounds and will have a negative impact on the residential amenity of properties in the vicinity.
- The planning authority is satisfied that public transport within the surrounds is adequate to justify a higher density of development at this location.
- Significant concerns regarding the provision of a six storey street wall height at this location. The proposal fails to have regard to the character of the site and surrounds, particularly the single storey cottages on the eastern side of Dean's Grange Road. The six storey street wall height dominates views when entering the village from the north on Dean's Grange Road.
- Recommend a condition to remove the third floor (fourth storey) and introduce set back and fourth floor level (fifth storey).

- The widening of the pedestrian footpath and the incorporation of landscaping can significantly enhance the existing public realm.
- The building is considered to be designed with a varied palette of materials and finishes which are sympathetic to the character of the surrounds.
- The Planning Authority is not satisfied that the submitted masterplan for the surrounding area is an accurate representation of how the neighbourhood centre will develop over the coming years.
- The Planning Authority is not satisfied that the incorporation of street tree planting and public realm improvements along Dean's Grange Road will successfully mitigate this impact.

Urban Form

- The layout, façade articulation and ground floor uses are considered to be acceptable.

Apartment Standards and Amenities

- The size of the apartments meet or exceed standards.
- While the scheme includes 50% dual aspect, a high number of single aspect apartments are orientated to the north-east and north-west. It is also noted that the northern end of the U-shaped building has adopted a 'saw-tooth' form as a method of increasing the number of units that could be classified as dual-aspect. The Planning Authority has raised significant concerns about the classification of these units as dual aspect. A significant number of these units are orientated to the north-west.
- Minimum floor to ceiling heights and units per core are demonstrated.
- Private amenity space meets applicable standards.
- Storage provision meets applicable standards.

Landscaping and Communal Open Space

- Proposed street trees do not appear in the planting schedule.
- Details of entrances, glazed canopy and boundary treatment required.
- Cycle parking dominates the communal open space.

- Access to the cemetery should be provided and details required to demonstrate compliance with Part M.
- Taken-in-charge areas should be illustrated.
- Minimum buffer privacy strip is not provided to the corner ground floor unit south of the undercroft entrance.
- Public realm proposal is welcomed in principle, details are requested.
- Careful consideration of planting to roof terraces required.
- Details of planting requested.

Drainage

- Details of the attenuation tank required.
- Details of manholes required.
- Conditions in relation to green roofs.
- Reference to Blue Roof system in application documents, however it does not seem to be proposed.
- Conditions regarding surface water sewage diversion, wayleave proposal, flow control device and stormwater audit.
- Significant flooding occurred at the Deansgrange Cross roads during the October 2011 rainfall event.
- Drainage Planning accept the applicant's flood risk mitigation proposals as practical, within their own capabilities of delivery and will provide a significant level of increased protection from the risk of flooding.
- Drainage Planning accepts that the finished floor levels proposed, together with the new surface water sewer and gullies provides a satisfactory level of protection for most events within the possible exception of extreme events coupled with a complete failure of the proposed surface water drainage system. This potential and remote risk could be closed out by making provision for the installation of a demountable flood barrier system at the entrances fronting Deansgrange Road, should the need arise. A condition is requested in this regard.

Transportation Planning

- The proposed level of reduced car parking is unacceptable and 151 spaces are requested.
- All proposed parking spaces should be shown to be capable to accommodate future electric charging points.
- The proposed cycle parking is acceptable.
- Insufficient detail provided to demonstrate that the proposed front boundary treatment layout along Deansgrange Road is acceptable.
- Agreement should be shown for the removal / relocation of all lighting / ESB / telegraph poles / street furniture / stopcocks / manholes.
- Swept path analysis for Fire Tender Access requested.
- Updated mobility management plan requested.
- Detailed construction management plan requested.

Waste Management

- The Operational Waste Management Plan is inadequate and does not make proper provision for waste management in the completed development. A revised plan is requested.

Other Matters

- Condition requested concerning public lighting.
- Part V – condition required for the applicant to enter into an agreement.
- Taken-in-Charge plan has not been submitted, condition requested.

Conclusion and Recommendation

Planning Authority recommends refusal of the application for the following reason:

- The proposed development, by reason of its scale, height and massing, particularly the proposed six storey wall height to Dean's Grange Road, fails to have regard to its surrounding context and will have a detrimental impact on the character of the surrounding area. The proposal is considered to be contrary to Section 8.3.2 (Transitional Zonal Areas) of the Dun Laoghaire

Rathdown County Development Plan, 2016-2022, insofar it will seriously injure the residential amenities of properties located within its immediate vicinity by reasons of overshadowing, overlooking and by being visually overbearing. The proposed development is considered to be contrary to the policies and guidelines of Appendix 9 (Building Height Strategy) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022 and the Urban Development and Building Heights, Guidelines for Planning Authorities (2018, DoHPLG). The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

9.2. Planning Conditions and Reasons

28 conditions are recommended if the Board considers it appropriate to approve the application.

Conditions of note and departmental comments have been covered in the summary above.

9.3. **Elected Members**

9.4. A summary of the views of elected members as expressed at the HEIP Area Committee Meeting at the meeting on 8th July 2020 is included in the Chief Executive's Report and is reproduced below:

- Concerns regarding the mix of units proposed within the scheme and the lack of an appropriate mix across SHD applications in general. The proposal should provide a greater percentage of 3 and 4 bed units;
- Larger size apartments should be provided for Part V;
- A greater quantum of Part V apartments should be provided on-site;
- The proposed scheme does not cater to families and there is a greater need for family homes;
- The provision of 1 and 2 bedroom apartments is welcomed as it may provide a good option for downsizing;
- The SHD process is entirely anti-democratic and a money making exercise for developers;
- An Bord Pleanála are ignoring the opinion of Councillors;

- The height and scale of the proposed development is entirely out of character with the surrounding area;
- The scale of the proposal will have a significant impact on the residents in Grange Terrace opposite the subject site;
- The height is excessive at this location and does not respond to its receiving environment;
- The density of the proposed development is too high and is greater than ever envisaged in the County Development Plan;
- If approved, the density would set an undesirable precedent for similar development;
- The proposal will result in significant overshadowing impacts;
- The proposal will negatively impact surrounding properties in terms of daylight levels;
- The proposal will result in overlooking of properties within the vicinity, particularly the residents on Foxrock Close;
- The proposal has no consideration for the Deansgrange LAP;
- Multiple Councillors have raised concerns with the proposal's breach of the building heights as prescribed in the Deansgrange LAP;
- The proposal will have a significant impact on traffic congestion in the area and will exacerbate the issue;
- The lack of car parking proposed will result in on street car parking pressures within the surrounding area;
- Lack of suitable public transport to cater to future occupants of the proposed development;
- Insufficient car parking to cater for the proposed commercial units;
- The reduced quantum of car parking proposed is a positive element of the scheme as less car parking will lead to less congestion;
- A cycle stand should be provided to the front of the site;

- Too many single aspect units within the scheme that have a north and north-east orientation;
- The wall to the cemetery should be protected and any intervention should be carefully considered;
- All open space within the scheme should be accessible to members of the public;
- A recycling centre should be provided on site;
- Concerns regarding the reliance on the use of green wall to mitigate the visual impact of the proposal;
- Concerns regarding the potential for flooding implications, particularly for the residents on Foxrock Close;
- Flooding concerns from the Deansgrange River; and
- The Green roof should also allow for the provision of solar panels.

10.0 Prescribed Bodies

10.1. Transport Infrastructure Ireland

- No observations to make.

10.2. Department of Culture, Heritage and the Gaeltacht

Architectural Heritage -

- The proposed scheme does not reference the village setting or make appropriate adjustment to the local character of the established village scale in terms of its massing, depth of footprint or overall height;
- The substantial C19th structure denoted as 'Marylands' currently left vacant and underutilised provides the potential for diversity of use, retention of local character and scale and an intermediate link between the proposed and extant environment. The Department notes that this residence has been included in the National Inventory of Architectural Heritage and is therefore considered of regional importance. Its scale and location explains the

evolution of the area and for this reason its' removal / demolition is not supported.

- The proposed 6-storey edge proposed as a new urban edge overwhelms the setting of the surviving historic streetscape.
- The scale and impact of the proposed monolithic development immediate to and overlooking the historic setting of Deansgrange cemetery is a significant impact to the amenity of the graveyard setting.

10.3. Irish Water

- Irish Water have issued a Confirmation of Feasibility for 200 residential units.
- To service the development the applicant is aware that approx. 140m of existing 6" CI (1958-1940) watermains to be upgraded to 200mm ID and also that approx. 110m of existing 3" CI watermain (1860) to be upgraded to 200mm ID and cross-connection between the new two 200mm ID mains.
- Irish Water can confirm that the applicant has engaged with IW in respect of the above upgrades and submitted designs for the development proposal for which Irish Water has issued the applicant a Statement of Design Acceptance.
- Request a condition relating to a connection agreement.

11.0 **Screening**

11.1. **Environmental Impact Assessment (EIA) Screening**

11.1.1. The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

11.1.2. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted EIA Screening Report (dated June 2020) and I have had regard to same. The report concludes that the proposed development is below the thresholds for mandatory EIA and that a sub threshold EIAR is not required in this instance as the proposed development will not have significant impacts on the environment.

11.1.3. Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units;
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

11.1.4. EIA is required for development proposals of a class specified in Part 1 or 2 of Schedule 5 that are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, it can be concluded in the first instance that there is no real likelihood of significant effects on the environment

11.1.5. The proposed development involves 151 residential units, 1 no. restaurant / café and 5 no. commercial units, on a 0.78 ha site in an urban area that is zoned and serviced. It is sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017. It is not a particularly large-scale project and there are no apparent characteristics or elements of the design that are likely to cause significant effects on the environment. The subject lands are not in the immediate vicinity of any Protected Structures of National Monuments. On the site itself, a vacant residential property is listed on the National Inventory of Architectural Heritage under ref.60230102 (property known as ‘Marylands’). An Archaeological and Architectural Assessment is included with the planning application and describes the potential archaeological and architectural heritage impact of the development, concluding that no mitigation is required. The visual impact of the proposed development is illustrated in submitted photomontages and an Architectural Design Statement. The Kill-o-the-Grange Stream is a short water course which runs 130m the south-east of the site boundary; it discharges into the Irish Sea South of Killiney and is not directly connected with any Natura 2000

sites. The proposed development is not likely to have a significant effect on any Natura 2000 site (as per the findings of section 11.3.22 of this report).

11.1.6. Having regard to;

- (a) the nature and scale of the proposed development, in an urban area on a site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- it is concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. It is, therefore, considered that an environmental impact assessment report for the proposed development is not necessary in this case.

11.2. **Appropriate Assessment**

11.2.1. An Appropriate Assessment Screening Report (dated May 2020) was submitted with the application. I have had regard to the contents of same. This report concludes that the possibility of any significant effects on any European Sites arising from the proposed development are not likely to arise, whether considered on its own or in combination with the effects of other plans or projects.

11.3. **The Project and Its Characteristics**

11.3.1. See the detailed description of the proposed development in section 3.0 above.

The European Sites Likely to be Affected - Stage I Screening

11.3.2. The development site is not within or directly adjacent to any Natura 2000 site. This site lies within an urban area and current land uses in the vicinity predominantly comprise residential and commercial, with a predominance of artificial surfaces, although parks and gardens provide some semi-natural habitat. The Kill-o-the-Grange Stream flows south of the site, approximately 130m to the south-east of the site.

11.3.3. In determining the zone of influence I have had regard to the nature and scale of the project, the distance from the site to Natura 2000 sites, and any potential pathways

which may exist from the development site to a Natura 2000 site, aided in part by the EPA Appropriate Assessment Tool (www.epa.ie).

11.3.4. I note that the following Natura 2000 sites were examined in the submitted Appropriate Assessment Screening Report, but found not to lie within the zone of influence of the project:

- Baldoyle Bay SAC/SPA (0199);
- Howth Head SAC and Howth Head Coast SPA (0202);
- Rockabill to Dalkey Island SAC (0300);
- Dalkey Islands SPA (4172);
- Ireland's Eye SAC/SPA (2193);
- Glenasmole Valley SAC (1209);
- Knocksink Wood SAC (0725);
- Ballyman Glen SAC (0713);
- Wicklow Mountains SAC and SPA (2122 and 4040);
- Malahide Estuary SAC and SPA (0205 and 4025);
- Bray Head SAC;
- Glen of the Downs SAC.

As these sites lie a sufficient distance from the site and without hydrological links, it can be concluded that they will not be impacted by the development and I have therefore excluded them from Table 11.1 below.

11.3.5. Having regard to the potential zone of influence and the submitted Appropriate Assessment (AA) Screening Report, the following Natura 2000 sites are identified as lying within the potential zone of influence:

- North Dublin Bay SAC;
- North Bull Island SPA;
- South Dublin Bay and Tolka Esturary SPA;
- South Dublin Bay SAC;

- Poulaphouca Reservoir SPA.

11.3.6. The sites listed above are considered to be within the zone of influence due to their proximity and hydrological links via the water and sewer network from the application site.

11.3.7. I do not consider that any other Natura 2000 sites to fall within the zone of influence of the project, having regard to the distance from the development site to same, and the lack of an obvious pathway to same from the development site.

Table 11.1 Natura 2000 Sites within 'Zone of Influence' of the Project.

Site (site code)	Distance from site (approx.)	Qualifying Interests/Species of Conservation Interest
North Dublin Bay SAC	7km	Mudflats and sandflats not covered by seawater at low tide (1140) Salicornia and other annuals colonizing mud and sand (1320) Atlantic salt meadows (1410) Mediterranean salt meadows (1410) Annual vegetation of drift lines (1210) Embryonic shifting dunes (2110) Shifting dunes along the shoreline with Ammophila Arenaria (white dunes) (2120) Fixed coastal dunes with herbaceous vegetation (grey dunes) (2130) Humid dune slacks (2190) Petalwort (1395)
North Bull Island SPA	7km	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) Oystercatcher (<i>Haematopus ostralegus</i>)

		<p>Teal (<i>Anas crecca</i>)</p> <p>Pintail (<i>Anas acuta</i>)</p> <p>Shoveler (<i>Anas clypeata</i>)</p> <p>Sheduck (<i>Tadorna tadorna</i>)</p> <p>Golden Plover (<i>Pluvialis apricaria</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Curlew (<i>Numenius arquata</i>)</p> <p>Redshank (<i>Tringa tetanus</i>)</p> <p>Turnstone (<i>Arenaria interpres</i>)</p> <p>Black-headed Gull (<i>Larus ridibundus</i>)</p>
South Dublin Bay and Tolka Estuary SPA	2.2km	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>)</p> <p>Oystercatcher (<i>Haematopus ostralegus</i>)</p> <p>Ringed Plover (<i>Charadrius hiaticula</i>)</p> <p>Grey Plover (<i>Pluvialis squatarola</i>)</p> <p>Knot (<i>Calidris canutus</i>)</p> <p>Sanderling (<i>Calidris alba</i>)</p> <p>Dunlin (<i>Calidris alpina</i>)</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>)</p> <p>Redshank (<i>Tringa totanus</i>)</p>

		Black-headed Gull (<i>Croicocephalus ridibundus</i>) Roseate Tern (<i>Sterna dougallii</i>) Common Tern (<i>Sterna hirundo</i>) Arctic Tern (<i>Sterna paradisaea</i>) Wetlands & Waterbirds
South Dublin Bay SAC	2.2km	Mudflats and sandflats not covered by seawater at low tide (1140) Annual vegetation of drift lines (1210) Salicornia and other annuals colonising mud and sand (1310) Embryonic shifting dunes (2110)
Poulaphouca Reservoir SPA (4063)	26km	Greylag Goose (<i>Anser anser</i>) Black-backed Gull (<i>Chroicocephalus ridibundus</i>)

Potential Effects on Designated Sites

11.3.10. Whether any of these SACs or SPAs is likely to be significantly affected must be measured against their 'conservation objectives'.

11.3.11. Specific conservation objectives have been set for mudflats in the South Dublin Bay SAC (NPWS, 2013), the North Dublin Bay SAC (NPWS, 2013). The objectives relate to habitat area, community extent, community structure and community distribution within the qualifying interest. There is no objective in relation to water quality.

11.3.12. For the South Dublin Bay & Tolka Estuary SPA and the North Bull Island SPA (NPWS, 2015a & b) the conservations objectives for each bird species relates to maintaining a population trend that is stable or increasing and maintaining the current distribution in time and space.

- 11.3.13. For the Poulaphouca Reservoir SPA (NPWS, 2018), the objective is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
- 11.3.14. The site is approximately 2.2km from the boundary of the Natura 2000 areas within Dublin Bay (however I note that the submitted AA Screening Report states this distance as 800m in error). In reality however, this distance is likely to be greater when following the hydrological pathway through the drainage network. The Kill-o-the-Grange Stream, discharges into the Irish Sea to the south of the Natura 2000 sites at Dublin Bay / Tolka Estuary and the enormous dilution effect of the Irish Sea means there is no pathway for potential pollutants to reach these sites. There is no direct surface water pathway to Natura 2000 sites at Dublin Bay. Because of the distance separating the site and the SPAs/SACs noted above, there is no pathway for loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs.
- 11.3.15. No significant effects will occur to the SACs or SPAs from surface water leaving the site during operation, and as a result of the distance and temporary nature of works, no significant effects to the SACs or SPAs will occur during construction. Pollution sources will be controlled through the use of best practice site management. Their implementation would be necessary for a housing development on any site in order to protect the surrounding environs regardless of proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. These practices are not designed or intended specifically to mitigate any putative potential effect on a Natura 2000 site.
- 11.3.16. On the basis of the findings above, the information submitted with the application and the temporary nature of construction works, I consider that there is no likelihood of loss or disturbance of important habitats or important species associated with the features of interest of the SPAs or qualifying interests of the SACs as a result of construction works on the site.
- 11.3.17. During the occupation stage, there is a hydrological pathway through the foul sewers from the site to Dublin Bay via the Ringsend wastewater treatment plant. Water quality is not listed as a conservation objective of the SPAs or SACs and there is no evidence that poor water quality is negatively affecting the conservation objectives of

the SPAs/SACs. The development will increase loadings to the Ringswater wastewater treatment plant. This increase will be relatively small compared to overall capacity and therefore the impact of this project is considered to not be significant.

11.3.18. I am therefore satisfied that there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on them, in view of their qualifying interests and conservation objectives.

In Combination or Cumulative Effects

11.3.19. This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through surface water run-off and increased volumes to the Ringsend WWTP.

11.3.20. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, including the Dublin City Development Plan 2016-2022 covering the location of the application site. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. I note also the development is for a relatively small residential development providing for 151 residential units on serviced lands in an urban area, and does not constitute a significant urban development in the context of the city. As such the proposal will not generate significant demands on the existing municipal sewers for foul water and surface water. While this project will marginally add to the loadings to the municipal sewer, evidence shows that negative effects to Natura 2000 sites are not arising. Furthermore, I note upgrade works have commenced on the Ringsend Wastewater Treatment works extension permitted under ABP – PL.29N.YA0010 and the facility is currently operating under EPA licencing which was subject to Appropriate Assessment Screening. Similarly, I note the planning authority raised no Appropriate Assessment concerns in relation to the proposed development.

11.3.21. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulative effect of discharges to the Ringsend WWTP generally, and the considerations discussed above, I am satisfied

that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to any Natura 2000 Site.

AA Screening Conclusion

11.3.22. In conclusion, therefore, having regard to the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European sites, and the hydrological pathway considerations outlined above, 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 any European sites, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.3.23. In reaching this conclusion I took no account of mitigation measures intended to avoid or reduce the potentially harmful effects of the project on any European Sites.

12.0 Assessment

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

- Principle of Development
- Height, Design and Density
- Neighbouring Residential Amenity
- Proposed Residential Standards
- Traffic and Transport
- Ecological Impact
- Material Contravention
- Planning Authority Reason for Refusal
- Other Issues

12.2. Principle of Development

12.2.1. Land Use

- 12.2.2. The site is zoned NC “to protect, provide for and-or improve mixed-use neighbourhood centre facilities”. Land uses permitted in principle in this area include Doctor/Dentist, Health Centre / Healthcare Facility, Offices less than 100sqm, Sports Facility, Tea Room / Café, Residential, Restaurant, Shop-Neighbourhood. The proposed land uses are therefore acceptable in principle on the subject site. There is a Specific Local Objective (No.28) for this area “to implement and develop the lands in Deansgrange in accordance with Deansgrange LAP”. The Deansgrange LAP 2010-2020 expired earlier this year in June 2020 and therefore no longer forms adopted policy for the application site.
- 12.2.3. I note a representation stating that the commercial units are not needed in the area, however as detailed above, all proposed uses are in accordance with the zoning for the site. The Planning Authority have raised no objection to the principle of developing the site for predominately residential use with some commercial use providing an active frontage to the site. However, little information is provided in the application regarding the use of each commercial unit and the Planning Authority therefore requests a condition restricting occupation of the units prior to separate planning approval for each non-residential use proposed.
- 12.2.4. The application states potential uses for the units, i.e Shop, Gym, Office, Professional Services, Medical Centre, Restaurant / Café, without specific allocation of a unit to each use. Therefore, without restriction, an unintended mix of uses could result on the site, i.e. all units being utilised for a shop, or no shop being included, or all units being operated as a restaurant / café uses. I note a representation in this regard, raising concern that the units could be combined into a supermarket. The potential for a proliferation of a single use under this application or omission of a use, would necessitate further consideration. As a result, I consider it appropriate for a condition to restrict operation prior to the provision of further detailed approval from the Planning Authority, which should also include details of opening hours, or required ventilation and extraction from the units. However, I do not consider it necessary for this detailed approval to be formed of a separate planning application, as the principle of each use on the site is accepted. The details should therefore be submitted by way of conditional discharge.
- 12.2.5. In relation to the residential units proposed, I note the applicant states that these are intended for the private rental market, however the application is not formally

submitted as a Build-to-Rent scheme. As a result, my assessment includes all applicable policies to general residential development and the policy exemptions under Build-to-Rent have not been applied.

12.2.6. The combined floor area of other non-residential uses in the development is approximately 615sq.m. The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that for other uses on the land, where the zoning facilitates such use, these uses can be included only if the cumulative gross floor area of the residential units comprises not less than 85% of the gross floor space of the proposed development, and that the other uses cumulatively do not exceed 15sq.m. gross floor space for each residential unit subject to a maximum of 4,500sq.m. gross floor space for such other uses in any development. The proposed development is consistent with the provisions of the Planning and Development Act of 2016 as amended in respect of strategic housing applications.

12.2.7. Demolition

12.2.8. The proposed development includes the demolition of a number of existing buildings on the site, including a vacant residential property known as 'Maryland'. The Maryland building is included in the National Inventory of Architectural Heritage and the Department of Culture, Heritage and the Gaeltacht have stated that it is of regional importance. No objections have been raised by the department to the demolition of other buildings on the site. I note that third party representations have suggested that both the Maryland and Chickamauga buildings should be restored for residential occupation.

12.2.9. The Department of Culture, Heritage and the Gaeltacht consider that the Maryland building 'provides the potential for diversity of use, retention of local character and scale, and an intermediate link between the proposed and extant environment'. However, I can find no policy imperative to *require* its retention as part of a planning application on the site. While included on the National Inventory of Architectural Heritage, the building has not been incorporated into the Councils Record of Protected Structures. I also consider that retention of the building would dictate the form of any new development on the site and reduce both potential land efficiency and street engagement of new development on the site.

12.2.10. An Archaeological and Architectural Heritage Assessment has been submitted with the application. This concludes that the Maryland house on the site is derelict and exhibits modern interventions that have diminished its character. I visited the site and witnessed its current condition which is clearly dilapidated. Whilst restoration would of course be possible, I agree with the applicant's assessment in relation to the damage that modern interventions have already had on the character of the building. Restoration of the building would also necessitate replacement of much of its remaining historic fabric.

12.2.11. In consideration of the relative significance of the building, its current condition and the impact retention would have on new efficient development of the site, I consider that the demolition of the building is acceptable, where it is replaced by development that is sustainable and suitable for the area. My assessment of the proposed development in this regard is set out in detail below. In relation to the removal of other buildings from the site, I see no reason for this to be resisted where more efficient use of the land is proposed.

12.3. Height, Design and Density

12.3.1. Height (scale, mass) and Design

12.3.2. Concerns have been raised regarding the height, scale and mass of the proposed development in many third party representations. Concerns centralise on the height of the development in comparison to the surrounding environment and the resulting impacts upon the character of the area, as well as residential and visual amenity. The Department of Culture, Heritage and the Gaeltacht have also raised concern regarding the impact of the proposed development, specifically that it does not reference the village character or established village scale in terms of its massing, depth of footprint or overall height. The department also describe the development as monolithic and raise concerns regarding overlooking the historic setting of Deansgrange Cemetery.

12.3.3. My assessment of the impact upon surrounding residential amenity and the residential quality of accommodation is undertaken in section 12.4 and 12.5 below and includes consideration of potential overlooking of the cemetery. This section of my report appraises the acceptability of the proposed height, scale, mass and design in relation to relevant planning policy and in light of concerns raised.

- 12.3.4. The 'Urban Development and Building Heights Guidelines for Planning Authorities' (the Building Height Guidelines) provides clear criteria to be applied when assessing applications for increased height. The guidelines describe the need to move away from blanket height restrictions and that within appropriate locations, increased height will be acceptable even where established heights in the area are lower in comparison. In this regard, SPPRs and the Development Management Criteria under section 3.2 of these section 28 guidelines have informed my assessment of the application. This is alongside consideration of other relevant national and local planning policy standards. Including national policy in Project Ireland 2040 National Planning Framework, and particularly objective 13 concerning performance criteria for building height, and objective 35 concerning increased residential density in settlements.
- 12.3.5. SPPR 3 states that where a planning authority is satisfied that a development complies with the criteria under section 3.2 then a development may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. In this case, the development plan includes a Building Height Strategy that indicates 'a general recommended height of two storeys' for areas of the county not covered by other building height control, for example in the form of a Local Area Plan (LAP). The Building Height Strategy then includes a range of 'Upward' and 'Downward' modifies to help guide building height in relation to site specific circumstances. The Deansgrange LAP 2010 describes specific guidance in relation to acceptable height for development of the subject site, indicating a maximum permissible height of 4 storeys. However, this LAP expired earlier this year in June 2020. As a result, I defer to the Dún Laoghaire-Rathdown Development Plan and attached Building Height Strategy as the current applicable local planning policy regarding height on the application site.
- 12.3.6. The proposed development has a maximum height of 6 storeys and therefore exceeds the guideline height described in the Building Height Strategy. The applicant contends that the proposed height is acceptable in light of national policy and SPPR3 of the Building Height Guidelines. Consequently, I have set out my assessment of the proposed development against the section 3.2 criteria in SPPR3 of the Building Height Guidelines below.

- 12.3.7. The first criterion relates to the accessibility of the site by public transport. In response to this criterion, the applicant has described that the development site is around 250m or a 4-minute walk to a bus stop served by the Dublin Bus Route no.46A. This bus runs every 7-8 minutes during peak hours and every 10 minutes in the inter-peak period. The site is also served by the less frequent 75/a and 85/a bus routes, which are also located a short distance from the site.
- 12.3.8. I accept that the site is well served by public transport, when considering its proximity to the no.46A bus route, which is a high frequency service. However, it is also my view that the accessibility of the site is limited to a single frequent bus route and other less frequent services, rather than to multiple frequent bus serves or links to high capacity light rail services. In my view, this distinguishes the suburban nature of this site when compared to other sites with greater accessibility and therefore suitability for increased density and scale. While the applicant places extensive weight on the proximity of the site to the no.46A bus route, I do not consider the proximity to the 46A bus route alone, as sufficient justification for the scale and density proposed on the site (I considered density in detail in the subsection below).
- 12.3.9. The second criterion relates to the character of the area in which the development is located. The applicant contends that the site is not located in a particularly architecturally sensitive area, with the exception of Deansgrange Cemetery to the north. The Department of Culture, Heritage and the Gaeltacht have raised objection to the application as a result of its negative impact on the historic character of Deansgrange Village, the removal of the Maryland building (which I have addressed in section 12.2 above) and the impact on the historic setting of Deansgrange Cemetery.
- 12.3.10. I note that the site does not feature, and is not proximate to, any Protected Structures, is not located in or close to any conservation areas, and that the location of two Record of Monuments and Places in the wider area are not in close proximity to the site. The site is located adjacent to Deansgrange Cemetery which is designated as open space and for the protection of burial grounds under the Development Plan. As a result, I can find no significant or historic built heritage in the area offered specific protection or recognition under the Development Plan. While the nearby burial ground offers an important amenity function to the area, I do not consider it to be particularly sensitive to nearby development, beyond an assessment

of how such development relates to the grounds, and I carry this out in more detail below. However, while the site is not located in a particularly sensitive area, a more general assessment upon the impact of the development upon the character of the area is still required.

12.3.11. The predominate character surrounding the site is of 1 or 2 storey buildings, with a number of commercial properties located to the south of the site on Deansgrange Road and residential dwellings located on adjoining streets. Opposite and to the east of the site on Deansgrange Road, is Grange Terrace, a collection of single storey residential dwellings. The Planning Authority has raised concerns regarding the impact of the proposed development upon this terrace, as well as other residential dwellings to the rear of the site and the low-rise character of the area in general. The applicant describes a baseline height of 4 storeys to the proposed development which is intended to respect the amenity of existing 1 and 2 storey properties to the west of the site. It is also suggested that trees on Deansgrange Road will assist in ameliorating the transition in scale. A masterplan illustrating the applicants imagined future evolution of development in the area is also provided. This essentially describes development surrounding the site at scales commensurate to the proposal.

12.3.12. The proposed development is 4 storeys as it is situated on the corners of the site. The north west corner is situated closest to dwellings on Foxrock Close, where a group of single storey dwellings appear to the rear of 2 storey houses on Foxrock Close. On this corner, the 4 storey height of the development is for approximately 5-8m prior to an increase to 5 storeys for around 12-15m, before the development exhibits its maximum 6 storey height along the remaining north edge of the site and east edge street frontage. The development reduces to 5 and 4 storeys in height to the south edge and north east end of the site.

12.3.13. The proposed development therefore has a maximum 6 storey height and will consequently have a height, scale and mass that will appear very prominent in the streetscape. I have considered both the guidance in the Building Height Guidelines and the Upward Modifiers in the Development Plan Building Height Strategy to inform my assessment of the appropriateness of this site for increased scale. I do not consider the site to have any distinguishing features or site specific characteristics to make in particularly well suited to the extent of height proposed. The site is not located on an important junction, a centre of activity, a transport interchange or cross

roads. Deansgrange Road itself is not particularly generous in width, with space for parking on one side only, it reflects the proportions of a normal roadway in a suburban location. Whilst the site is currently underutilised and it could deliver increased densities and an active street frontage to the benefit of the area, this could equally be achieved in a lower development proposal, with an equally lower and more appropriate density for the site (I address density in detail in the subsequent sub-section below).

12.3.14. I appreciate that the applicant has sought to include some transitional elements in the development with the incorporation of these 4 and 5 storey elements. However, I do not think that these transitional elements are sufficient to mitigate the overall scale and mass and associated impact of the development upon the streetscape and the associated visual amenity impact it will have.

12.3.15. I have reflected on the Building Height Guidelines in detail in making my assessment of this application, and I consider the following extract from the guidelines to be a particularly useful reference point:

“...these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.”

12.3.16. The Building Height Guidelines provide a clear indication that suburban sites should generally be appropriate for buildings of 3 to 4 storeys in height. Additional height should consequently be considered in light of how well serviced a site is by public transport and supporting services. This site is walking distance to Deansgrange Village and the range of amenities located there, including a large supermarket. The site is also served by a frequent bus route and other less frequent routes; however this is the extent of the accessibility of the site and the applicant does not describe access to any other high frequency / capacity service or employment centre. The site also lacks any particularly feature or topography that would justify the scale as currently proposed. In consideration of the site specific characteristics, the suburban context and the specific guidance in the Building Height Guidelines, it is my view that this site can support height over 2 storeys, but to a maximum of 5 storeys. I also

consider that the incorporation of 3 storey elements would be most appropriate to transition the scale and mass of the proposed development to the lower 1 and 2 storey buildings that exist surrounding the site (rather than the 4 storey transitional elements currently proposed). This would facilitate efficient use of the site, at a height, scale and mass appropriate for the site characteristics.

12.3.17. Overall, it is my view that the proposed 6 storey height appears inappropriate in this location. The 6 storey height and associated scale and mass as proposed on Deansgrange Road, is in my view, overdominant and overbearing in context with width of the roadway here and the existing character of the area. I do not consider street trees to be an appropriate mechanism for transitioning the scale of the proposed development and I find the submitted future masterplan prepared by the applicant to be unconvincing. While it is probable that sites surrounding the site will come forward for development in future, there is no real grounding in planning policy for the heights predicted in this masterplan.

12.3.18. The remaining pertinent criteria under section 3.2 of the Building Height Guidelines relate to the following: contribution of the proposal to the place-making; its contribution to the streetscape; the avoidance of uninterrupted walls; contribution to public spaces (including inland waterway/ marine frontage) and compliance with flood risk management guidelines; improvement of legibility; contribution to mix / typologies in the area; and daylight performance against BRE criteria as well consideration of overshadowing / ventilation / views. Specific assessments are also required depending on the scale of the building proposed. A complete assessment against all of these elements is contained in my report as a whole, particularly this section alongside sections 12.3, 12.4, 12.5 and 12.10. In relation to specific assessments, an Architectural Design Statement, Photomontages, Archaeological and Architectural Heritage Assessment, Ecology Impact Statement and Bat Assessment have been submitted and informed my assessment as described in this report.

12.3.19. In relation to the above remaining criteria, I do not consider the proposed development to have a positive contribution to the streetscape. While the ground floor active frontage is a beneficial element in the scheme, the overwhelming impact will be formed by the 6 storey height of the development onto the street. The development would therefore have a monolithic impact considering the existing suburban low-rise character.

12.3.20. With the exception of height, mass and scale, the design of the proposed building is acceptable. A range of materials is proposed, with brick forming the predominate character of the proposed building. Large glazing panel forming the fenestration for the apartments and a mix of both glazed inset and projecting balconies providing sufficient visual interest in the facades. However, this visual interest does not alter the overbearing impact of the development. As a result, I do not consider the proposed development at 6 storeys in height, to accord with SPPR3 of the Building Height Guidelines.

12.3.21. I have given consideration to the Planning Authority's request for a condition, that would require the removal of the third floor and introduction of a 3m set back to the upper storeys on Deansgrange Road, in the event that planning permission is granted. Albeit noting that the Planning Authority's recommendation remains that permission be refused (I consider the Planning Authority's reason for refusal in detail in section 12.9 below). As a consequence of the changes described, the development to the north west end would have a 3 storey height for approximately 5-8m prior to an increase to 4 storeys for around 12-15m, before the development exhibits a maximum 5 storey height along the remaining north edge of the site. The Planning Authority also recommend a set back of 3m at fourth floor level (5th storey) to the east of the site onto the street which would require the internal reconfiguration of the development i.e. ensuring no subsequent encroachment at this level to the west.

12.3.22. I consider that the changes recommended by the Planning Authority would do much to improve the overbearing character of the development and the relationship to the street edge and adjacent sites. The removal of the third floor level would also improve the overall scale and mass of the development and the relationship of the development with existing dwellings to the west. The removal of the third floor would have a much more beneficial impact than removal of the fifth floor (sixth storey). This is because the removal of the third floor will ensure that the proposed building retains transitional elements at upper level and reduces these to 3 and 4 storeys in height (rather than 4 and 5 storeys). While removal of the fifth floor would reduce height, it would not improve the overbearing scale and mass of the building and incorporate appropriate transitional elements to the corners of the site. By removal of the third floor, the transition of height is reduced to 3 storeys as it appears on the corners of

the site, and consequently this reduces the overbearing character, scale and mass of the proposed development.

12.3.23. I do have some reservations about the impact that a 3m set back would have upon the internal configuration of the development at upper level as currently conceived. It is not readily apparent how this set back could be accommodated without creating very narrow units along this frontage, resulting in poor quality living conditions for potential future occupiers of those units on the upper floor. In my view, the removal of the third floor level is sufficient to ensure an acceptable relationship to the street with a maximum 5 storey building, with 3 and 4 storey transition elements to the corners of the site.

12.3.24. Having reviewed the submitted photomontages, I am convinced that the amendments described above would result in a more successfully integrated development, particularly when considering views 2, 4, 6, 7 and 10. A development with reduced height, scale and mass would also reduce daylight and sunlight impact upon adjacent residents (as discussed in section 12.4 below). With the incorporation of the amendments described, I am satisfied that the criteria under section 3.2 of the Building Height Guidelines and SPPR3 is demonstrated.

12.3.25. I note third party representations in relation to previous planning applications on the site. Historically applications have concerned the redevelopment of the site for mixed use development with proposals including shops, commercial units and residential units, along with parking and ancillary works. Previous developments have exhibited heights of 4 and 5 storeys and were refused by An Bord Pleanála for reasons relating to traffic impact, inappropriate provision of a supermarket and adverse impact of height, particularly with overbearing and overlooking impact to the west. Those appeals were determined under a different policy context at both local and national level than is currently in place. The uses proposed for the site also differ substantially to the proposed development subject of the assessment in this report, particularly with the provision of a supermarket and the associate traffic movements that would be generated by such a use.

12.3.26. An appeal in 2019 was also refused by An Bord Pleanála. It concerned redevelopment of the site for 40 apartments, retail units, car dealership and service workshop. The 2019 development had a maximum height of 4 storeys. The appeal

was refused for one reason concerning the extent of the car showroom use and portion of the overall site at surface level accommodating parking associated with that use. The 2019 development was considered to be an underutilisation of the site. I consider there to be much to distinguish the current application from that refused appeal scheme, most notably with the omission of the car dealership in the current proposed development. I have also described above why the proposed development at an amended maximum height of 5 storeys would be appropriate on the site. I consider that the proposed development does represent appropriate utilisation of the site, particularly with the introduction of active ground floor uses onto Deansgrange Road. I therefore conclude that this previous reason for refusal is overcome in an amended 5 storey development on the site.

12.3.27. Density

12.3.28. A number of representations have been received regarding the proposed density of the development. Concerns centralise around the appropriateness of the density level and that the proposal represents overdevelopment of the site. Concerns are also raised regarding insufficient infrastructure to cater for the proposed future population, particularly in relation to public transport, amenities, and sewer infrastructure.

12.3.29. Policy at national, regional and local level encourages higher densities in appropriate locations. Project Ireland 2040: National Planning Framework (NPF) promotes the principle of 'compact growth'. Of relevance, objectives 27, 33 and 35 of the NPF which prioritise the provision of new homes at locations that can support sustainable development encouraging increased densities in settlements where appropriate. Section 28 guidance, including the Building Heights Guidelines, the Sustainable Residential Development Guidelines and the Apartment Guidelines, assist in determining those locations most appropriate for increased densities. The Apartment Guidelines define the types of location in cities and towns that may be suitable for increased densities, with a focus of the accessibility of the site by public transport and proximity to city/town/local centres or employment locations.

12.3.30. The proposed density is 201 units per hectare. The application site is easy walking distance (less than 5 minutes) to a bus stop for the no.46A route, which is a high frequency service with buses every 7 to 10 minutes depending on peak times. This satisfies one of the location types described under the Apartment Guideline definition

of Central and/or Accessible Urban Locations. However, I note that the guidelines are explicit that a local assessment is still required and other planning factors will be relevant. I also note that the site does not exhibit other characteristics described in relation to Central and/or Accessible Urban Locations.

12.3.31. The Central and/or Accessible Urban Locations under the Apartment Guidelines are locations considered to be suitable for small- to large-scale and high density development. The guidelines indicate that what might be considered an acceptable density in such areas will vary, depending upon a local assessment and other relevant planning factors. In addition, it is important to note that density itself is purely a numerical expression of development form, and while it can be helpful at indicating that a development proposal may be excessive, an assessment is also required of how this density is expressed on the site and any subsequent symptoms of an overtly dense design. It is these factors that will indicate whether a proposal can be considered overdevelopment of the site.

12.3.32. I agree with the applicant that the site is located in an accessible location, however there is clearly a distinction between this suburban accessible location compared to a central accessible location, and a significant variation in acceptable densities will be exhibited between site in these different types of location. For the application site, I consider a density of 201 units per a hectare to be high for a suburban location. Therefore, it is important that there are no subsequent harmful impacts as a result of the proposed scale of development on the site. As discussed earlier in this section of the report, the proposed height of the development at 6 storeys with transitional 4 storey elements, is in my view inappropriate for the characteristics of this site and the area. As previously stated, I think it is important to consider the accessibility of the site as being limited to a single frequent bus route (and other less frequent services), rather than to multiple frequent bus serves or links to high capacity light rail services. While the site is walking distance to Deansgrange Village, the applicant has not provided any evidence of links of the site to surrounding city/town/local centres or employment locations. I note that future public transport improvements include the BusConnects scheme, but this does not inform current accessibility of the site and in any case, the BusConnects scheme will not alter the practical accessibility of the site. As a result, I do not consider the high density level proposed to be acceptable for the site.

12.3.33. However, with the amendments described in the aforementioned paragraphs relating to height, and a reduced scale to maximum 5 storeys with 3 storey transitional elements, I consider that a much more appropriate development would result. The subsequent density of the development would be 160 units per hectare with the incorporation of the amendments (equating to a reduction of 31 no. units). I therefore conclude that an amended scheme at maximum 5 storeys in height would have an appropriate density for this accessible suburban location.

12.4. Neighbouring Residential Amenity

12.4.1. Daylight, Sunlight and Overshadowing

12.4.2. A Daylight and Sunlight Report has been submitted with the application. This describes the performance of the development against BRE criteria (The Building Research Establishment guidelines on Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice).

12.4.3. The report identifies properties analysed on Deansgrange Road, including Grange Terrace to the north and east of the site and dwellings to the rear of commercial properties to the south and east of the site, properties on Foxrock Close are also assessed to the rear of the site. All other properties in the immediate area surrounding the site have either an orientation or a distance from the application site, which would ensure that daylight and sunlight impact will not result from the proposed development.

12.4.4. In relation to the properties analysed, the majority of windows retain an acceptable level of daylight with the development in place, with no perceivable reduction in daylight levels. This means that in accordance with BRE criteria a vertical sky component (vsc) of greater than 27% or 0.8 times the former value is retained in the proposed condition. However, there are 4 properties on Grange Terrace that have windows with resultant vsc levels below 27% and less than 0.8 times the former value in the proposed condition.

12.4.5. The properties on Grange Terrace are single storey and served by 2 windows and a door as they front onto Deansgrange Road. It is both front windows to no.'s 28, 29 and 30, and a single window in no. 27 Grange Terrace that are impacted by the proposal (total of 7 windows). While room use is not confirmed by the applicant, it appeared from my visit to the site that these windows serve habitable rooms. The

impact of the proposed development at 6 storeys in height, would reduce the vsc level to those affected windows to between 18.34% and 24.46%. For no. 30 Grange Terrace closest to the proposed development, windows will experience a vsc level of 0.57 and 0.6 times the former value and no.29 will have windows with a vsc level 0.58 and 0.65 times the former value. No.'s 28 and 27 will have vsc levels between 0.66 and 0.77 times the former value. This translates into a noticeable reduction in daylight to these four properties on Grange Terrace. In my view, the impact upon no.'s 28, 29 and 30 is significant, as the proposed development will perceptibly reduce light to all front windows in these properties. For no.'s 29 and 30, it is my view that the impact would be significantly harmful as the remaining vsc level is 0.6 times or less, of the former value, for these windows.

- 12.4.6. The applicant states that as the points tested will retain a vsc of between 15% and 27% in the proposed condition, this is acceptable, because adequate daylight could still be provided with larger windows. This is following guidance in the BRE guidelines, but it should normally relate to conditions in a proposed development. The windows impacted by the proposed development will not be replaced with larger windows, they are the windows serving existing dwellings outside of the ownership or control of the applicant. It is therefore inappropriate to suggest that the resulting vsc levels are sufficient because replacement of windows with larger glazing would ensure adequate daylight.
- 12.4.7. While I accept that for appropriate growth to occur in urban areas, a degree of impact upon daylight and sunlight should be accepted, it is necessary to consider these impacts against the overall quality of development and characteristics of the area. As set out in section 12.3 above, I do not consider the height and density of the proposed development at 6 storeys to be acceptable. It is my view that the significant impact upon the daylight levels for properties in Grange Terrace is a consequence of the inappropriate height proposed on this site and symptomatic of this overdevelopment.
- 12.4.8. However, I do consider it inevitable that even with development of the application site at an appropriate scale for the location, this will invariably have daylight impact upon Grange Terrace. The single storey nature of the terrace and position proximate to the site mean that daylight impact is unavoidable with development of the application site. However, these impacts would be reduced with a reduction in height

of the proposal to maximum 5 storeys, which would be reflective of a more appropriate scale for the site for those reasons outlined in section 12.3 above. While the vsc levels for those impacted properties on Grange Terrace are likely to remain below 27% in an amended scheme, the degree of change (i.e. amount of the former value) may increase.

12.4.9. In relation to sunlight, the submitted analysis demonstrates that all surrounding existing amenity spaces will receive at least 2 hours of sunlight on over 50% of their area, conforming with BRE guidelines.

12.4.10. In relation to shadow analysis, similar to daylight impact, the majority of properties surrounding the site are not adversely impacted, with the exception of Grange Terrace. Those properties would experience increased overshadowing in March from the afternoon, in June from late afternoon and in December from early afternoon. Similarly, a reduction in the height of the proposed development by a storey across all elements (including the lowering of transition elements) will reduce the extent of overshadowing of Grange Terrace.

12.4.11. Overlooking and Privacy

12.4.12. My assessment of the potential for overlooking of adjacent areas considers the location of windows, balconies and terraces areas within the proposed development, to habitable room windows in surrounding residential dwellings.

12.4.13. Separation to surrounding properties exceeds 21m on Deansgrange Road to the east of the site. To the west and to the rear of the site are single storey properties on Foxrock Close at no.'s 169A 170A and 171A. The building to building separation distance exceeds 21m for all of these properties. The distance of the proposed development to the boundary here is approximately 13m at the closest point. Whilst I note concerns raised by both the Planning Authority and in third party representations regarding overlooking of these properties, as well as the inaccurate depiction of the extent of these dwellings, I do not consider there to be unacceptable overlooking as a result of the proposed development. The applicants drawings do not accurately depict the degree of extension to the rear of these properties (particularly 170A), however this does not alter the separation distance between windows in the proposed development and existing properties. I also note that 170A backs onto the communal open space area for the development. All other properties on Foxrock

Close have sufficient separation to the proposed development in terms of the location of windows.

12.4.14. I note third party concerns relating to the inclusion of balconies in the proposed development. These are the only form of private amenity space for apartments and therefore their inclusion is encouraged. I have no concerns regarding potential overlooking from balconies in the proposed development which I have taken into account in my assessment above. There are no balconies included to the west of the site proximate to Foxrock Close. Green roof areas are included on the lower transitional elements to the west of the proposed development and access to these areas can be restricted by way of condition. A communal roof terrace is included onto the Deansgrange Road side of the development and this area has sufficient separation to surrounding dwellings.

12.4.15. To the south of the site is a car showroom, which can be considered a site with future development potential. The proposed development situates windows at least 10m away from the boundary with this site, ensuring that the future land-efficient development potential of that site is not adversely affected.

12.4.16. To the north of the site is Deansgrange Cemetery. A number of third party representations have raised concern regarding the impact of the proposed development upon the cemetery in terms of overlooking. The Department of Culture, Heritage and the Gaeltacht have also raised objection to the proposed development overlooking the historic setting of Deansgrange cemetery and state this is a significant impact to the amenity of the graveyard setting.

12.4.17. Deansgrange Cemetery covers a large area and as a result bounds onto numerous residential properties in the wider area. The general relationship to these properties is a shared boundary onto a rear garden area. A public park / football grounds also adjoin the cemetery to the north west.

12.4.18. The proposed building will be situated a minimum of approximately 7m to the south of the boundary with the cemetery, with this separation to the boundary with the cemetery varying, and exceeding 10m in places. A number of balconies are also proposed on this end of the development and will subsequently reduce the separation to the boundary by around 2m where they appear. The building line along this boundary is staggered, providing aspects to the west and north for the proposed

apartments. I find nothing unusual or detrimental about the overlooking that will result from the proposed residential development over the cemetery area. Similar relationships to residential properties and their amenity areas (gardens) is experienced across the extent of the boundary to the cemetery in all directions. While the proposed development will be higher than the existing residential properties that bound the cemetery, I find no reason to conclude that this would be harmful. I also note the existence of a number of mature trees along the boundary with the cemetery. Deansgrange Cemetery is located in an urban area characterised by residential properties. The proposed development is for residential occupation and therefore in keeping with this established relationship to adjoining uses around the cemetery.

12.4.19. Concerns have also been raised by third parties in relation to their privacy and security, regarding routes through the development and whether these will be publicly accessible and allow access to adjoining properties. Gates are shown on the drawings restricting access at the rear of the proposed development to residents and approved personnel only. In any case, the development will not alter the security arrangements of adjoining properties who can rely upon their own boundary treatment which is unchanged by the proposed development. The proposed development will also introduce new planting in the form of trees and hedges along this edge.

12.4.20. I note a third party representation concerning the potential of lighting from the proposed development to impact privacy at night. The submitted Landscape Rationale report describes the location and luminance level of all exterior lighting to be included as part of the development. Luminance levels are appropriate for a residential urban area. While I am satisfied that there is no potential disturbance to adjacent residents from lighting at the proposed development, I do consider it appropriate for a condition to request further details of the lighting to be included.

12.4.21. Anti-social behaviour

12.4.22. I note a third-party representation that suggests that apartments generate increased anti-social behaviour. This is without substance in my view and apartment developments are encouraged under planning policy as an efficient and sustainable way to meet the compact growth needs of urban areas.

12.4.23. ESB substation

12.4.24. A third party representation has raised concern regarding the impact of the ESB substation in the proposed development upon surrounding residents. A Noise and Vibration Impact Assessment Report has been submitted with the application. This states that all plant equipment will be enclosed within the building with insulation and that no adverse impact is expected. As a result, I am satisfied that the enclosure of the substation within the building and inclusion of insulation will prevent any adverse impact upon surrounding residents.

12.4.25. Impact During Construction

12.4.26. Representations have been received regarding potential adverse impacts during construction works on the site. A Stage 1 Construction Management Plan has been submitted with the application. Measures for the management of noise and suppression of dust are described and a condition is recommended to secure these arrangements. In relation to site parking, it is stipulated that near-by off-site car parking will be identified and that workers will be encouraged to use public transport. The Transportation Division within the Planning Authority has requested further details of this, and a condition can be included regarding the same. With the application of these mitigation measures, there are no concerns regarding construction impacts (or construction transport impacts) resulting from the proposed development. Final details of construction management and transport movements can be requested by condition.

12.4.27. Refuse

12.4.28. Concern has been raised in third party responses regarding refuse collection arrangements for the proposed development. An Operational Waste Management Plan has been submitted with the application. This describes the waste collection arrangements for the scheme. Current arrangements describe the storage of refuse at basement level, with relocation to street level by nominated personnel for collection.

12.4.29. I note that the Planning Authority's Waste Section have raised concern regarding the submitted Operational Waste Management Plan. The Planning Authority state that the detail in the plan is inadequate and request further details by condition. I am satisfied that further details of waste collection can be approved by condition.

12.5. **Proposed Residential Standards**

12.5.1. Daylight and Sunlight

12.5.2. I note that the criteria under section 3.2 of the Building Height Guidelines include the performance of the development in relation to daylight in accordance with BRE criteria, with measures to be taken to reduce overshadowing in the development.

12.5.3. A Daylight and Sunlight Report has been submitted with the application and describes the performance of the development against BRE guidelines in relation to daylight and sunlight. The analysis is for selected units in the development that are considered to be representative of units across the site and therefore the results are indicative of predicted daylight levels across the proposed development. The analysis demonstrates that all units comply with BRE minimum target daylight levels.

12.5.4. In relation to sunlight, the submitted Daylight and Sunlight Report has assessed sunlight access to the proposed communal amenity areas only. Therefore, the application lacks an assessment of the Annual Probable Sunlight Hours (APSH) to describe the level of sunlight that would reach the main livingroom window for the proposed units. I note that there are a number of units with a northerly aspect for the main livingroom window, which would likely fail to achieve the BRE value of 25% APSH on an annual basis or 5% on a winter basis. There are also a number of projecting balconies that would impact sunlight access to windows below. Without a complete assessment it is not possible to determine the acceptability of the proposed development in relation to sunlight. The Apartment Guidelines are clear that the level of sunlight that reaches a living room window will greatly affect the amenity value of the space, however there is no specific planning policy requirement in relation to sunlight. In addition, I note that the criteria under section 3.2 of the Building Height Guidelines relates to daylight only. As a result, I do not consider the omission of sunlight analysis as part of this application fundamental to determining the overall acceptability of the proposed development.

12.5.5. In relation to the proposed amenity spaces, shadow analysis is submitted with the application. This demonstrates that the communal amenity areas proposed will receive 2 hours or more of sunlight over almost the entirety of the space on the 21st March, exceeding minimum recommendations in the BRE guidelines.

12.5.6. Dual Aspect

12.5.7. The proposed development includes 75no. units with dual aspect equating to 50% of the total number of units and therefore complying with requirements under the Apartment Guidelines. I note that there are 4 no. units with a single north west aspect. As these units look onto the proposed communal amenity space, this provides some compensation in relation to their northerly outlook. Given the small number of these units and outlook onto the courtyard, I consider the proposed development to be acceptable in this regard. I note that the Planning Authority has raised concern in relation to the form that dual aspect units take along the north end of the site, with the incorporation of a saw-tooth façade to facilitate secondary aspects. I consider this design approach acceptable and an innovative solution to increasing the number of dual aspect units in the development. The saw-tooth design projects out the façade in excess of 3m for each bay. This provides a secondary easterly aspect that will facilitate good alternative access to light and ventilation into the livingroom of the units.

12.5.8. Private and Communal Amenity Space

12.5.9. All units within the proposed development have access to private amenity space in the form of a balcony or terrace and all of these amenity spaces meet minimum space standards described in the Apartment Guidelines.

12.5.10. The proposed development includes a courtyard (2,866sqm) and roof terrace (163sqm), exceeding the minimum requirement for communal amenity space described in the Apartment Guidelines. While this does not meet minimum standards in the Development Plan, the Planning Authority acknowledge the alternative standards described in the Apartment Guidelines. Reduced open space provision is also permissible under the Development Plan where high quality provision is included and I discuss the proposed landscape strategy in section 12.7 below.

12.5.11. Mix

12.5.12. The proposed mix is acceptable and conforms with SPPR1 of the Apartment Guidelines: 11no. Studios (7.2%); 64no. 1 bed (42.3%); 76 no. 2 bed (50.3%).

12.5.13. I recommend a redesign to remove the third-floor level of the proposed development, this would reduce the number of units by 3no. Studios; 12no. 1 beds and 16no. 2 beds. The resultant mix would be 8 Studios (6.6%); 52no. 1 beds (43.3%) and 60no.

2 beds (50%), which would still be in conformity with SPPR1 of the Apartment Guidelines.

Floor Area

12.5.14. The individual floor area for apartments meet the standards outlined in the Apartment Guidelines and a majority (57%) are greater than 10% larger than minimum standards.

Floor to Ceiling Height

12.5.15. The proposed development provides for a ground floor height of 2.7m and upper floors of approximately 2.65m, in accordance with the minimum standards for ceiling heights described in the Apartment Guidelines.

12.5.16. Number of Apartments to a Core

12.5.17. The proposed development does not exceed the maximum of 12 apartments per core in accordance with policy standards described in the Apartment Guidelines.

12.5.18. Privacy

12.5.19. The proposed development does not generate any opportunity for overlooking between units, with a large central courtyard providing good separation within the site. Where balconies are located in close proximity to adjacent windows within the proposed development, privacy screens have been included. As a result I consider the development to be acceptable in terms of overlooking within the development itself. (Overlooking to surrounding areas is covered in section 12.4 above).

12.6. Traffic and Transport

12.6.1. A Traffic and Transportation Assessment has been submitted with the application. This describes the key transport related characteristics and potential impacts of the proposed development. Compliance with DMURS is also confirmed. The assessment concludes that the proposed development will have no material impact upon the operation of the local road network. I note representations from third parties in relation to the impacts on the surrounding road network, including concern regarding the narrow width of Deansgrange Road, impact of increased cycle traffic and the methodology in the submitted assessment. I have reviewed the information set out in the submitted report and visited the site. I consider the width of Deansgrange Road appropriate to serve the development and access / egress to the

site. I note that the Planning Authority has not raised any concerns in relation to the methodology or findings of the submitted Traffic and Transport Assessment. I am therefore satisfied that the proposed development will not adversely impact the surrounding road network during the occupation phase.

12.6.2. I note a representation suggesting that the proposed development would be unacceptable in terms of traffic impact, and that this led to the refusal of previous applications on the site. These previous applications were for various uses, differing from the current scheme, and included a supermarket, which would result in different transport impacts than that of the proposed scheme. On the basis of the findings above, it is my view that the current proposal for the site has adequately demonstrated suitability in terms of traffic impact.

12.6.3. Car Parking

12.6.4. The Apartment Guidelines state that in central and / or accessible locations, the default policy for car parking is to be minimised, substantially reduced or wholly eliminated in certain circumstances.

12.6.5. The proposed development includes a total of 99no. car parking spaces, comprised of 84no. standard car parking bays, 10no. electric vehicle charging bays and 5no. disabled parking bays. 4no. motorcycle spaces are also included. The quantum of car parking proposed equates to a ratio of 0.66 bays per apartment. This is below the standards described in the Development Plan and the Planning Authority has raised objection to the low level of parking proposed.

12.6.6. As described in section 12.3 above, I consider the site to be located in an accessible suburban location. The accessibility of the site is limited to a single frequent bus route (and other less frequent services), as well as being walking distance to Deansgrange Village. While I do not consider it necessary to minimise or entirely omit car parking for this site, I do consider that the substantial reduction of car parking is appropriate. Therefore, I consider the proposed quantum of car parking for the development to be acceptable and in accordance with the Apartment Guidelines.

12.6.7. Should the Board decide to omit the third floor level in line with amendment I recommend in section 12.3 above, I suggest that the ratio of 0.66 car parking spaces per apartment be preserved in the amended scheme.

12.6.8. There is no car parking proposed for the non-residential uses on the site which are envisaged to serve a local / pedestrian catchment area. There is also existing on-street parking on Deansgrange Road. As a result, I consider the development to be acceptable in this regard.

12.6.9. Cycle Parking

12.6.10. A total of 320 no. cycle parking spaces are included in the proposed development. Cycle storage is in the form of Sheffield stands for either short-stay or long-stay parking. There is ample cycle parking provided, exceeding Development Plan minimum levels. The cycle store is located to the west of the site and will be accessible to residents. The appearance of the cycle storage proposed is not well detailed in the application submission, however visualisations indicate a covered linear parking rank and the landscape plan states that this shelter will incorporate a sedum green roof. I recommend that final details are sought by way of condition, to ensure a suitable appearance to the cycle storage area.

12.6.11. Servicing

12.6.12. The proposed development will be serviced from Deansgrange Road via a loading bay within a lay-by adjacent to the site. As a result of the small size of commercial unit proposed, associated delivery requirements are expected to be limited and can be adequately accommodated via the lay-by.

12.6.13. The Planning Authority have requested a number of conditions in relation to further details, including swept path analysis, front boundary treatment and taking in charge areas. These details have been included in my recommendation below.

12.6.14. Public Transport

12.6.15. The proposed development is accessible to bus routes on Deansgrange Road and Kill Lane. I note third party concerns relating to the capacity of public transport in the area to cater for the existing population and planned population in this development, however I note that Transport Infrastructure Ireland confirmed that they have no observations make on the application and that no response was received from the National Transport Authority on the application. As a result, I do not consider there to be any significant adverse impact upon public transport as a result of the proposal.

12.7. **Ecological Impact**

12.7.1. An Ecology Impact Statement has been submitted with the application. This describes the existing site condition as entirely composed of artificial surfaces in an existing built-up area. There are no examples of habitats listed on Annex I of the Habitats Directive or records of rare or protected plants, and no alien invasive plants.

12.7.2. Bats

12.7.3. A Bat Assessment of the existing buildings on the application site has been submitted. The findings of the assessment detail that there are no potential bat roosts in existing buildings on the site. In relation to proposed lighting, this has been designed to be sensitive to potential bat movements to the north of the site across the cemetery lands. In conclusion, the assessment predicts that there will be no direct impact upon the conservation status of bats as a result of the proposed development and that with appropriate implementation of lighting, no impact will result upon individual bats.

12.7.4. Landscape

12.7.5. A Landscape Design Rationale document has been submitted with the application. This describes the landscape design strategy, courtyard arrangement and planting for the proposed development. A children's play area is integrated across the central courtyard lawn providing a total of 300sqm nature-based play area

12.7.6. I note a third-party representation raising concern regarding access from the proposed development to the cemetery to the north of the site. The submitted document illustrates a potential future access to Deansgrange Cemetery pending agreement with DLRCC. The potential access is outside of the application red line area and would create a new public access to the cemetery from Deansgrange Road adjacent to the site. I note that DLRCC have requested the applicant provide this access and suggest a condition in relation to the same. However, as the access is outside of the red line boundary and there is no clear justification or policy requirement to provide this access, I have not included this condition in my recommendation.

12.7.7. To Deansgrange Road, a mix of tree and shrub planting is shown to enclose the frontage to the proposed commercial units. The frontage to the units will be finished with natural stone paving distinguishing this demise to the concrete pavers for the public footpath area. External seating areas are indicated, as are short-stay cycle

stands. I consider the proposed arrangement acceptable and an improvement on the current street condition for the site.

12.7.8. Trees

12.7.9. I note third party representations raising concerns in relation to compatibility of the development with existing trees in the cemetery site to the north of the proposed development. An Arboricultural Report is submitted with the application to assess potential impacts upon the line of mature trees on the northern boundary and within the cemetery site. The trees are located proximate to the boundary with the application site, however the report describes the physical and topography conditions that create a barrier between the two sites, thus impacting the potential for roots to have extended beyond the cemetery site. The two sites are at disparate levels, ranging between 0.5m and 1m (with the boundary forming a retaining wall to the higher grounds of the cemetery). In addition, the application site exhibits artificial and impermeable surfaces. The report describe a boundary form that has constrained and caused redirection of the normally expected tree rooting pattern, with the majority of tree roots now likely to have developed in a manner parallel with, but not south of, the boundary wall. On the basis of the current findings in the report, no adverse impacts are expected to the trees within the cemetery proximate to the application site. Recommendations are however included to quantify the extent, if any, of tree root passage into the site. I have attached conditions to my recommendation regarding the same. I note that landscape drawing no.19-520-PD-03 shows the retention of the existing boundary wall to Deansgrange Cemetery, ensuring that this condition remains unchanged in the proposed development.

12.8. **Material Contravention**

12.8.1. The applicant has submitted a Statement of Material Contravention of the Deansgrange Local Area Plan 2010-2020 with the application. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions s.37(2)(b). There is one issue raised in the applicant's Material Contravention statement, it relates to building height.

12.8.2. I note that the LAP expired earlier this year in June 2020, as a result, I do not agree that the proposed development materially contravenes the LAP. However, as outlined in my assessment in 12.3 above, I do consider the proposed development to

materially contravene the Dún Laoghaire-Rathdown Development Plan 2016-2022 and attached Building Height Strategy.

- 12.8.3. I have considered the issue raised in the applicants submitted statement and advise the Board to invoke the provisions of s.37(2)(b) of the 2000 Act (as amended). My assessment of the proposed development concludes that while the proposed 6 storey development would not be acceptable for the site, with the removal of the third floor, the development would be appropriate for the site.
- 12.8.4. I draw the Boards attention to the height of the proposed development which exceeds the DCP height strategy for this area of 2 storeys, rising to a maximum of 5 storeys in the amended form that I recommend.
- 12.8.5. I have considered the Statement of Material Contravention submitted with the application which describes the justification for the proposed height. I consider that the site is appropriate for increased height in light of guidance in the Urban Development and Building Height, Guidelines for Planning Authorities. Particularly in consideration of the Development Management Criteria in section 3.2 of the guidelines relating to proximity to public transport services, character of the location, the contribution of the proposal to the street, the avoidance of uninterrupted walls, contribution to public spaces, compliance with flood risk management guidelines, improvement of legibility and daylight considerations alongside performance against BRE criteria. My assessment of the development against the section 3.2 criteria in the Building Height Guidelines is set out in detail in section 12.3 above, including related assessments in section 12.4, 12.5 and 12.10 of this report. Specific assessments have also been provided to assist my evaluation of the proposal, specifically CGI visualisations, Architectural Design Statement, Photomontages, Archaeological and Architectural Heritage Assessment, Ecology Impact Statement and Bat Assessment.
- 12.8.6. Section 37(2)(a) of the Planning and Development Act 2000 (as amended), states that the Board may decide to grant a permission even if the proposed development contravenes materially the development plan. Section 37(2)(b) (i)-(iv) lists the circumstances when the Board may grant permission in accordance with section 37(2)(a).

12.8.7. Under section 37(2)(b) (i) the proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016; and (iii) permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines. I refer the Board to section 12.3 and other related sections of this report (12.4, 12.5 and 12.10), that address these criteria in detail.

12.8.8. Following reflection of the above, I am satisfied that a grant of permission, that may be considered to materially contravene the Dún Laoghaire-Rathdown County Development Plan is justified in this instance. I have incorporated specific reasoning and justification having regard to s.37(2)(b) of the 2000 Act (as amended) into the Conclusion and Recommended Order for the Board's consideration at the end of this report.

12.9. Planning Authority Reason for Refusal

12.9.1. The Planning Authority recommended that the application be refused as a result of its scale, height and massing, particularly the proposed six storey street wall height to Dean's Grange Road, and the failure to have regard to the surrounding context. It was also considered to seriously injure the residential amenities of properties located within its immediate vicinity by reasons of overshadowing, overlooking and by being visually overbearing.

12.9.2. Section 12.3 above describes in detail my assessment of the height, scale and massing of the proposed development. I have undertaken this assessment in the

context of national policy and guidance, particularly objectives 13 and 35 of the NPF concerning performance criteria for building height and residential density in settlements, as well as the criteria under section 3.2 and associated SPPR3 of the Building Height Guidelines. My assessment concludes that with the removal of the third floor, the height, scale and mass of the development would be appropriate. This would also consequentially reduce the overbearing visual appearance of the development and resultant overshadowing.

- 12.9.3. The Planning Authority are also concerned regarding overlooking from the development, however as described in section 12.4 above, it is my view that the proposed development demonstrates sufficient separation to all boundaries and surrounding residential dwellings.
- 12.9.4. While the Planning Authority recommend refusal of the application, they also suggest that if permission were to be granted, a condition should be attached to remove the third floor level. Following my assessment in section 12.3 above, I have concluded that this is an appropriate proposition and will subsequently reduce the impact of the proposed development. I do not consider it necessary to incorporate a further set back to Deansgrange Road as suggested by the Planning Authority, as this would require a significant redesign of the upper floor without resulting in any significant reduction in impact from the proposal. I consider a maximum 5 storey height acceptable on this frontage.
- 12.9.5. The Planning Authority recommend refusal of the application as a result of failure to comply with section 8.3.2 (Transitional Zonal Areas) of the Dun Laoghaire Rathdown County Development Plan, 2016-2022. This states that it is important to avoid abrupt transitions in scale and use in the boundary areas of adjoining land uses. I consider that the removal of the third floor adequately addresses this requirement, subsequently reducing the scale and massing of the building at the edges of the site closest to other uses. These subsequent transitional elements would appear as 3 and 4 storeys rather than 4 and 5 storeys as detailed in the original proposal. As a result, the development in its amended form would have an appropriate character for the area.
- 12.9.6. I have fully considered the planning authority recommendation to refuse the application, however having regard to the foregoing matters, alongside the wider

assessment set out in my report (both above and below), I have decided to recommend that the application be approved in an amended form.

12.10. Other Issues

12.10.1. Flood Risk / Surface Water Runoff / Drainage

12.10.2. Criteria under section 3.2 of the Building Height Guidelines includes that proposals are to be in line with the requirements of “The Planning System and Flood Risk Management – Guidelines for Planning Authorities” (2009) (the ‘Guidelines’).

12.10.3. A Site Specific Flood Risk Assessment has been submitted with the application. This describes the location of the application site in Flood Zone C and the application of the Flood Risk Management Guidelines to the proposed development. As Flood Zone C has a low probability of flooding a justification request is not required.

12.10.4. I note a number of third-party representations raising concerns relating to flood risk and drainage. Historic flooding has been recorded in the area and significant flooding occurred at the Deansgrange Cross roads during the October 2011 rainfall event.

12.10.5. The Drainage Section of the Planning Authority have confirmed that deficiencies in the drainage system were identified as a key contributory factor for this flood event. The applicant proposes to lay a new 225mm diameter surface water sewer, extending the full length of the site and connecting to the surface water sewerage system draining to the north (away from Deansgrange Crossroads) and the provision of road gullies. The finished floor level for the site is also proposed to be 35.10m. The Planning Authority (Drainage Section) have confirmed that with the implementation of this mitigation, they have no objections to the development and recommend a number of conditions in this regard, including in relation to details of the sewer diversion, an attenuation tank on the site and incorporation of a flood barrier to protect against extreme events.

12.10.6. In relation to water supply, Irish Water have confirmed that upgrades to the watermains are required and that they have issued the applicant with a Statement of Design Acceptance relating to this work. Conditions are recommended to secure this infrastructure provision.

12.10.7. As a result, I am satisfied that with the incorporation of conditions, the proposed development is acceptable in relation to drainage and water infrastructure.

12.10.8. Social Infrastructure

12.10.9. The Guidelines for Childcare Facilities requires the provision of childcare facilities for new housing for 75 or more dwellings unless there is justification to exclude such provision. This may include the existing provision of childcare facilities in the area and/or the exclusion of 1 bedroom units that are unlikely to generate any associated child yield.

12.10.10. A Childcare Demand Audit has been submitted with the application to describe the justification for no childcare facility being included as part of the proposed development. The report describes that following exclusion of 1 bedroom units, the proposed development would be expected to generate a requirement of 20 childcare spaces. A review of existing childcare facilities in the area then demonstrates suitable capacity for the childcare needs for the development. The Planning Authority have stated that they do not accept the conclusions in this assessment.

12.10.11. I consider the audit of existing childcare facilities in the area to be of limited assistance. It is likely that capacity levels will alter by the time the proposed development is in constructed and occupied. I also note that childcare facilities have been impacted by the current coronavirus pandemic with a number of operators closing. I am not clear how this might impact the audit submitted, but take it as demonstrative of the limitations around a review of current childcare capacity in the area. Overall, I do not consider the submitted audit to present a strong case for the omission of a childcare facility on the site. I therefore consider a condition appropriate to require the provision of a childcare facility as part of the development. This can be accommodated in lieu of the commercial use in unit 05 fronting Deansgrange Road and should include outdoor playspace accessed directly from the unit.

12.10.12. I note a third-party representation raising concern that due to the lack of larger units in the scheme, this could impact the proportion of families in the area and subsequently cause reduced school provision in the area. I see no evidence to indicate that this would be the case and note that the proposed mix conforms with the Apartment Guidelines.

12.10.13. Energy and Sustainability

12.10.14. A Building Life Cycle Report and Energy Analysis Report are submitted with the application. These reports outline the measures to promote the efficient running of the

building and reduce energy requirements. Air Source Heat Pumps (ASHP) with Decentralised Heat Interface Units (PV Panels) form the selected renewable energy component in the proposed development. The roof plan for the application illustrates the location of the Voltaic Panels for the commercial units and Photo Voltaic Panels for the residential units. The ASHP will be contained within the basement area.

12.10.15. I note that representations received regarding potential negative effect on surrounding buildings energy rating (BER). Such matters are outside of planning consideration, with no policy bases for assessment.

12.10.16. Archaeology

12.10.17. An Archaeological and Architectural Heritage Assessment is submitted with the application. This concludes that the subject site has been subject to a large amount of disturbance over recent years due to modern development. The subject site is not located in a designated archaeological zone of interest and no adverse impacts are predicted as a result of the proposed development.

12.10.18. Cumulative Impact of Development in the Area

12.10.19. A number of representations have been made by local residents in relation to the cumulative impact of this proposed development alongside other large scale developments in the area.

12.10.20. I have considered the development alongside both approved and current planning applications in the area. The DLR Development Plan provides an overarching policy context for the area with consideration of population increase as a result of new development. I do not consider that the proposal would generate any significant negative impact in combination with surrounding developments.

12.10.21. Part V

12.10.22. The proposed development includes 15 no. units for Part V housing comprising 10% of the total units proposed. The costs and location of these units is described in the application documents. I note that members have expressed concern regarding the proposed Part V units in the development. However, the Planning Authority Housing Department have confirmed that the applicant has engaged with the department and that Part V obligations should be included relating to the development if permission is granted. I note that a third-party has expressed concerns regarding the 'upper hand'

that the developer has in Part V negotiations, however I consider the process followed by the applicant to reflect normal arrangements and no objections have been raised by the Planning Authority or Housing Department.

12.10.23. Property Values

12.10.24. I note submission of third party representations relating to the impact of the proposed development upon property values in the area. I am not aware of any evidence to support the assertion that the proposed development would negatively impact property values in the area, and nothing has been submitted to demonstrate that this would be the case.

13.0 **Conclusion and Recommendation**

- 13.1. The proposed demolition of buildings and construction of a residential development with additional commercial units, is acceptable in principle at this site with regard to the relevant NC zoning (to protect, provide for and-or improve mixed-use neighbourhood centre facilities). While the proposed development at 6 storeys in height would result in unacceptable overdevelopment of the site, I consider the provision of a maximum 5 storey development, with 3-4 storey transitional elements and a resultant density of 160 units per hectare, acceptable for this suburban accessible location.
- 13.2. With the removal of the third floor, I am satisfied that the proposed development would have an acceptable height, bulk and mass for the site. I am also satisfied that with this amendment, the development would not have any unacceptable adverse impacts on the amenities of the surrounding area. The future occupiers of the scheme will also benefit from an acceptable standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable. I am satisfied the future occupiers of the scheme will not be at an unacceptable risk from flooding, and the proposal will not increase the risk of flooding elsewhere.
- 13.3. Having regard to the above assessment, I recommend that section 9(4)(a) of the Act of 2016 be applied and that permission be GRANTED for the proposed development, subject to conditions, for the reasons and considerations set out below.

14.0 Recommended Order

Planning and Development Acts 2000 to 2019

Planning Authority: Dublin City Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 15th Day of June 2020 by The Ditton Investments Limited care of John Spain Associates, 38 Fitzwilliam Place, Dublin 2.

Proposed Development:

- The demolition of all existing buildings on site;
- The construction of a mixed use building, ranging in height from four to six storeys, over basement, including 1 no. restaurant / café and 5 no. commercial units (for Class 1 – shop or Class 2 – Office / Professional Services or Class 8 – Medical Centre or Class 11 – Gym or Restaurant / Café use) at ground floor level and 151 no. apartment units from ground to fifth floor level;
- The mix of apartments includes 11 no. studios, 64 no. 1 beds and 76 no. 2 beds;
- The development includes a concierge / reception area at ground floor level which is ancillary to the proposed residential use;
- The proposal contains a total of 99 no. car parking spaces including 5 no. disabled spaces, 4 no. motorcycle spaces, bin storage and plant rooms at basement level. A total of 320 no. bicycle parking spaces, 2 no. designated car sharing parking spaces and 1 no. loading / set down area are proposed at surface level;

- Public realm improvements are proposed along the Dean’s Grange Road frontage and outdoor communal open space areas are proposed at surface level and fifth floor level; and
- The proposed development will provide balconies / terraces on all elevations, boundary treatments and landscaping, an ESB sub-station, drainage and service works, the provision of a vehicular access and egress point and a pedestrian / emergency access point from Dean’s Grange Road, and all ancillary site development works necessary to facilitate the development.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

15.0 Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in the established suburban area of Dún Laoghaire-Rathdown in an area zoned for residential (under NC ‘neighbourhood centre’);
- (b) the policies and objectives of the Dún Laoghaire-Rathdown Development Plan 2016-2022;
- (c) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;

- (e) Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (f) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (g) Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (h) Architectural Heritage Protection- Guidelines for Planning Authorities 2011;
- (i) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (j) The pattern of existing and permitted development in the area;
- (k) The planning history of the site and within the area;
- (l) The submissions and observations received;
- (m) The Chief Executive Report from the Planning Authority and specifically the recommended reason for refusal; and
- (n) The report of the inspector.

The Board 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 or of property in the vicinity, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites,

taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Appropriate Assessment Screening document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any other sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban

design, height, scale, mass, and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area. In coming to this conclusion, specific regard was had to the Chief Executive Report from the Planning Authority and particularly the recommended reason for refusal, which was addressed in detail in the Inspector's Report. It was considered that while the height, scale and mass of the development would have an unacceptable impact at 4 to 6 storeys in height, this could be successfully mitigated with a reduction in height, scale and mass to between 3 to 5 storeys. Cognisant of the Planning Authority's recommended reason for refusal, the Board concluded that the development would not result in undue overlooking of adjacent sites, but that the reduced height, scale and mass of the development would consequently reduce the visual and overshadowing impact. The Board therefore concluded that the height, scale and mass of the proposed development would be appropriate following amendments secured by conditions.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene Dún Laoghaire-Rathdown Development Plan 2016-2022 Building Height Strategy. The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the City Development Plan would be justified for the following reasons and consideration.

In relation to section 37(2)(b) (i) of the Planning and Development Act 2000 (as amended):

The proposed development is considered to be of strategic and national importance having regard to the definition of 'strategic housing development' pursuant to section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016 (as amended) and its potential to contribute to the achievement of the Government's policy to increase delivery of housing from its current under supply set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016.

In relation to section 37(2)(b) (iii) of the Planning and Development Act 2000 (as amended):

Permission for the development should be granted having regard to guidelines under section 28 of the Act, specifically SPPR 3 of the Building Height Guidelines which states that where a development complies with the Development Management Criteria in section 3.2, it may be approved, even where specific objectives of the relevant development plan or local area plan may indicate otherwise and national policy in Project Ireland 2040 National Planning Framework (in particular objectives 13 and 35). An assessment of the proposed development was carried out to determine that the proposed development conforms with the development management criteria in section 3.2 of those guidelines.

16.0 Conditions

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

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (a) Removal of the third-floor level (4th storey) and associated residential units with labels beginning A3, B3 and C3.

(b) Omission of commercial unit 05 at ground floor fronting Deansgrange Road and inclusion of a creche in its place, with associated directly accessible external play area.

(c) Amendment to basement area to facilitate a reduced car parking quantum to not more than a ratio of 0.66 car parking spaces per unit, on the basis of the revised total unit number required under part (a) of this condition.

As a consequence of the above amendments the total number of units permitted is 120 no. residential units comprising 8no. Studios; 52no. 1 beds and 60no. 2 beds. Revised drawings showing compliance with these requirements 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.

3. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing with the planning authority:
- (a) Confirmation of the use to be located in each commercial unit. As well as details of any extract and ventilation system to be used, signage and the opening hours for each of the commercial premises within the scheme.
 - (b) Confirmation of the access restrictions and controls to be operation over green roof areas.
 - (c) Detailed drawings of glazed canopy area to roof terrace.
 - (d) Detailed drawings of the cycle storage to be provided, including sedum roof.
 - (e) Details of vehicular and pedestrian entrances to the satisfaction of the Planning Authority.
 - (f) Revised drawings illustrating incorporation of the recommendations in the submitted Road Safety Audit.
 - (g) A Taken in Charge Plan and revised swept path drawing.
 - (h) Arrangements for any necessary relocation of utilities on Deansgrange Road.

Reason: In the interest of residential amenity of future occupants, existing residents amenity and traffic safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. Prior to commencement of the development, details of all areas of boundary treatment, green walls, play equipment and roof terrace planting, shall be submitted to, and approved, by the Planning Authority. Boundaries and areas of communal open space shown on the lodged plans shall be landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. Planting buffers should also be shown between private and commercial spaces. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within 3 years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

6. 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 (For Dun Laoghaire-Rathdown Co Co refer to SCSl Price Tender Index). 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.

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

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

8. A plan containing details for the management of waste (and, in particular, recyclable materials) 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of

the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

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

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

10. Public lighting shall be provided in accordance with a final scheme to reflect the indicative details in the submitted Landscape Strategy and in accordance with mitigation recommended in the submitted Ecology Impact Assessment, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

11. (a) Prior to commencement of development, all trees which are to be retained, both inside and outside the site, shall be enclosed within stout 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.

(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.

(c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees in Deansgrange Cemetery, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

(d) No trench, embankment or pipe run shall be located within three metres of any trees which are to be retained adjacent to the site unless otherwise agreed with the Planning Authority.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

12. Construction and demolition waste shall be managed in accordance with a final construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. 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.

Reason: In the interest of sustainable waste management.

13. The construction of the development shall be managed in accordance with a final Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:
- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
 - b) Location of areas for construction site offices and staff facilities;
 - c) Details of site security fencing and hoardings;
 - d) Details of on-site or off-site car parking facilities for site workers during the course of construction;
 - e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
 - f) Measures to obviate queuing of construction traffic on the adjoining road network;
 - g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
 - h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
 - i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
 - j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
 - k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
 - l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
 - m) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

14. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

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

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

16. A minimum of 10% of all car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the development shall submit such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

17. Proposals for an estate name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment 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).

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

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

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

Reason: In the interest of public health.

20. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) Prior to the commencement of the development, details shall be submitted and approved by the Planning Authority of the surface water sewer diversion, wayleave, flow control device and green roofs, as indicated in the application submission and to the satisfaction of the Planning Authority.

(c) Details of a Flood Barrier System shall be submitted to the Planning Authority for approval prior to commencement of the development.

(d) Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed, and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

Reason: In the interest of public health and surface water management.

Rachel Gleave O'Connor
Planning Inspector

11th September 2020