



An
Bord
Pleanála

Inspector's Report

ABP-307375-20

Development	PROTECTED STRUCTURE: Demolition of 2 no. blocks and construction of 36 no. residential units.
Location	Lands at Sandford Lodge (a Protected Structure), Sandford Close, Sandford Road, Dublin 6
Planning Authority	Dublin City Council South
Planning Authority Reg. Ref.	2189/20
Applicant(s)	KW PRS ICAV
Type of Application	Permission
Planning Authority Decision	Grant with Conditions
Type of Appeal	Third Party
Appellant(s)	Hollybank Avenue Upper Residents Group Sandford Parish National School
Observer(s)	None
Date of Site Inspection	4 th November & 4 th December 2020
Inspector	Mary Crowley

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1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 15,222.7 m² is located to the south east of Ranelagh Village on the south side of Sandford Road and is accessed via Sandford Close. Ranelagh Village is approximately 10-minute walking distance from the site. The access road is located on the western side of the site and also provides access to Sandford Parish National School, Sandford Lodge Apartments and Gonzaga College.
- 1.2. To the north, the site is bounded by the Sandford Parish National School and the rear of the houses on Sandford Terrace. To the east and south, it is bounded by Block 3 and the back of the houses on Hollybank Avenue Lower and Upper. To the west, the site is bounded by the access road and the rear of the houses on Merton Drive. The architectural character of the area is a mix of building types and styles from the 18th, 19th and 20th century styles.
- 1.3. The site comprises a mixed residential and office development comprising 118 apartments arranged in 5 no. blocks alongside Sandford Lodge, a mid-19th century building, which is listed on the Record of Protected Structures (Ref: 7428) and is currently occupied by offices. Sandford Lodge is a modest, single storey over basement cottage, which was constructed in the early 19th Century.
- 1.4. The focus of the planning application is the southern end of the site, currently occupied with 4 no. low density bungalow style units.
- 1.5. A set of photographs of the site and its environs taken during the course of my site inspection is attached. I also refer the Board to the photos available to view on the appeal file. These serve to describe the site and location in further detail.

2.0 Proposed Development

- 2.1. The application submitted to DCC on the 3rd February 2020 sought permission for the following:
 - Demolition (total c. 392 sqm GFA) of Block 5 (1 storey) (“The Coach House” 1 & 2) and Block 6 (1 storey) (“The Coach House” 3 & 4) (total 4 no. residential units)

- Construction of a new residential scheme of 36 no. residential units in the form of 2 no. contemporary three storey terraces, comprising:
 - 1) 12 no. 1 bed A 1 storey (GIA c. 54.65 sqm) units,
 - 2) 12 no. 1 bed B 1 storey (GIA c. 57.76 sqm) units; and
 - 3) 12 no. 2 bed A 2 storey (GIA c. 110.29 sqm) units.
- Each new residential unit has associated private open space in the form of a garden courtyard or terraces.
- Landscaping works to existing and proposed external amenity spaces (total c. 3,851 sqm) include an upgraded fire tender route with a wild flower meadow edge, a sunken garden area around the Protected Structure, a central formal garden and an outdoor seating area.
- An ESB Meter room (c. 6 sqm) and bin store (c. 21.6 sqm) are proposed at surface level.

2.1.1. The development shall be accessed via the existing vehicular access point from Sandford Close and will provide for the reconfiguration of the existing basement car park and surface level parking areas to comprise a total of 120 car parking spaces at basement level; 36 spaces at grade; 133 residential cycle parking spaces and 18 visitor cycle parking spaces. The proposed modifications reduce the total number of vehicle parking spaces on the overall site from 169 to 156 and increase the cycle parking spaces from 85 to 151.

2.1.2. The associated site and infrastructure works include provision for water services, foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works; boundary treatment; electrical services and associated ancillary works.

2.1.3. All of the above within the overall Sandford Lodge residential development. The proposal and associated ancillary elements are located within the curtilage of a Protected Structure.

2.2. The application was accompanied by the following:

- Part V Validation Letter
- Planning Report
- Architectural Design Statement & Photomontages

- Report on the Architectural / Historical Significance
- Civil Engineering Infrastructure Report
- NZEB & Part L Planning Compliance Report
- Construction and Demolition Waste Management Plan
- Waste Management Plan
- Landscape Planning Report
- Appropriate Assessment Screening Report
- Arboricultural Report
- Sunlight & Daylight Access Analysis

3.0 **Planning Authority Decision**

3.1. **Decision**

3.2. Dublin City Council issued a notification of decision to grant permission subject to 13 generally standard conditions.

3.3. **Planning Authority Reports**

3.3.1. Planning Reports

- **Case Planner** – Recommended that permission be granted subject to conditions. The notification of decision issued by Dublin City Council reflects this recommendation.

3.3.2. Other Technical Reports

- **Drainage Division** - No objection, subject to conditions.
- **Transportation Planning** - No objection subject to conditions.
- **City Archaeologist** - No objection subject to conditions.
- **Conservation Architect** - Report notes some concern regarding impact on Protected Structure. However, no stated objection subject to conditions.

3.4. Prescribed Bodies

3.4.1. None

3.5. Third Party Observations

- 3.5.1. There are 22 observations/objections recorded on the planning file from (1) Valerie Ingram, (2) Aubrey Glazier, (3) David Britton & Karen Reihill, (4) Dr Grainne Butler & Dr David Gibson, (5) Dr Margaret Kennedy, (6) Des Lacey & Mary Lube, (7) Inez Cooper & Jonathan Cole, (8) Mark & Jane Tynan, (9) Martine Maguire-Weltecke & Manfred Weltecke, (10) Marcel Murphy, (11) Helen McMahon, (12) Emile Murphy, (13) Dolores Mullally, (14) Ted O’Keeffe, (15) Mary Ruane, (16) Dr Andrew Coady, (17) Kieran O’Malley & Co Ltd on behalf of Hollybank Avenue Upper Residents Group, (18) Derek O’Neill & Elizabeth Flynn, (19) Tom Philips & Associates on behalf of the Board of Management of Sandford Parish National School (SPNS), (20) Orla Bohill, (21) Dr Gerard Quinn and (22) Pauline Foley.
- 3.5.2. The issues raised relate to the scale of the development, overdevelopment, height and proximity of the development, overlooking and overbearing impact, loss of sunlight and overshadowing, impact on the hedgerows and wildlife, traffic issues, additional congestion, impact on visitor car parking, impact on car parking for the Sandford National School, impact on the Protected Structure and Conservation Area, noise disturbance, documents including planning drawings deficient and impact on property values.

4.0 Planning History

4.1. There is no evidence of any previous appeal on this site. The following planning history has been made available on the appeal file:

- **ABP PL29S.205609 (Reg Ref 3309/03)** – In 2004 permission was granted for a mixed residential and office development comprising 118 apartments arranged in 5 no. blocks alongside Sandford Lodge, a protected structure occupied by offices. The overall scheme was reduced in scale by condition with the omission of Block 4 and a requirement to provide an additional 20 visitor car parking spaces. Condition No 5 & 6 are relevant to this appeal as follows:

5. *A drop-off area and carparking has been allocated in the north-west corner of the site for the use of the patrons of the adjacent primary school. These spaces shall be clearly demarcated for this use.*

Reason: *In the interest of orderly development*

6. (a) *An additional 20 number carparking spaces for visitors shall be provided on the resultant area from the omission of Block 4 as set out in condition number 3(1) above, augmented as may be necessary with an additional area to the west thereof. Access to this surface parking area shall be from the drop-off area referred to in condition number 5 above. In this regard, revised drawings, together with detailed proposals for landscaping the carpark shall be submitted to and agreed in writing with the planning authority prior to commencement of development.*

(b) *The surface carpark areas shall be maintained open at all times. Arrangements shall be made by the management company to ensure access is available to carparking for visitors to the development.*

Reason: *To ensure visitor car parking is accommodated within the development and to prevent parking in adjacent streets.*

- **ABP PL29. 212218 (Reg Ref 1665/05)** – In 2005 permission was granted for alterations to approved residential development Reg. Ref. 3309/03 An Bord Pleanála PL 295.205609 involving changing the approved layout of 2 entrances and gates (one into visitors surface carpark, one into basement carpark) into 1 entrance and gates which will serve both the victors surface carpark and the basement carpark, along with associated amendments to boundary railings on the site of the former, National College Of Ireland, Sandford Close, Ranelagh.

4.2. The following appeal was referenced in the third-party appeal:

- **ABP 302070** – In 2018 DCC refused planning permission for a shed/store (c.95sqm) at the rear of No. 1 The Colonnade (a protected structure - RPS ref. no. 5248), Milltown Road, Dublin 6 as the proposed development by reasons of its design approach, height, location and overall size would materially and negatively impact on the character and setting of the Protected Structure. Following a first party appeal the Board refused permission for the following reason:

Having regard to the height, floor area and appearance of the proposed development, it is considered that the overall scale would be inappropriate for

this residential conservation area and would detract from the setting of the Protected Structure at number 1 The Colonnade. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

5.0 Policy Context

5.1. National Policy

5.1.1. National Planning Framework 2018

5.1.2. The National Planning Framework promotes the consolidation of urban areas and compact growth with a focus in promoting 50% of future growth into the 5 key cities. It notes that a major new policy emphasis on renewing and developing existing settlements will be required, rather than continual expansion and sprawl of cities and towns out into the countryside. The target is for at least 40% of all new housing to be delivered within the existing built up areas of cities, towns and villages on infill and/or brownfield sites. The NPG reinforces national policy towards higher densities in key urban areas and states:

“Activating these strategic areas and achieving effective density and consolidation, rather than more sprawl of urban development, is a top priority.”

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

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design manual) (2009)
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (2013)
- The Planning System and Flood Risk Management (including the associated technical Appendices) (2009)
- Framework and Principles for the Protection of the Archaeological Heritage (1999)

- Architectural Heritage Protection Guidelines for Planning Authorities (Revised 2011)
- Guidelines for Planning Authorities on Urban Development and Building Heights (2018)
- Guidelines for Planning Authorities on Childcare Facilities (2001)
- Guidelines for Planning Authorities and An Bord Pleanála on carrying out Environmental Impact Assessment (2018)

5.2. Development Plan

5.2.1. The operative plan for the area is the **Dublin City Development Plan 2016-2022**. The majority of the site is within an area zoned **Z1** where the land use zoning objective is “*to protect, provide and improve residential amenities*”. The following Sections and Policies of the Dublin City Development Plan are relevant:

- QH8 - To promote the sustainable development of vacant or under-utilised infill sites and to favourably consider higher density proposals which respect the design of the surrounding development and the character of the area
- QH22 - To ensure that new housing development close to existing houses has regard to the character and scale of the existing houses unless there are strong design reasons for doing otherwise.
- Section 16.2.1 - Design Principles.
- Section 16.10.2 Residential Quality Standards – Houses– sets out standards to be achieved in new build houses.
- Section 16.10.3 Residential Quality Standards – Apartments and Houses.
- Section 16.10.10 - Infill Housing should:
 - 1) Have regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings
 - 2) Comply with the appropriate minimum habitable room sizes
 - 3) Have a safe means of access to and egress from the site, which does not result in the creation of a traffic hazard.

5.3. **Natural Heritage Designations**

5.3.1. The site is not located within a designated Natura 2000 site.

5.4. **EIA Screening**

5.4.1. Having regard to the nature and scale of the proposed development comprising the demolition of 2 no. blocks and construction of 36 no. residential units in a serviced urban area there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required

6.0 **The Appeal**

6.1. **Grounds of Appeal**

6.1.1. There are two third party appeals from (1) Tom Philips & Associates on behalf of the Board of Management of Sandford Parish National School (SPNS) and (2) Kieran O'Malley & Co Ltd on behalf of Hollybank Avenue Upper Residents Group. The issues raised may be grouped under the following general headings:

6.1.2. **Traffic Safety** – Reference is made to the Civil Engineering Infrastructure Report submitted with the planning application. In referencing the issues of access, both the Sandford Lodge Apartment development and Gonzaga College School are referenced but not SPNS. Reference to car parking excludes the SPNS set down parking area. Submitted that it is unclear if the author visited the site on a school morning especially between 08.00 and 08.40. At that time many of the set down spaces for the school are still occupied with Sandford Lodge residents' cars.

6.1.3. **Construction Management** – The Outline Construction and Demolition Waste Management Plan does not demonstrate how the scheme could be constructed safely given the limited accessibility of Sandford Close reconciled with the normal conditioned hours of construction (07.00 – 19.00 Mon to Fri and 08.00 – 14.00 on Sat). The report calculates that apart from construction material taken to site, some 1500

cubic metres of excavated material will be taken off site. Queried how this could be undertaken safely during the school year.

- 6.1.4. **Site Description** – The site description refers to the scheme as “all of the above within the overall Sandford Lodge residential development”. However, it will clearly also affect the set down area of the SPNS.
- 6.1.5. **Drawing Misrepresentation** – There is a constant misrepresentation of the two storey returns at Hollybank Avenue Upper and the total omission of the existing returns and extension at Nos 31 and 30 Hollybank Avenue Lower throughout the planning application.
- 6.1.6. **Compliance with Planning History** – Concern is raised with regard to the issue of inaccessibility of the car park to patrons of the school. Condition No 6 of the 2004 parent permission (PL29S.205609 (Reg Ref 3309/03)) required that 20 additional visitor car parking spaces be provided on the resultant area from the omission of Block 4 with access from the drop-off area and that it shall be maintained open at all times. No subsequent planning application secured revocation of this condition. Under ABP PL29S.212218 (Reg Ref 1665/05) An Bord Pleanála refused permission to alter the entrance to the surface car park, separating it from the drop-off areas specified in the parent permission as the proposed alterations would impede the proper use of the car park. It is submitted that the car park is also for the use of patrons of the school. The carpark areas is not maintained open. The cause is a retractable gate which has been erected and maintained closed, with access only granted by a keypad / intercom system.
- 6.1.7. **Residential Amenity** – Hollybank Avenue Upper and Lower enjoys an open aspect to the rear due to a relatively low boundary wall and the provision of conditioned public open space as previously approved (PL29S.205609). The existing trees and hedgerow within the appeal site inside the boundary to Hollybank Avenue also provide privacy between the properties. The development would significantly change the existing environment to the rear of Hollybank Avenue to the detriment of the appellants amenity and enjoyment of their home. The proposal is too close, too high and too domineering to the appellants properties. As a result, it would significantly detract from the existing residential and visual amenities at Hollybank Avenue and Lower due to material reduction in sunlight and daylight and a substantial increase in overshadowing

all from the proposed eastern block of development. This in turn would result in the significant depreciation in the value of the appellants properties.

- 6.1.8. **Telescopic Views** – The scheme would create an additional impact to No 6 Hollybank Avenue Upper. Currently their telescopic views to the north, west and south from their garden are largely unobstructed and provide excellent access to observe the sky. However their property is almost directly in line with the middle of the proposed east terrace, so it would significantly impact on their telescopic views to the northwest, west and south west and curtail view north and south thus affecting their amenity and enjoyment of their property.
- 6.1.9. **Visual Impact** – Irrespective of conditions all existing trees and hedgerows would be felled and together with the scale of the development (65m in length, 10 metres in height and 4 meter from the boundary) would result in a significant diminution in the visual amenity enjoyed by the appellants at Hollybank Avenue Upper and Lower. The proposal to plant a new hedgerow and trees along this boundary is not practical due to the provision of a dividing wall between the 12 no rear gardens.
- 6.1.10. **Sandford Lodge** – The proposal would significantly impinge on the setting of Sandford Lodge, a protected structure, and permanently erode the remaining historic curtilage to the south of that property through the construction of two substantial three storey buildings within close proximity of the principal elevation of the protected structure. The wording of the Boards refusal in PL29S.302070 is wholly applicable to this scheme at Sandford Lodge.
- 6.1.11. **Invasive Species** – There is Japanese Knotweed present within the appeal site along its boundary with Hollybank Avenue Upper and within adjoining rear gardens. Its total eradication needs to be addressed as part of the on-going management of this site, whether or not permission is granted.
- 6.1.12. **Planning History** – The development materially contravenes planning PL29S.205609 (Reg Ref 3309/03) in that the car parking provision for residents and visitors, public open space and (semi-private) communal open space within the scheme are already served per planning Conditions No 1, 3, 6, 13, 14 and 17. As presented this proposal seeks to construct 36 no dwellings at a part of the appeal site that has been approved as either public or communal open space per drawings submitted to Dublin City Council on 7th November 2003. The Boards permission from 2004 and the approved

car parking, public open space, private open space, residential and office uses per that permission remain extant as modified by Reg Ref 1665/05.

6.1.13. **Planning Conditions** – In the event that the Board grants permission it is requested that the proposal would address the injurious impact the proposal would have on the properties at Hollybank Avenue Upper and Lower. The following 3 no conditions are recommended:

- 1) Omit the eastern block of the proposed development. This would preserve and protect the existing environment and amenity enjoyed by the appellants.
- 2) Reduce the height of the eastern block by the omission of the ground floor. The reduced building height plus the setback at first floor would result in an increased separation to the site boundary and Hollybank Avenue.
- 3) Omit 2 houses (i.e. 6 no units) from the eastern block and move it a further 4 metres northwest away from the boundary with Hollybank Avenue Upper. The reduced scale, mass and proximity of the eastern block would reduce the residential and visual impact on the appellants property and would enable the retention of the existing landscaping along the site boundary with Hollybank Avenue Upper and Lower.

6.1.14. The appeal by Tom Philips & Associates on behalf of the Board of Management of Sandford Parish National School (SPNS) submitted the following:

- PL29S.205609 (Reg Ref 3309/03) - Parent Permission and Inspectors Report
- PL29S.212218 (Reg Ref 1665/05) - Refused Permission Board Order and Inspectors Report

6.1.15. The appeal by Kieran O'Malley & Co Ltd on behalf of Hollybank Avenue Upper Residents Group submitted the following:

- Japanese Knotweed Survey Report
- Photographs
- ARC Shadow Studies for 5pm and 7pm on June 21st
- A3 Proposed Ground Floor Plan
- A3 Indicative Site Layout Plan

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by Brock McClure on behalf of the applicant and may be summarised as follows. Submitted that Kennedy Wilson is a long-term investor, developer and operator of Private Rental Sector (PRS) accommodation. The company owns and operates over 2,400 apartments in Ireland with a further 1,500 units in design or under construction and over 28,000 rental units worldwide.

6.2.2. Hollybank Avenue Upper Residents Group

- **Loss of Sunlight, Daylight & Overshadowing** – Reference is made to the report of ARC. The additional assessments provide no changes to their original findings which were submitted at application stage. The original assessment remains valid and accurate with the additional testing further confirming that there is no material loss of amenity arising from the proposed development by way of loss of sunlight / daylight or through overshadowing.
- **Drawing Misrepresentation** – The existing return and extension to No 31 Hollybank Avenue Upper and the single storey extension to No 20 Hollybank Avenue Upper were omitted from the survey and drawings submitted as there was difficulty in surveying these private amenity areas. This has now been rectified on accompanying drawings.
- **Overbearing** – Overbearing is mitigated by the setback of the upper levels from the ground floor level by approximately 3m and the further breaking up of the floor level elevation to accommodate the terraces, provided with an opaque glazed barrier to prevent overlooking. This design approach is supported by the Sunlight / Daylight analysis.
- **Overlooking** – The scheme has designed out the potential for overlooking. At ground floor level, the glazed screens to the 1 bed units are effectively screened by the boundary to the ground floor gardens. Above ground floor level, the proposed apartment and duplex typology has been specifically developed to avoid overlooking entirely and to extensively mitigate overbearing. There are no windows to the rear elevations above ground floor level (with the exception of the small opaque windows to kitchen / dining and ensuite spaces) there are no directly

opposing windows and the usual criteria for same do not apply. Thus, overlooking is effectively designed out of the proposal.

- **Existing Trees** - The removal of the existing trees to the south east boundary has been carefully considered and is referenced in detail in the Arboricultural Report. The hedge proposed along the existing boundary wall would cover the wooden panel structure so that from above a continuous hedge is achieved. The tree species proposed along the boundary back wall are all small deciduous trees suitable for small gardens and spaces which would provide for suitable screening.
- **Astronomy Impact** – Consideration of impact on astronomy is not a metric used in planning assessment as it would likely prevent any development occurring in urban areas. It is evident from views submitted that there will be virtually no change in terms of the view for residents of No 6 Hollybank Avenue Upper. The existing view is already interrupted by the existing trees on site which provide significant coverage of the immediate skyline as illustrated.
- **Sandford Lodge – A Protected Structure** – The appeals submitted are inaccurate in their use of the terms “coach house” and “historic setting”. No historic setting or coach houses survive on the site and it is disingenuous to suggest either exists. Further the appellants assessment of the impact on the setting is incorrect. It lacks any reference at all to the DoCHG Guidance or indeed the application assessment of the impacts and it relies on a precedent which is irrelevant in terms of its context, its quality and use.
- **Open Space** – The lands are zoned Z1 and subject to a lower quantitative standard of public open space. A minimum of 10% of the total site area is required to be designated for public open space. The current coverage of public open space on the lands is 28%. The open space provided as part of this proposal, 3,851 sqm is considered to be “communal open space”. This equates to 25.3% of the total site area and is well in excess of the original Z12 requirement of 20%. Additionally, 1,697 sqm is considered to be the “key active areas of open space”. This equates to 11.1% of the site area and it is in excess of the 10% standard for Z1 lands.
- **Japanese Knotweed** – The presence of the Japanese Knotweed does not have a material impact on the Appropriate Assessment Screening Report, as there is no

potential impact on Natura 2000 sites. The applicants have engaged with the owners of the adjacent properties on this matter and will continue to meet their obligations under S.I. 477, 2011 Regulations 49 & 50.

6.2.3. **The Board of Management of Sandford Parish National School – Traffic Safety**

- The traffic assessment carried out by Barrett Mahony Consulting Engineers was cognisant of the presence of the Sandford Parish National School. Since the receipt of the third party appeal the applicant has carried out additional inspections including a review of car parking at the school set down.
- These inspections noted that there has been car and van parking in the school set down area over recent weeks. Stated that these vehicles are not associated with the Sandford Lodge development, these are members of the public, possibly occupants from other developments and / or workplaces in the vicinity of the site.
- The applicant has visited the site during the morning set down period. It wasn't evident that any unauthorised cars were parked preventing use of the set down on visits.
- Measures such as appointment of an accredited clamping operator would eliminate such occupancy. Further the applicant would ensure that construction stage management plans and Health and Safety Plan can incorporate restrictions on vehicle movements during set down and pick up times.
- The applicant acknowledges that historically, there has been a long-term arrangement in place in terms of uses of car parking spaces for drop off. The appellant has also noted that the use of the 20 visitor spaces at surface level should be freely accessible for the purposes of school drop off. In this regard, it is submitted that the access to the car park is a management issue that can be addressed by way of condition.
- The Board is referred to Condition No 10(c) that requires the submission of a Parking Management Plan for written agreement that *shall also clarify the number of visitor spaces at surface level and access and arrangements*. The applicant is happy to clarify parking arrangements with the school in terms of use and access by way of compliance submission.
- It is submitted that the lodgement of the subject proposal by default supersedes Condition 6(1) of permission imposed under 3309/03 and PL29S.205609. Noted

that this approach has been accepted by the Planning Authority who granted permission for the proposal notwithstanding Condition No 6(1) and trust this will be upheld by the Board.

6.2.4. The response was accompanied by the following:

- Sunlight & Daylight Impact Report
- Architectural Drawings & Details
- Indicative Camera Views
- Response to Conservation Issues

6.3. **Planning Authority Response**

6.3.1. None

6.4. **Observations**

6.4.1. None

6.5. **Further Responses**

6.5.1. None

7.0 **Assessment**

7.1. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle
- Sandford Lodge
- Residential Amenity
- Traffic Impact, Access & Car Parking
- Appropriate Assessment
- Other Issues

7.2. Principle

- 7.2.1. Under the provisions of the Dublin City Development Plan 2016 – 2022 the site is wholly contained within an area zoned Z1 where the land use zoning objective is “to protect, provide and improve residential amenities and where residential development is a permissible use. Given the existing pattern of development on the site and in the immediate vicinity, the principle of a housing development on this infill site is considered acceptable.
- 7.2.2. The development requires the demolition of 4 no housing units in Block 5 (“The Coach House” 1 & 2) and Block 6 (“The Coach House” 3 & 4). Notwithstanding their proximity to Sandford Lodge, a Protected Structure, these two buildings are modern additions and are not protected structures. These buildings, while modest in appearance do not display any obvious architectural or historic merit and their scale and elevational treatment is at odds with the general scale and character of the area. Further these buildings do not appear to be an exemplar of a building type, plan form, style or styles of any period nor is there anything to suggest that the interior is of any special interest. Overall, I do not consider that these buildings have any significant architectural merit or associated features that contribute to such an extent that their retention would be warranted. The demolition is therefore acceptable.
- 7.2.3. With regard to compliance with general quantitative planning policies and objectives I would set out the following:
- **Density** – The proposed density is 98.5 units per hectare. This is an appropriate provision for the site, given its central location proximate to public transport, commercial services and amenities.
 - **Dwelling Mix** – The proposed unit typology is an innovative mix of 1 bed apartments and 2 bed duplex units that will complement the housing stock of the area and is in compliant with SPPR1 of the Apartment Guidelines.
 - **Parking** – The proposed development is proposing to reconfigure the existing car parking spaces. It is not intended to construct additional car parking as part of this application. There are 120 spaces proposed at basement level and 36 at grade. The parking ratio for the proposed development will be 1:1. The parking ratio for the existing residential development will be 0.75.
 - **Private Amenity Space**

Unit Type	Apartment Guidelines Policy	Proposed
1 Bed	3 sqm	7 sqm
2 Bed Duplexes	6 sqm	28 sqm

- **Open Space** – A total of 3,851 sqm of open space is proposed within this development, which equates to 25.3% of the entire site. This exceeds the 10% required under Z1 zoning and is considered acceptable.

7.2.4. I note the report of the DCC Transportation Planning Division whereby cycle parking provision shall be increased to 165 no. secure spaces to serve the residential units and a minimum of 18 no. visitor cycle spaces shall be provided at surface level. Condition No 10 of the notification of decision to grant permission issued by DCC reflects this requirement. It is recommended that a similar condition be attached with details to be agreed.

7.2.5. Overall I am satisfied that the proposed development provides a suitable mix of housing and car parking together with the quantitative requirements for private and public open space which are practical in terms of scale and layout. I am satisfied that the overall building form and layout responds to its site and context and will not detract from the visual amenities of the area. Accordingly, there is no objection to the layout and design of the development proposed (as amended) at this location.

7.3. Protected Structure

7.3.1. Concern is raised that the proposed scheme would significantly impinge on the setting of Sandford Lodge, a protected structure, and permanently erode the remaining historic curtilage. No works are proposed to the protected structure other than protection to avoid damage during construction.

7.3.2. I refer to the Architectural / Historical Report and associated photos submitted with the application. Sandford Lodge is included on the DCC Record of Protected Structures, RPS Ref 7428 and described as “*former houses and part of former National College of Ireland*”. It was originally part of a larger Bewley Estate, along with the neighbouring houses of Sandford Grove and Sandford Hill. All three houses were acquired and expanded by the Jesuits in the mid-20th century, where a college was founded. The

additional buildings were later demolished, and a new apartment complex built to the north of Sandford Lodge c.2004 – 2006.

- 7.3.3. The building is currently in use as offices and its internal layout has been altered to accommodate same. While the original external appearance of the building is largely intact it is acknowledged that the setting of Sandford Lodge has already undergone a significant impact since its construction in the early 19th century whereby its has been diminished by the alteration to its original setting. Views of the building from within the site, and from neighbouring streets, have been altered by later developments, or obscured completely. It is noted that the primary façade of the building faces south and is blocked from view from the surrounding area. In essence the building survives as a stand-alone object with no traces of any relationship to its original garden. The primary significance of the building relates to the building form and its interiors and architectural details.
- 7.3.4. Reference to the existing contemporary buildings to be demolished on the site as being “coach houses” is inaccurate. These buildings are not coach houses, historic or otherwise. They comprise modern pavilion structures of poor-quality pastiche which in many respects dilute the character and setting of Sandford Lodge. It is clear that the modern “Coach House” additions to the site detract from the character of the Protected Structure, and in particular the relationship between the Protected Structure and its front setting. The removal of these “Coach houses” and construction of the new blocks and associated landscaping, to a high architectural design quality, will provide a more appropriate setting to the Protected Structure.
- 7.3.5. The new blocks respond to the original, played site geometry opening out to provide greater emphasis on the granite entrance steps to the south side of the Protected Structure. The proposed contrasting material and form of the new blocks has a more appropriate and deferential scale in relation to the Protected Structures also. It is recommended that should the Board be minded to grant permission that condition be attached, as recommended by the DCC Conservation Officer, requiring the developer to ensure that Sandford Lodge is adequately protected during the construction works to avoid any damage to the historic fabric in order to protect the integrity and fabric of the Protected Structure.

- 7.3.6. With regard to the proposed residential development I agree with the DCC Conservation Officer that the design and individual apartment layouts are of a high quality and standard and skilfully address fenestration relative to the rear elevations. The proposed use of high-quality buff brick is common to the area and is supported. I note the DCC Conservation Officers concerns that the positioning of the proposed terraces beyond and to the north of the line of the principle elevation of Sandford Lodge could give rise to an adverse impact on the setting of this protected structure. However, together with the height, form, layout and proximity to Sandford Lodge and the already significant erosion of its original setting I am satisfied that the proposed scheme in its current arrangement will not detract from the visual character of Sandford Lodge.
- 7.3.7. With regard to the impact to existing landscaping / hedges / lawns I agree with the DCC Conservation Officers Report there loss is regrettable. It is acknowledged that this planting is a later intervention on the site and that “*no flora or fauna of conservation importance were noted on site*”. The loss of landscaping should be mitigated by the replanting of new trees / planting to reinstate the pleasant sylvan setting. To this end I refer to the Landscape Planning Report and associated masterplan and details submitted with this application. I consider these proposals to be acceptable.
- 7.3.8. In conclusion it is evident that the setting and context of the 19th century Sandford Lodge has been radically altered in modern times, detracting from any significance it might be considered to have. It retains no original planted landscaping. The proposal to remove some of the inappropriate modern intervention and construct two new brick residential blocks is welcome. Having regard to the layout and design of the scheme I am satisfied that the proposed development will not have a negative impact on the character and setting of Sandford Lodge.

7.4. Residential Amenity

- 7.4.1. Detailed concerns are raised with regard to the impact on the residential amenities of Hollybank Avenue Upper and Lower by reason of loss of sunlight, daylight and overshadowing together with impact on telescopic views of the sky are noted. I refer to the Sunlight & Daylight Access Analysis submitted with the application and the Sunlight & Daylight Impact Report submitted with the appeal both of which provide

detailed analysis regarding the impact of the proposed development on surrounding properties.

- 7.4.2. The analysis shows that shadows cast by the proposed development will extend to the rear of houses at Hollybank Avenue Upper and Lower adjoining the eastern boundary of the site during the afternoons and evenings throughout the year. The impact of shadows cast by the proposed development on the rear windows of houses to the east of the site is predicted to range from “imperceptible” to “moderate”. Most near-facing rooms at Hollybank Avenue Upper and Lower are likely to experience little or no change in sunlight access as a result of the construction of the proposed development with the most noticeable changes likely to occur in the case of rooms served by windows at close proximity to the proposal (i.e. in extensions directly opposing the development) or in windows already heavily overshadowed by extensions or by the rear returns of the houses.
- 7.4.3. Shadows cast by the proposed development are likely to result in little or no change to gardens to the rear of Hollybank Avenue Lower or Upper. Additional overshadowing by the proposed development is unlikely to interfere with the capacity of rear gardens at Hollybank Avenue Lower or Upper to receive a level of sunlight in excess of the level recommended by the *Building Research Establishments Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (the BRE Guide) to achieve an appearance of adequate sun lighting over the course of the year.
- 7.4.4. To the west, shadows cast by the proposed development will extend to the road at Sandford Close during the mornings throughout the year and are also likely to result in “imperceptible” to “slight” overshadowing to the rear of some houses on the eastern side of Merton Drive during the mornings of the winter months (e.g Nov, Dec & Jan). However, relevant windows within these existing buildings and rear gardens will continue to receive a level of sunlight in excess of the level recommended by the *Building Research Establishments Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice* (the BRE Guide) to achieve an appearance of adequate sun lighting over the course of the year post construction. The proposed development is not therefore predicted to result in any undue adverse impacts on sunlight to Merton Drive.

- 7.4.5. The communal open spaces have the potential to receive a high level of sunlight access throughout the day and throughout the year, including at mid winter.
- 7.4.6. The impact of the proposed development on daylight access within rear facing rooms to the east of the site is predicted to range from “imperceptible” to “moderate”. Most rooms at Hollybank Avenue Upper and Lower are likely to experience little or no change in daylight access as a result of the construction of the proposed development, with the most noticeable changes in daylight access likely to occur in the case of ground floor, rear facing rooms served by windows at close proximity to the proposal (i.e. extension directly opposing the development or in windows already obstructed by extensions or by the rear returns of the houses).
- 7.4.7. To the west of the site at Merton Drive, while there is potential for the proposed development to reduce daylight access in some rear-facing rooms directly opposing new structures on the appeal site, any such reduction is likely to be so minor as to be “imperceptible”.
- 7.4.8. The appeal would seem to suggest that in any circumstance where an impact on sunlight or daylight access to an existing building falls within adverse ranges, that impact is considered to be a “significant” impact. Assuming any adverse impact to be a “significant” impact is contrary to the BRE Guide and the EPAs Guidelines on the Information to be Contained in Environmental Impact Assessment Reports (2017). As stated above the results show that there will be low levels of impact as a result of the proposed development to either sunlight or daylight availability to the surrounding properties.
- 7.4.9. I note the appellants request that conditions be attached requiring the omission of the eastern block of the proposed development, reduction in the height of the eastern block by the omission of the ground floor and the omission of 2 houses (i.e. 6 no units) from the eastern block and its relocation a further 4 metres northwest away from the boundary with Hollybank Avenue Upper. Having regard to clear local, regional and national planning policy for the densification of built up areas; national planning policy outlining principles for suitable heights in typical suburban areas (e.g such as the Urban Development and Building Height Guidelines); and having regard to the pattern of development in the wider area, the analysis finds that the potential impact of the proposed development on sunlight and daylight access to Hollybank Avenue Upper

and Lower will be “moderate” under a worst case scenario. Accordingly I do not support the proposal to make such amendments to the scheme.

- 7.4.10. With regard to impact on astronomy I share the applicants view that this is not a metric used in planning assessment. However, it can be seen from the camera views provided by the applicant which are indicative of the visual impact imposed by the proposal that there would be virtually no change in terms of the view for the appellant. The sketches further demonstrate that with the proposal in place the residents of No 6 Hollybank Avenue Upper will continue to have uninterrupted views of the surrounding sky for the purpose of astronomy to the south west and north west.

7.5. Traffic Impact, Access & Car Parking

- 7.5.1. Substantial concern is raised in the appeal submissions with regard to access to the site and car parking, set down area and construction management traffic. I refer to the Civil Engineering Infrastructure Report submitted with the application. Matters pertaining to car parking provision have been addressed in Section 7.2.3 above. There is adequate spaces available to cater for the existing development and the reserve capacity is sufficient to allow 1 space per unit. Overall, the proposed level of car parking for these new units is acceptable. With regard to cycle parking I note the report of DCC Transportation Planning Division that requires that cycle parking provision be increased to 165 no. secure spaces to serve the residential units and a minimum of 18 no. visitor cycle spaces to be provided at surface level. I am satisfied that this matter can be dealt with by way of condition.
- 7.5.2. As documented the development is approached off an access road via a controlled junction from Sandford Avenue. The roadway serves access to the existing Sandford Lodge Apartment complex, Gonzaga College School and Sandford Parish National School. Access will use the existing gated access points and junction which have good visibility and appropriate sightlines. The access to the units will be through a pedestrian courtyard setting and car parking will be positioned remote to the access to units. I am satisfied that the traffic flows anticipated from the development will not create significant traffic flows nor present significant difficulties from a capacity viewpoint.

- 7.5.3. It is noted that on foot of the third party appeal the applicant has carried out additional inspections including a review of car parking at the designated school set down area. These inspections noted that there was car and van parking in this area. The management company carried out an assessment of the use of these spaces on behalf of the applicant and found that they were occupied by vehicles that are not associated with the Sandford Lodge development, but by members of the public, and possibly occupants from other developments and / or workplaces in the vicinity of the site. It is further submitted that the applicant has visited the site during the morning set down period where there was no evidence of any unauthorised cars parked preventing use of the set down area. The applicant suggests that measures such as appointment of an accredited clamping operator would eliminate such occupancy.
- 7.5.4. With regards to the previous application and subsequent appeal (PL29S.205609 (Reg Ref 3309/03 refers)) there are no proposed changes to the drop off area which was allocated to Sandford Parish Primary School in accordance with this permission. It is further submitted that the lodgement of the current application by default supersedes Condition 6(1) of imposed under this previous permission. It is noted that this approach has been accepted by the Planning Authority who granted permission for the proposal notwithstanding Condition No 6(1). Having regard to the overall red line boundary for the appeal site I accept this approach. Taken together with the unauthorised parking in the set down area it is recommended that should the Board be minded to grant permission that a condition be attached requiring that the drop-off area and carparking allocated in the north-west corner of the site for the use of the patrons of the adjacent primary school be retained free of any unauthorised parking preventing the use of the of the area as a set down and that the surface carpark areas be maintained open at all times.
- 7.5.5. With regard to construction impact it is not unusual for a development of this nature, particularly in an urban setting to cause short term disturbance. However, with a robust Construction Management Plan this can be achieved with minimal inconvenience to existing residents. This matter can be dealt with by way of a suitably worded condition.

7.6. Appropriate Assessment

- 7.6.1. I note the Appropriate Assessment Screening Report submitted with the application. The proposed works are not within any Natura 2000 site. Natura sites within 15km are set out in Table 1 of the report as follows. While 15km is not a statutory requirement I am satisfied that it is a reasonable parameter and that the sites identified in the report are acceptable.

Site Code	Site	Distance
0000210	South Dublin Bay SAC	2.8km
0000206	North Dublin Bay SAC	6.3km
0002122	Wicklow Mountains SAC	9.2km
0001209	Glenasmole Valley SAC	10.4km
0001209	Knocksink Wood SAC	12.1km
0003000	Rockabill to Dalkey Island SAC	10.5km
0000713	Ballyman Glen SAC	13.4km
0000199	Baldoyle Bay SAC	11.8km
0000202	Howth Head SAC	11.6km
00004024	South Dublin Bay & River Tolka Estuary SPA	2.8km
0004040	Wicklow Mountains SPA	9.5km
0004006	North Bull Island SPA	6.5km
0004172	Dalkey Islands SPA	11.1km
0004016	Baldoyle Bay SPA	11.9km
0004113	Howth Head Coast SPA	13.8km

- 7.6.2. Having regard to the EPA Water Framework Directive (WFD) data there is no watercourse proximate to the proposed project and there is no direct pathway to a Natura 2000 site. There is however, an indirect pathway from the site to surface water network to Dublin Bay via the River dodder / foul water networks to Ringsend WWTP. The proposed development site is located in a suburban environment and there is no intact biodiversity corridor to Natura 2000 sites.

- 7.6.3. As documented the proposed site is located in a suburban environment 2.8km from the nearest Natura 2000 site. Watercourses and surface runoff are seen as the main potential pathway for impacts on Natura 200 sites. The site is not proximate to and does not have a direct pathway to watercourses that could act as potential vectors for impact on Natura 2000 sites. There is no direct hydrological pathway from the proposed development site to a Natura 2000 site. However, there is an indirect pathway to Dublin Bay and Natura 2000 sites via the surface water connection to the river dodder and Dublin Bay via foul water to Ringsend WWTP. Foul water from the development will be processed in the Ringsend Treatment works.
- 7.6.4. No Natura 2000 sites are within the zone of influence of this development. Taking into consideration the effluent discharge from the proposed development works, the distance between the proposed development site to designated conservation sites, lack of direct hydrological pathway or biodiversity corridor link to conservation sites and the dilution effect with other effluent and surface water runoff, it is concluded that this development would not give rise to any significant effects to designated sites. Further the construction and operation of the proposed development will not impact on the conservation objectives of features of interest of Natura 2000 sites. In addition, no in-combination effects are foreseen.
- 7.6.5. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment, it has been concluded 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 site, in view of the site's Conservation Objectives, and Appropriate Assessment (and submission of a NIS) is not therefore required. This determination is based on the distance of the proposed development from European sites and lack of meaningful ecological connections to those sites. In making this screening determination no account has been taken of any measures intended to avoid or reduce potentially harmful effects of the project on a European Site

7.7. Other Issues

- 7.7.1. **Development Contributions** – Dublin City Council made a Development Contribution Scheme in accordance with the provisions of Section 48 of the Planning and Development Act 2000 as amended on 2nd March 2020; Dublin City Council Development Contribution Scheme 2020-2023. The development is not exempt from the requirement to pay a development contribution. It is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000.
- 7.7.2. **Archaeology** – I note the report and recommendation of the DCC City Archaeologist. The wider site has been partially subjected to archaeological monitoring during which 17th – 19th century features (drain, pits) and artefacts were recorded. Condition No 47 of the notification of decision to grant permission required a programme of archaeological monitoring for the site. It is recommended that should the Board be minded to grant permission that a similar condition be attached.
- 7.7.3. **Invasive Species** – I note the concerns raised that there is Japanese Knotweed present within the appeal site along its boundary with Hollybank Avenue Upper and within adjoining rear gardens. I agree that its total eradication needs to be addressed. I accept the applicants position that the presence of Japanese Knotweed was not evident at the time of survey and that it would have been difficult to identify sporadic minimal growth as the bindweed would have achieved its maximum coverage by October. It is recommended that should the Board be minded to grant permission that a condition be attached requiring the submission of a finalised Invasive Species Management Plan for the written agreement of the Planning Authority to ensure that the spread of invasive species is minimised.
- 7.7.4. **Property Values** - I note the concerns raised in the grounds of appeal in respect of the devaluation of neighbouring property. However, having regard to the assessment and conclusion set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the value of property in the vicinity.

8.0 Recommendation

- 8.1. Having considered the contents of the application the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspection and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

9.0 Reasons and Considerations

- 9.1. Having regard to the site's location in an established suburban area on lands with a zoning objective for residential development; the policies and objectives in the Dublin City Development Plan 2016 to 2022; to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, the availability in the area of a wide range of educational, social, community and transport infrastructure and to the provisions of:

- National Planning Framework 2040 adopted by the government in February 2018,
- Guidelines for Planning Authorities on Sustainable Residential Development 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;
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2018 prepared by the Department of Housing, Planning and Local Government in March 2018;
- Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- 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;

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the character of the area, would not be prejudicial to public health and would be acceptable in terms of road safety and

convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>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.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>No portion of this development shall be used for short term lettings.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area</p>
3.	<p>a) The drop-off area and carparking allocated in the north-west corner of the site for the use of the patrons of the adjacent primary school shall be retained. The drop off area shall remain free of any unauthorised parking preventing the use of the of the area as a set down.</p> <p>b) The surface carpark areas shall be maintained open at all times. Arrangements shall be made by the management company to ensure access is available to carparking for visitors to the development.</p> <p>Reason: To ensure orderly development and that visitor car parking is accommodated within the development and to prevent parking in adjacent streets.</p>
4.	<p>The developer shall ensure that the Protected Structure (Sandford Lodge) is adequately protected during the construction works to avoid any damage to the historic fabric together with regular monitoring of the building during the construction process by an accredited conservation expert. Should any unforeseen damage occur to the historic fabric, any repairs shall be</p>

	<p>specified and monitored by an accredited conservation expert and executed by contractors with proven conservation expertise.</p> <p>Reason: To protect the integrity and fabric of the Protected Structure.</p>
5.	<p>The materials, colours and finishes of the authorised buildings, the treatment of boundaries within the development and the landscaping of the site shall generally be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development.</p> <p>Reason: In the interests of visual and residential amenity</p>
6.	<p>a) The applicant or developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.</p> <p>b) Drainage arrangements, including those for the attenuation and disposal of surface water as set out below, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>All service cables associated with the proposed development (such as electrical, telecommunications and television) shall be located underground.</p> <p>Reason: In the interests of visual and residential amenity.</p>
9.	<p>Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or</p>

	<p>topographical features, or other alternatives acceptable to the planning authority.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.</p>
10.	<p>a) Cycle parking provision shall be increased to 165 no. secure spaces to serve the residential units and a minimum of 18 no. visitor cycle spaces shall be provided at surface level. Revised drawings and details shall be submitted prior to commencement of development to the planning authority for written agreement, detailing revised cycle parking provision.</p> <p>b) A Parking Management Plan shall be prepared for the site and submitted for the written agreement of the planning authority prior to occupation of the development. This shall indicate how spaces will be assigned to all the residential units and how use of the car parking will be continually managed. This shall also clarify the number of visitor spaces at surface level and access arrangements. Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.</p> <p>c) A residential travel plan shall be prepared and submitted for the written agreement of the planning authority prior to occupation of the development. The travel plan shall address the mobility requirements of future residents and should promote the use of public transport, cycling and walking.</p> <p>d) All costs incurred by Dublin City Council, including any repairs to the public road and services necessary as a result of the development, shall be at the expense of the developer.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>
11.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management</p>

	<p>Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.</p> <p>Reason: In the interest of sustainable waste management.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, noise management measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>
15.	<p>a) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location</p>

	<p>of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p> <p>b) The traffic management plan shall outline traffic management measures having regard to shared access arrangements including potential impact on pedestrians, peak construction traffic generating phases, haulage routes and construction staff mobility measures.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
16.	<p>Prior to the commencement of development, the developer shall submit a finalised Invasive Species Management Plan for the written agreement of the Planning Authority. This plan shall include updated details of invasive species surveys, the location of such species, and the proposed method of managing these species during the construction and operational phase of the development.</p> <p>Reason: To ensure that the spread of invasive species is minimised.</p>
17.	<p>The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:</p> <p>a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and</p> <p>b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.</p> <p>The assessment shall address the following issues:</p> <ul style="list-style-type: none"> i. the nature and location of archaeological material on the site, and ii. the impact of the proposed development on such archaeological material. <p>A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further</p>

	<p>archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.</p> <p>In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.</p>
18.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan for the area.</p>
19.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be determined by An Bord Pleanála.</p>

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

Mary Crowley

Senior Planning Inspector

24th February 2020