



## Development

The proposed development to consist of:

- 1) The demolition of an existing two-storey building known as Monkstown Manor and associated structures on site.
- 2) The construction of a three to four storey building comprising of one ground floor commercial unit and 30 no. apartment units (12 no. 1 bedroom units and 18 no. 2 bedroom units).
- 3) The provision of a new vehicular entrance onto Monkstown Grove, undercroft car parking for 11 no. car parking spaces and 22 no. surface level car parking spaces along Monkstown Grove, 3 no. motorcycle spaces, 48 no. bicycle parking spaces, 1 no. ESB substation, plant room and refuse storage areas at ground floor level, new pedestrian access onto Monkstown Grove and Monkstown

	Farm; landscaping, including provision of a roof terrace, boundary treatment, drainage, and all associated site works.
<b>Location</b>	Credit Union site at Monkstown Farm & Monkstown Grove, Blackrock, County Dublin.
<b>Planning Authority</b>	Dun Laoghaire-Rathdown County Council
<b>Planning Authority Reg. Ref.</b>	D19A/0798
<b>Applicant(s)</b>	Southern Oak Developments Limited.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant Permission with conditions.
<b>Type of Appeal</b>	Third Party
<b>Appellant(s)</b>	Desmond Noonan & Others Yvonne O’Hanlon & Desmond Lynch
<b>Observers</b>	None
<b>Date of Site Inspection</b>	9 <sup>th</sup> September 2020
<b>Inspector</b>	Paul O’Brien

## 1.0 Site Location and Description

- 1.1. The site comprises of an irregular shaped site with a stated area of 0.2185 hectares located to the north east of the Monkstown Farm road and south west of Monkstown Grove in County Dublin. The Monkstown Farm side has frontage of 50 m and the Monkstown Grove frontage is approximately 80 m in length.
- 1.2. The north western part/ approximately half of the site contains a 'L' shaped group of two-storey buildings known as Monkstown Mansions – part facing onto Monkstown Farm/ part facing north west. This block is enclosed to the south east with a stone wall. The buildings appear to be structurally sound, but the windows and doors are blocked up and it is clear that they have not been used for some time. The remainder of the site consists of cleared lands with a concrete base in place/ under grass and the site is fenced off on both sides with palisade fencing. An ESB substation serving adjacent apartments is located within the rear boundary wall to the south eastern section along Monkstown Grove.
- 1.3. Attached to the two-storey block is a single-storey house – 'Olcott', located behind a high wall on the street side. To the south east is the single storey 'Carrick Brennan Credit Union' building and a three-storey apartment block neighbouring it. Monkstown Farm road is a busy through route between Monkstown Avenue and Oliver Plunkett Road leading onto Kill Avenue. Along this road there is a mix of vernacular single-storey houses, commercial businesses in modern units and a number of modern three storey apartment blocks. Monkstown Grove is a long cul-de-sac, projecting to the south east off Monkstown Avenue, serving Dunedin Close, a small residential development to the south eastern end, Holy Family National School towards the middle section and Dunedin Close which is another small residential development.
- 1.4. Monkstown Farm is served by an approximately half hourly 63/63A bus service between Kiltiernan and Dun Laoghaire. Monkstown Avenue with the nearest bus stop being approximately 330 m away, is served by these bus routes and the number 4 which operates every 12 minutes between Monkstown, the City Centre and Harristown. Kill Avenue bus stops are approximately 550 m to the south and there are very frequent services here including the 46A and 75. The N11 is circa 2

km to the south west. Salthill and Monkstown DART station is approximately 1 km to the north.

## 2.0 Proposed Development

The proposed development of this site, with a stated area of 0.2185 hectares, consists of:

- The demolition of an existing two-storey building with a stated floor area of 590 sq m.
- The construction of a three/ four storey commercial/ apartment building with a stated floor area of 3,108 sq m containing
  - 1 x ground floor commercial unit with a stated floor of 104 sq m.
  - 30 x apartment units with a stated floor area of 3,004 sq m. The units are as follows:
    - 12 x one-bedroom units
    - 18 x two-bedroom units

Site density is 137 units per hectare.

- The provision of a new vehicular entrance onto Monkstown Grove.
- Undercroft car parking for 11 no. car parking spaces and 22 no. surface level car parking spaces along Monkstown Grove.
- Three motorcycle spaces and 48 no. bicycle parking spaces.
- One ESB substation, plant room and refuse storage areas at ground floor level.
- New pedestrian access onto Monkstown Grove and Monkstown Farm.
- Site landscaping, private amenity spaces, boundary treatment, site drainage and all associated site works.

Following the receipt of further information, the commercial unit was revised to be a retail unit.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. Following the receipt of further information, the Planning Authority decided to grant subject to conditions. The conditions are generally standard. Condition no.2 requires the submission of revised elevational drawings and plans demonstrating that issues regarding overlooking can be addressed, Condition no. 3 requires a separate application for signage associated with the retail unit, Condition no. 4 requires the implementation of construction methods to be in accordance with a submitted structural report, Condition no. 9 refers to Transportation issues, Condition no. 17 requires the engagement of a Landscape Architect during the development phase and Invasive Species are addressed in Condition no. 19. Condition no. 4 states:

‘The applicant shall comply fully with the measures included within Section 3 (Indicative Construction Methodology), Section 4 (Movement Monitoring) and Section 5 (Record Survey) of the submitted structural report prepared by Ian Black Consulting Ltd. dated 19<sup>th</sup> December 2019. The applicant shall prepare a log which documents each phase of the proposed works. Each phase of the proposal shall be signed off by the consulting engineer to ensure compliance with the requirements of the submitted structural report’.

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

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

The Planning Report reflects the decision to grant permission subject to conditions. A further information request raised a number of issues as follows, in summary:

1. To clearly identify the use of the commercial unit at ground floor level.
2. Demonstrate compliance with Sustainable Urban Housing guidelines in relation to the provision of dual aspect units.
3. Address identified issues of overlooking.
4. Address potential structural impacts on the adjoining unit – Olcott.

5. Provide elevational details of bicycle stores and boundary treatment.
6. A detailed landscaping plan to be provided. The proposed bicycle stores to have green roofs and street trees to be considered along the Monkstown Farm road.
7. Playground equipment details to be provided.
8. A detailed Construction and Demolition Waste Management Plan was requested.
9. Additional transportation details were requested in relation to footpaths, improved permeability between Monkstown Farm and Grove, demonstration of compliance with DMURS, the provision of eight visitor parking spaces and revisions to mobility impaired parking spaces.

The applicant submitted a detailed response to each of this point of further information. The Planning Authority Case Officer was not satisfied with the proposed additional measures to address overlooking, however it is considered that these concerns could be addressed by way of condition.

### 3.2.2. Other Technical Reports

**Transportation Planning:** Further information was requested in relation to the provision of improved pedestrian permeability between Monkstown Farm and Monkstown Grove, revisions to footpath, demonstration of compliance with DMURS and revisions to the car parking provision. On receipt of the further information response, the Transportation Planning Section reported no objection subject to conditions.

**Waste Section:** Further information requested in relation to the provision of a Construction and Demolition Waste Management Plan, a detailed Environmental Construction Management Plan and an Operational Waste Management Plan. On receipt of the further information response, the Waste Section reported no objection subject to conditions.

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

**Parks and Landscape Services:** Further information requested in relation to a detailed landscaping plan, provision of street trees, provision of green roofs, provision of adequate open space and the provision of adequate play facilities. On

receipt of the further information response, the Parks and Landscape Services reported no objection subject to conditions.

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

**Environmental Health Service:** Report received at Further Information stage, no objection subject to conditions.

I note that a report was received from the Public Lighting Section stating no objection following the issuing of the Further Information request and prior to the receipt of a response.

### 3.2.3. Prescribed Bodies Report

**Irish Water:** No objection subject to recommended conditions.

### 3.2.4. Objections/ Observations

A number of letters of objection/ observation were received to the original application.

Issues raised include:

- The proposed development may result in the loss of an entrance to the Holy Family National School which is used by children with special needs.
- Welcome made for the redevelopment of the site.
- Recommend that the setback on the fourth floor level be increased to improve the appearance on Monkstown Farm.
- During the construction phase, access to Dunedin Close is likely to be restricted by construction vehicles etc.
- Potential for traffic congestion due to the shortfall in car parking provision. Reference is made to existing traffic congestion, due to the schools and community centre which serves a number of uses, in the area. Existing pedestrian facilities are not adequate.
- The three to four storey development will be out of character with the area; a three-storey development may be more appropriate.
- The proposal will result in overdevelopment of the area.
- Potential for overlooking leading to a loss of privacy.

- Refuse collection process may give rise to a health hazard.
- History of refused permissions in the area.
- The adjoining 'Core' Credit Union have proposals for development in the future and request that the development of this site have regard to this. Issues raised include foundation details, window locations and height. The credit union are generally supportive of the development of this site.
- The Principal of the Holy Family National School raised concerns in relation to car parking, traffic congestion and scale of development. Recommends that a condition be provided that visitor parking be within the site, all parking spaces be allocated by number and a second condition that traffic calming be provided on Monkstown Grove.

Specific issues were raised by the owner of the adjoining property 'Olcott' as follows:

- Olcott and Monkstown Mansions are attached to each other and the chimney flue of Olcott is incorporated in a shared chimney structure. It is not clear how the development will affect the house and chimney. The chimney is in use and any development is likely to impact on its use.
- General concern about the impact of the development on Olcott and vibration monitoring may be required by way of condition.
- Concern about debris falling onto the roof of Olcott during the demolition phase.
- Concern about cables and downpipes attached to both structures.
- Uncertainty over the drainage and water supply systems; are these interlinked.
- The development is likely to give rise to noise and disruption during construction stage.
- Uncertainty as to how the boundary wall is to be structurally protected during and post construction.
- There is potential for overlooking leading to a loss of privacy and overshadowing from the proposed development.
- Concern that elements of the development may give rise to anti-social behaviour.

Further objections/ observations were received following the receipt of further information:



- The owners of Olcott were not contacted by the applicant and their issues of concern remain.
- No other new issues were raised. Traffic congestion, impact on the area and inadequate footpaths remain as issues of concern.
- Concern expressed about the inability to view documents due to Covid etc.

## 4.0 Planning History

**P.A. Ref. D06A/0791/ ABP Ref. PL06D.219289** refers to a February 2007 decision to grant permission for a mixed use residential / commercial development and the demolition of the residential block known as Monkstown Mansions and Tyre Centre. The development consists of the construction of 26 no. apartments in 1 no. two storey block, and 1 no. three storey block. (b) 5 no. retail units (478 sq m), and 1 no. commercial unit to accommodate the Carrickbrennan Credit Union (317 sq m). This application includes all associated site development and infrastructural works, landscaping, underground car parking (57 no. spaces), bicycle and refuse storage areas, external footpaths, protection of adjoining properties, temporary fence to the rear of Lambda apartments, internal pedestrian arcade connecting Monkstown Farm to Monkstown Grove all on a site of 0.29 ha, Monkstown Mansions. The permitted development included the credit union building, hence why the site area is larger than the subject appeal site.

P.A. Ref. D05A/1210 refers to a November 2005 decision to refuse permission was for a development 49 no. residential units and one commercial unit within 4 no. blocks up to five storeys in height. Permission was refused on the grounds that the development would be excessive in height, scale and footprint, would be visually overbearing, would overshadow and overlook adjoining properties and would create a potential traffic hazard.

## 5.0 Policy and Context

### 5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, approximately half of the subject site is zoned A ‘To protect and/ or improve residential amenity’ and the remainder is zoned NC ‘To protect, provide for and-or improve mixed-use neighbourhood centre facilities’. In relation to the A zoned lands, residential development is listed within the ‘Permitted in Principle’ category of this zoning objective and the ‘Open for Consideration’ category includes a wide range of uses such as ‘Offices less than 200 sq m, Restaurant, Shop Neighbourhood, Tea Room/Cafe, Veterinary Surgery’. The NC zoning lists within the ‘Permitted in Principle’ category a wide range of uses including Residential, Residential Institution, Restaurant, Service Garage, Shop-Neighbourhood, Sports Facility, Tea Room/ Cafe, Veterinary Surgery’.

5.1.1. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.

5.1.2. Under 2.1.3.3 ‘Policy RES3: Residential Density’ it is policy to: ‘.. to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development’. I also note the following:

‘As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives ‘GB, ‘G’ and ‘B’) shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to ‘greenfield’ sites or larger ‘A’ zoned areas. Consideration in relation to densities and layout may be given where

proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area’.

Under 2.1.3.4 ‘Policy RES4: Existing Housing Stock and Densification’ it is policy to:

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

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

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

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

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

## 5.2. National Guidance

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

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

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

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

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

### 5.3. Natural Heritage Designations

None.

### 5.4. EIA Screening

Having regard to the nature of the proposed development comprising the demolition of two existing houses and the development of a mixed use apartment/ commercial development on a brownfield site, in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects

on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. Grounds of Appeal**

Yvonne O'Hanlon & Desmond Lynch of Olcott, Monkstown Grove have appealed the decision of Dun Laoghaire-Rathdown County Council to grant permission on this site.

The grounds of appeal can be summarised as follows:

- They are not opposed to the development but do have concerns in relation to the impact of the construction on their property. The appellants consider that insufficient contact/ consultation with the applicant has been had with them to date.
- Condition no. 4 is not adequate to address their concerns and Condition no. 15 in relation to working hours will impact on their residential amenity – request that working hours cease at 18.00 rather than 19.00 hours.
- Concern regarding overlooking and a loss of privacy.
- Appeal is supported with correspondence to date and photographs of the site/ their property.

Desmond Noonan of 3 Monkstown Grove & Others (addresses at 2, 3, 4 and 6 Monkstown Grove) have appealed the decision of Dun Laoghaire-Rathdown County Council to grant permission on this site.

The grounds of appeal can be summarised as follows:

- Procedural comments regarding the lack of consideration by the Planning Authority in the letters raised in objection.
- Traffic safety concerns due to the increase in traffic along Monkstown Grove and the use of on-street perpendicular parking.
- Insufficient provision of footpaths at present and pedestrian provision is poor.

- Concern about traffic safety in the vicinity of the schools.
- The development does not demonstrate compliance with DMURS.
- Proposed footpaths are not sufficient.
- References previous applications where traffic safety and car parking were raised as matters of concern.
- The scale and nature of development does not respect the character of Monkstown Grove.

## 6.2. **Planning Authority Response**

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

## 6.3. **Observations**

None.

## 6.4. **Applicant's Response**

The Applicant's agent – Downey Planning, have made the following comments in response to the appeal:

In relation to Olcott – Y O'Hanlon & D Lynch:

- Sets out the history and process of the development of the application. A design team was established to include architects, engineers, landscape architects, planners and other specialists.
- Consultation was held with the Planning Authority.
- In relation to Condition 4 and Olcott, the chimney will be protected, and a separation distance of 830 mm will be provided to allow for access to the side gable of Olcott. The proposed development will not impact on Olcott.
- Consultation was held with the owner of Olcott.
- Consider that the issues raised in relation to this matter have been addressed.

- In relation to Condition no. 15, the hours are standard and request that they be retained as written by the Planning Authority.
- Consider that all issues in relation to overlooking/ protection of privacy were addressed in the further information response and are further considered in Condition no.2 as issued by the Planning Authority.

In relation to the appeal prepared by D. Noonan & Others:

- Traffic and public safety concerns are addressed by a response prepared by Pinnacle Consulting Engineers. Also included is a rebuttal of concerns in relation to infrastructure provision.
- The development has been proposed in accordance with current guidance at a National and County level. The site is suitable for development at the scale and nature proposed.

Reports by Ian Black Consulting Ltd and Pinnacle Consulting Engineers submitted in support.

## 7.0 **Assessment**

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

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

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

7.2.1. The subject site is zoned 'A' for residential development and 'NC' for neighbourhood centre development, and it is therefore considered that the provision of a mixed

residential/ commercial development on this site is acceptable in principle. National and local policy as set out in the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 seeks to increase densities where this is appropriate. The proposed development is for 30 apartments on a site of 0.2185 hectares, therefore giving a density of 137 units per hectare. The density appears high, but it is achieved through an efficient site layout whilst ensuring that necessary standards are met.

- 7.2.2. I do not consider the existing structures on site worthy of retention or incorporation into any redevelopment of the site. Whilst it may be possible to reuse them, the cost and benefit of any such works would not be worthwhile and would result in significantly reduced development benefits. I note from the appeal comments and previous objections/ observations made on the original application that the redevelopment of this site is generally accepted and that issues of concern are focused on other matters.

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

- 7.3.1. A single building block, in a 'T', is proposed over three floors with a set-back fourth floor containing 30 apartment units in the form of one- or two-bedroom units and a commercial unit at ground floor level. The application includes a detailed 'Architects Design Statement' by Mola architects which demonstrates how the development will integrate with its surroundings. In addition, a detailed 'Visually Verified Views – Methodology Report' prepared by 'Urban 3D has also been submitted in support of the application. The submitted information demonstrates what the visual impact will be on the character of the area. The site is unusual in that it is located between two roads/ streets and therefore the elevations addressing these are important. From the site visit it was evident that the character of Monkstown Farm and Monkstown Grove are different; Monkstown Farm has seen the redevelopment of sites at a density/ height greater than before, whereas Monkstown Grove has had less redevelopment of sites.
- 7.3.2. I am satisfied that the proposed development will visually integrate into its surroundings. The bulk of the building is a three-storey unit and the setback fourth floor are carefully designed to not dominate the streetscape. Setback top floors are not always a good architectural design solution but in the subject case, it allows for a



good transition between the proposed development having a three storey frontage and existing single-storey not being dominated by a larger building. The building line along Monkstown Farm is set back to follow that of the building to the north west – Olcott and the credit union to the south east. There is a no established building line along Monkstown Grove and the proposed footprint of the building is acceptable here. The location/ layout of the building ensures that it will not dominate either streetscape. Site coverage is given as 0.52, the car parking area along Monkstown Grove reduces the site coverage figure to this figure though it is considered that the applicant has maximised the development potential of this site.

7.3.3. Elevational treatments consist of a mix of materials, brick and self-finished render primarily and it is welcome that the applicant has proposed a mix of light and dark coloured brick. Metal cladding on the fourth-floor setback is acceptable and similarly dark coloured metal railings to balconies etc. is appropriate. Final material details can be agreed with the Planning Authority in the event that permission is granted.

7.3.4. In response to the further information request, the applicant proposed that the commercial unit be used as a 'Class 1 retail unit'. Other uses were considered but I would agree that this use is acceptable in this location. There are other small retail units in the area, and it is appropriate, considering that part of the site is zoned 'NC', that some commercial/ retail activity be provided here. The proposed shopfront and indicative signage will integrate with the rest of the development.

#### **7.4. Impact on Adjoining Properties**

7.4.1. The 'Core' credit union submitted an observation on the original application, outlining their potential redevelopment of their site and that the subject development be considered having regard to this. The proposed development will be constructed up to the south east boundary/ red line (indicating the boundary line) and it can be assumed that any redevelopment of the credit union site can take place without impacting on the proposed development and which may adjoin the subject building. I am satisfied that the subject development does not negatively impact on the development potential of the site to the south east. No windows are proposed in the south east elevation on this section of building adjacent to the credit union site and adequate setbacks are proposed between the upper floor apartments to the rear section and the site to the south east.

- 7.4.2. I have considered in full the comments made in the appeal by the occupants of Olcott who live to the north west of the subject site. The situation here is unusual in that Olcott is attached to part of the building, proposed for demolition, and in particular concern is expressed about the impact on a chimney that is shared with the building on the subject site. The reason why this chimney is here is probably unknown at this stage but is a significant issue for the occupants of Olcott. The applicant has engaged the services of Ian Black Consulting Ltd and a detailed report is provided demonstrating that the development will not impact on the chimney or on Olcott. From the submitted details it is proposed that the new building will be set back from the boundary on the north west and the method of construction will ensure that the development does not impact on Olcott.
- 7.4.3. The applicant proposes to demolish the existing building and to retain the chimney in its current location. The submitted documentation including the further information response do not outline the process of demolition of the existing buildings to the extent of demonstrating how the chimney will be retained during this stage of development. I note the report from Ian Black Consulting Ltd and the fact that the existing building is internally contaminated (not stated with what) to the extent that an internal survey has not taken place to date. The construction phase will include monitoring of existing buildings to ascertain if any movement is taking place.
- 7.4.4. To a large extent the issue of the chimney is a legal matter, as it is an existing structure that is located on a different landholding to the house it serves. Whilst it appears to be in a good condition, this may not be case. I note Section 34(13) of the Planning and Development Act 2000 as amended, which makes clear that 'A person shall not be entitled solely by reason of a Permission or Approval under this Section to carry out any development'. I am satisfied that the applicant can carry out this development and ensure that the occupants of Olcott will have a functioning chimney. The applicant is providing a separation between their development and Olcott which it is stated will allow for maintenance of the side gable of Olcott. This does not impact on the proposed development but again is a legal matter that will have to be resolved between the applicant and the owners of Olcott. The proposed development is likely to be of benefit to the owners of Olcott, subject to satisfactory engagement with the applicant which both sides seem keen to have.

7.4.5. The applicant proposed additional screening measures to address concerns of overlooking on the north west and south east elevations, which the Planning Authority were not satisfied with. I have already commented on the separation distance to the south east elevation and consider this to be acceptable. I note that the distance between the rear garden of Olcott and the windows of Apartments A-1-1, A-2-1, A-3-1 and A-3-2 is in excess of 12 m and this is acceptable. The bedroom window to apartments A-1-2 and A-2-2 is less than 11 m, a deflected/ splayed window facing north can address this issue; the living room windows are acceptable in these units. The separation between the edge of the balcony of the apartments facing north west is between 10 and 11 m. It would be preferable if a standard separation of 11 m were provided. The separation between the edge of the balcony and boundary will also be reduced by the applicant giving over an area of land to the owners of Olcott. Overall, I am satisfied that the development will not give rise to excessive overlooking of adjoining properties. There will be a loss of some privacy to the occupants of Olcott, however this perception will be increased due to the fact that the existing building has been vacant for some time with no activity on this site.

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

- 7.5.1. The proposed development provides for adequate room sizes in accordance with the apartment guidelines and adequate storage provision is available to future occupants. All units demonstrate compliance with the requirements for private amenity space, in the form of balconies and terraces in the case of ground floor units. Communal open space is available at ground level and a secondary area is provided on the third floor. No public open space is provided for.
- 7.5.2. An undercroft car park provides for 10 parking spaces and a fully accessible parking space. A central stairwell and a lift provide access to the upper floors; a maximum of nine units per floor (first and second floors) are served by the lift. A central corridor provides access to the car parking area, the lift/ stairwell, internal bin storage area and two of the ground floor apartments. This corridor provides access to Monkstown Farm and Monkstown Grove. Bicycle storage is provided for adjacent to the communal open space area and additional parking areas are provided along Monkstown Farm. The undercroft parking area includes spaces for motorcycles.

- 7.5.3. 13 units/ 43% are dual aspect and the remaining 17/ 57% are single aspect, this is acceptable in terms of the apartment guidelines. Floor to ceiling heights of 2.7 m are proposed and this is also acceptable.

Note: The Housing Quality Assessment dated February 2020 provides a detailed table in Appendix B of room sizes, storage provision etc. and which clearly identifies single/ dual aspect units.

- 7.5.4. The applicant has submitted a 'Daylight, Sunlight, Overshadowing and Average Daylight Factor Study' prepared by Integrated Environmental Solutions (IES) in support of the application. The various analysis demonstrate compliance with the BRE 'Site Layout Planning for Daylight and Sunlight' as referenced in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities'.
- 7.5.5. The Planning Authority conditioned that the green roof areas are not accessible except for maintenance purposes. I agree with this and a similar condition should be attached to any recommended grant of permission.

## 7.6. **Traffic and Access**

- 7.6.1. The Dun Laoghaire-Rathdown County Council Transportation Department reported that they had no objection to this development following the receipt of further information. The footpath along Monkstown Farm road is increased to a width of at least 2 m; I agree that this is a planning gain and is for the benefit of all users of Monkstown Farm Road. I am also satisfied that the footpath along Monkstown Grove is acceptable.
- 7.6.2. Concern has been raised about traffic on Monkstown Grove and potential impact on the schools/ houses in the area. A total of 33 parking spaces are proposed (10 in the undercroft, one accessible space in the undercroft and 22 on-street spaces on Monkstown Grove). One of the spaces is allocated to use by a 'car club'. I note the report of the Planning Authority and I consider it appropriate that all units have access to a parking space and the remaining three spaces can be allocated to accessible parking, one visitor space and a car club space. Whilst public transport provision in the area is reasonably good, it is appropriate that where parking is provided it should be allocated to the residential units that it is intended to serve. It is

also considered that the parking spaces within the undercroft area should make provision for electric charging from the start and not have to be retro fitted in the future.

- 7.6.3. I do not foresee that the proposed development will result in significant increase in traffic volumes along Monkstown Grove and onto Monkstown Avenue. The development accommodates a maximum of 33 cars and three motorcycles, traffic flow to and from this development is likely to be dispersed over the course of a day.
- 7.6.4. I do not expect that any additional traffic will negatively impact on school traffic in the area. I have already referenced the footpath along Monkstown Grove and I consider this to be of significant benefit to the area. The existing footpath on the south western side of Dunedin Close is substandard in width and its usefulness is further reduced by the positioning of public lighting poles on the path; this issue was identified in the letters of objection and was observed on the day of the site visit. The proposed on-street car parking area is along a stretch of road that is currently fenced off from public access and which has no footpath on this side of the road. The proposed development will visually improve this section of road, will provide for a clear roadside edge, and provide for improved facilities for pedestrians. It is not foreseen that the development will prevent access to any existing schools in the area. The road width will increase slightly as a result of this development and again I do not foresee any negative impacts to the operation of school buses in the area.
- 7.6.5. I have considered the comments raised in the letters of objection and in the appeal regarding traffic/ parking and pedestrian facilities, and the majority of these issues refer more to current difficulties than anything that will result from this development. I appreciate the issues that the residents of Dunedin Close have, however I am satisfied that the proposed development will improve their residential amenity.

## **7.7. Other Issues**

- 7.7.1. No concerns in relation to flooding, surface water/ foul drainage or water supply were raised by the Drainage Section or Irish Water in their submitted reports on this development. The development is in a established urban area where such services are available.
- 7.7.2. I note that the Housing Department have no objection to the development and that details can be agreed following a grant of permission.

7.7.3. The submitted landscaping plan and associated detail is acceptable. It is considered that the landscaping along Monkstown Farm road will provide for some welcome natural relief along this section of road. The removal of palisade fencing along Monkstown Farm and Monkstown Grove will significantly improve the visual amenity of the area, again for the benefit of the wider community. I concur with the Planning Authority that the trellis fencing on the north-western site boundary should be omitted as it may negatively impact on the occupants of Olcott.

7.7.4. I note the contents of the Bat Assessment submitted in support of the application. No bats were seen entering or exiting the building and bat activity in the area was found to be low. I note also the recommendations of this bat report and that bats are protected under non-planning legislation.

## 7.8. **Appropriate Assessment Screening**

7.8.1. The applicant has engaged the services of Biosphere Environmental Services (BES) to carry out an Appropriate Assessment Screening of the site. The assessment finds that the development is not necessary for the management of a Natura 2000 site and significant impacts to a Natura 2000 site are not foreseen. It is not therefore necessary to progress to Stage 2 Appropriate Assessment.

7.8.2. Having regard to the nature and scale of the proposed development and the location of the site in a serviced urban area and the separation distance to the nearest European site, no Appropriate Assessment issues arise, and it is not considered that the development would be likely to give rise to a significant effect individually or in combination with other plans or projects on an European site.

## 8.0 **Recommendation**

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

## 9.0 **Reasons and Considerations**

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, relevant National Guidelines and the zoning of the site for a mix of neighbour centre and residential purposes, to the location of the site in an established urban area within walking of public transport and to the nature,

form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application submitted on the 21<sup>st</sup> of October 2019 and as amended by the further plans and particulars submitted on the 20<sup>th</sup> of March 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This permission is for one retail unit and 30 residential units in the form of 12 no. one bedroom units and 18 no. two bedroom units. The layout shall be as per Drawing No. MTG19-MOLA-XX-XX-DR-A-XX101 Revision 01 – ‘Proposed Site Layout Plan’ received by the Planning Authority on the 20<sup>th</sup> of March 2020.</p> <p><b>Reason:</b> In the interest of clarity.</p>
3.	<p>The developer shall comply, in full, with the measures outlined within Section 3 (Indicative Construction Methodology), Section 4 (Movement Monitoring) and Section 5 (Record Survey) of the submitted structural report prepared by Ian Black Consulting Ltd. dated 19<sup>th</sup> December 2019. The developer shall maintain a log which documents each phase of the proposed works. Each phase of the proposal shall be signed off by the consulting engineer to ensure compliance with the requirements of the submitted structural report.</p>

	<b>Reason:</b> In the interest of residential amenity.
4.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority:</p> <p>a) The north-west facing bedroom window of Apartment no. A-2-2 shall be deflected/ splayed to face north.</p> <p>b) The proposed trellis fencing and associated planting along the north western site boundary shall be omitted in full.</p> <p>c) The green roof areas shall not be accessible except for maintenance purposes only.</p> <p>d) Full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications.</p> <p>e) The apartment terrace/ balcony railings/ supports shall be painted/ coated metal and shall not be unpainted galvanised metal railings.</p> <p><b>Reason:</b> In the interest of visual amenity.</p>
5.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.</p> <p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
6.	<p>Details of the external shopfront and signage shall be the subject of a separate planning application.</p> <p><b>Reason:</b> In the interest of the amenities of the area/visual amenity.</p>
7.	<p>a) The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, and the junction with the public road to the shall be in accordance with the detailed standards of the Planning Authority for such works.</p>



	<p>b) A total of 33 parking spaces to be provided, one to be fully accessible, one to be for visitor parking, one for use by a 'car club' and the remaining nine to be for resident parking.</p> <p>c) All parking spaces within the undercroft area shall make provision for electric vehicle charging.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
8.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs and apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
9.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
10.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
11.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing</p>

	<p>with, the Planning Authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than [1:500] showing –</p> <ul style="list-style-type: none"> <li>(i) Existing trees, hedgerows boundary walls, specifying which are proposed for retention as features of the site landscaping</li> <li>(ii) The measures to be put in place for the protection of these landscape features during the construction period</li> <li>(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall not include prunus species</li> <li>(iv) Details of screen planting</li> <li>(v) Details of roadside/street planting</li> <li>(vi) Hard landscaping works, specifying surfacing materials, furniture and finished levels.</li> </ul> <p>(b) A timescale for implementation</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p><b>Reason:</b> In the interest of residential and visual amenity.</p>
12.	<p>Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st – August 31st).</p> <p><b>Reason:</b> To protect birds and bird breeding habitats during the nesting season.</p>
13.	<p>Bat roosts shall be incorporated into the site and the recommendation of the Bat Assessment report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to the planning authority on the 21<sup>st</sup> of October 2019.</p>

	<p><b>Reason:</b> To ensure the protection of the natural heritage on the site.</p>
14.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
15.	<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><b>Reason:</b> In the interests of public safety and residential amenity.</p>
16.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.</p> <p><b>Reason:</b> In the interest of sustainable waste management.</p>

17.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.</p> <p><b>Reason:</b> To protect the amenities of the area.</p>
18.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p> <p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
19.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
20.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may</p>

	<p>be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p>

	<p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Paul O'Brien  
Planning Inspector

1<sup>st</sup> October 2020