



An  
Bord  
Pleanála

## Inspector's Report

### ABP-307611-20

#### Development

Construction of a four to six storey building accommodating 44 no. apartments, vehicular access, 10 no. car parking spaces, 24 no. bicycle parking spaces and ancillary services to rear of St. John's Road with frontage onto Fonthill Road

#### Location

St. John's Road, Clondalkin, Dublin 22

#### Planning Authority

South Dublin County Council

#### Planning Authority Reg. Ref.

SD19A/0333

#### Applicant

Paul Crowley

#### Type of Application

Permission

#### Planning Authority Decision

Grant Permission

#### Type of Appeal

Third Party v Grant of Permission

#### Appellant

Ciaran Duke

#### Observer

Dave Kearney

#### Date of Site Inspection

29.09.2020

**Inspector**

Anthony Kelly

## 1.0 Site Location and Description

- 1.1. The site is located approx. 400 metres south west of Clondalkin village in west Dublin.
- 1.2. The site is accessed by a vehicular laneway (Commons Road) off St. John's Road located between a line of two storey semi-detached/terraced houses to the east and a newer semi-detached block of houses to the west. The relatively narrow approx. 40 metres long laneway opens into a larger area where site clearance works appear to have recently occurred and the ground is relatively level. There is a timber fence on the east side of the access road and a plastered block wall along the west side. The houses addressing St. John's Road are to the north of the site and the rear elevations of these houses face onto the site. The rear curtilage of larger property is to the north east. There is a block wall along the rear of these houses with a mature tree line along the central and eastern portions. The rear area of the newer semi-detached block is to the north west. Fonthill Road /R113 is adjacent to the south with a high block wall along the boundary. The single storey Boot Road Health Centre is to the south east which has a mature hedgerow on the boundary.
- 1.3. The site has a stated area of 0.3137 hectares.

## 2.0 Proposed Development

- 2.1. The application is for permission for a four to six storey building comprising 44 no. apartments, car and bicycle parking and ancillary services.
- 2.2. In addition to standard planning application plans and particulars the application was accompanied by a 'Planning Design Report', a 'Traffic and Transport Statement', an 'Engineering Services Report', a 'Site Specific Flood Risk Assessment', a 'Landscape Rationale' and an 'Appropriate Assessment Screening' document.
- 2.3. The proposed apartment building has a proposed floor area of 1,318.23sqm and an indicated maximum height of 17.35 metres. External finishes are brick, render and zinc.

- 2.4. Further information was submitted in relation to, inter alia, the removal of the Metro West reservation area from within the site boundary and use of this area to increase car parking provision and detail in relation to the disposal of surface water.

## 3.0 **Planning Authority Decision**

### 3.1. **Decision**

The planning authority granted permission subject to 20 no. conditions including Irish Water connection, surface water disposal, car parking, Part V, public lighting, development naming and numbering, management company detail, construction practices, submission of a Construction Traffic Management Plan, landscaping, external finishes, a development contribution and a bond.

Condition No. 4(a) requires a revised site layout to accommodate a minimum of six no. additional car parking spaces, bringing the overall number of spaces to 26 no. Condition No. 4(b) states the spaces 'to the south of the shared space' shall be for a temporary period of five years, unless permitted under a separate application for full permission. The spaces shall be removed to facilitate a High Capacity Public Transport project in the event it comes forward and requires that land within that period of time.

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

- 3.2.1. Two Planning Officer's reports form the basis of the planning authority decision. The latter report concludes that, having regard to the provisions of the County Development Plan 2016-2022, the zoning objective and the additional information submitted, the development, subject to conditions, would be in accordance with the Development Plan and the proper planning and sustainable development of the area.

#### 3.2.2. **Other Technical Reports**

**Roads Department** – Refusal of permission is recommended on the grounds of insufficient car parking provision, following the further information response. The department also believes the land area identified for Metro West should be reserved.

**Water Services** – No objection subject to conditions, following the further information response.

**Parks & Landscape Services** – Conditions recommended, following the further information response.

**Housing Department** – A Part V condition should be attached to any grant of permission.

### 3.3. **Prescribed Bodies**

**Irish Water** – Conditions requested for any grant of permission, following the further information response.

### 3.4. **Third Party Observations**

3.4.1. 16 no. submissions were received from local residents, four councillors and a resident of Dublin 6. A submission from one of the councillors supports the proposed development. The issues raised in the other 15 no. submissions are largely covered by the grounds of appeal and observation received with the exception of the following:

- The area is at full capacity and cannot take any more high density infrastructure.
- The nine no. houses permitted on site is appropriate.
- The submitted Traffic and Transport Statement is inadequate.
- The proposed building will interfere with the foul drainage wayleave. The existing foul sewer is marked on the drawing as unknown.
- Proximity of bin storage to No. 18 St. John's Road.
- Inadequate public open space provision.
- Adverse intrusion into Clondalkin village.
- No detail on sustainability or energy efficiency.
- Existing public transport and cycling facilities are inadequate.
- General nuisance during the construction period.
- Overdevelopment of the site.

- Inconsistency in the application in terms of future tenureship.
- No detail on storage and no children's play area. No common or recreational areas as required for build-to-rent developments. Access to the rooftop should be provided for residents.
- Inadequate bicycle parking space.

## 4.0 Planning History

4.1.1. There has been a number of previous planning applications on site. The most relevant application is:

P.A. Reg. Ref. SD17A/0139 – Permission was granted in 2017 for 9 no. houses, vehicular access from St. John's Road and a pedestrian access gate to Fonthill Road.

4.1.2. There is an extant permission on the adjacent site to the east. This is:

P.A. Reg. Ref. SD11A/0135 / ABP Reg. Ref. PL 06S.239890 – Permission was granted in 2012 for demolition of existing buildings and construction of a three-five storey Primary Care Centre and a one-three storey, 80 no. bedroom nursing home etc. Conditions included the removal of a floor from the Primary Care Centre and part of the second floor of the nursing home. An Extension of Duration (P.A. Reg. Ref. SD11A/0135/EP(1)) has been granted giving an expiration date of 04.02.2023.

P.A. Reg. Ref. SD20A/0054 – Permission is sought for some alterations to the permitted development including the change of use of the nursing home to a primary health care use, an external café and internal reconfigurations to both buildings. Further information was sought on 10.06.2020.

4.1.3. Two applications adjacent to the vehicular entrance have been referenced in the grounds of appeal as follows:

P.A. Reg. Ref. SD18A/0341 – Permission was granted in 2019 for a two-storey house in the side garden of No. 18 St. John's Road. This has not been constructed.

P.A. Reg. Ref. SD16A/0189 / ABP Reg. Ref. PL 06S.247471 – Permission was granted in 2017 for two semi-detached two storey houses adjacent to the western junction of Commons Road and St. John's Road. These have been constructed.

## **5.0 Policy Context**

### **5.1. South Dublin County Council Development Plan 2016-2022**

- 5.1.1. The site is in an area zoned 'Objective RES; To protect and/or improve residential amenity'. Residential development is permitted in principle in this zoning. A Specific Transport Objective is identified along the Fonthill Road boundary for 'Long Term High Capacity Public Transport (RPA Preferred Route)'.
- 5.1.2. Chapter 2 (Housing) of the Plan is relevant to the application. This chapter includes Section 2.2.0 (Sustainable Neighbourhoods) and Section 2.4.0 (Residential Consolidation – Infill, Backland, Subdivision & Corner Sites). Chapter 11 (Implementation) is also relevant including Section 11.2.0 (Place Making and Urban Design) and Section 11.3.0 (Land Uses).

### **5.2. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)**

- 5.2.1. These guidelines are relevant to the application.

### **5.3. Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

- 5.3.1. These guidelines are relevant to the application.

### **5.4. Natural Heritage Designations**

- 5.4.1. The closest Natura 2000 site is Glenasmole Valley SAC approx. 6.7km to the south. The closest heritage area is Grand Canal pNHA approx. 1.3km to the north.

### **5.5. EIA Screening**

- 5.5.1. Having regard to the nature and scale of the proposed development and the nature of the receiving environment, which is a fully serviced urban location, 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 stage, and a screening determination is not required.

## 6.0 The Appeal

### 6.1. Grounds of Appeal

The grounds of appeal have been received from Ciaran Duke, 18 St. John's Road. The main points made can be summarised as follows:

- Access to the site is via Commons Road, a public road. The width of this to the faces of the boundary structures is 6.55 metres. The development indicates a 5 metres wide road and 2 metres wide footpath. This would require an encroachment onto the adjoining property over which no rights or permission were granted. A site layout drawing submitted under P.A. Reg. Ref. SD16A/0317 indicated the width of Commons Road as 6.4 metres. The applicant is aware of the inadequate road width as outlined in his appeal of P.A. Reg. Ref. SD16A/0189 which is to the west of Commons Road.
- The road and parking are inadequate. No provision for turning circles for refuse trucks or fire tenders as demonstrated in the grounds of appeal. The additional spaces conditioned will further reduce the available turning space. Parking and available turning area would be removed if Metro West is constructed.
- The development would generate additional traffic and parking on St. John's Road, exacerbating existing congestion and risk to users.
- Shadowing demonstrated to properties on St. John's Road as a result of the proposed height. The proposed height and density are out of context with the area contrary to Policy H9 Objectives 2 and 3 of the County Development Plan.
- The proposed development will be visually obtrusive and interfere with privacy of adjoining property. Landscape proposals would not prevent overlooking. Proposals for landscaping will potentially result in structural damage to the development.



- Previous planning applications on site for high density development have been withdrawn or refused.
- Substandard development and would have a negative effect on the character of the area and value of adjoining property.
- If permission is granted, it is requested that the treatment of the boundary wall, location of the existing wall and setting out of the new wall with No. 18 be conditioned to be approved in writing by both parties for submission to the planning authority. The wall should be compliant with that granted under P.A. Reg. Ref. SD18A/0341.

## 6.2. Applicant's Response

6.2.1. The main points made can be summarised as follows:

- The applicant is satisfied the required 7 metres width can be achieved. A detailed digital electronic topographical survey was carried out on 31.07.2020 and is submitted with the applicant's response. The appellant erected a boundary fence along this party boundary after the decision to grant permission. Its position is indicated on the survey, but the applicant believes there may be some inaccuracies in the location of the fence. Notwithstanding, the survey confirms there is in excess of 7 metres between the disputed boundary fence and the block wall on the opposite side for the full length of Commons Road. The appellant's claim about insufficient width is based on OS and land registry maps which are not sufficiently accurate.
- A revised site layout plan is submitted showing 26 no. car parking spaces in line with Condition 4 of the planning authority's grant. This provision is considered to be practical and appropriate in this accessible urban location. Any unauthorised car parking should be dealt with in the normal manner by the Local Authority. The alterations to the car parking layout require reassessment of turning movements for refuse and fire tender vehicles. Swept path analyses showing same have been submitted with the applicant's response.
- The shadow analysis image in the grounds of appeal is inaccurate, misleading and does not correspond to the normal methodology for assessing sunlight. A

definitive shadow analysis was submitted with the initial planning applicant for midday on March 21<sup>st</sup>, generally taken as most representative of the annual shadow impact. A comparative drawing has been prepared for midday on June 21<sup>st</sup>, as per the image in the grounds of appeal, and it is diametrically opposed to the analysis in the grounds of appeal. The proposal will have no shadow impact on the surrounding properties.

- The cut and paste elevation drawing in the grounds of appeal completely misrepresents the relationship between the houses and the proposed building. The image takes no account of the fact the proposed footprint is at an angle. The building has been designed to avoid overlooking. No windows are situated on the northern gable, the block is stepped down to the northern boundary, the windows to the rear do not overlook the adjoining houses and are separated from the back boundary with the medical centre by over 16 metres. The proposed height relates directly to the approved adjoining Primary Health Care Centre and the streetscape relationship to Fonthill Road. No compelling or substantive evidence has been submitted to support the objection in terms of overlooking, shadowing or excessive height.

### **6.3. Planning Authority Response**

- 6.3.1. The planning authority confirms its decision, and the appeal raises no new issues.

### **6.4. Observations**

- 6.4.1. An observation was received from Dave Kearney, 16 St. John's Road. The issues raised are generally similar to those referenced in the grounds of appeal but also include:
- The proposed sewerage system will not work. There are already several blockages every year.

### **6.5. Further Responses**

- 6.5.1. None.

## 7.0 Assessment

Having examined the application details and all other documentation on file, including all of the submissions received in relation to the appeal, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Zoning
- Layout and Design
- Density
- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)
- Urban Development and Building Heights Guidelines for Planning Authorities (2018)
- Impact on Adjoining Residential Amenity
- Traffic and Car Parking
- Metro West
- Appropriate Assessment

### 7.1. Zoning

- 7.1.1. The proposed development is located in an area zoned for residential use. Residential development is permitted in principle under this zoning in the South Dublin County Council Development Plan 2016-2022. The principle of development is therefore acceptable, subject to the detailed considerations below.

### 7.2. Layout and Design

- 7.2.1. The site is located to the rear of properties along St. John's Road and is accessed from St. John's Road by way of a laneway. The laneway appears to have comprised part of Commons Road before the Fonthill Road created a cul-de-sac. The proposed development would be very visible from Fonthill Road.

### Layout

- 7.2.2. The access point is between semi-detached houses to the west and No. 18 St. John's Road to the east. This is the appellant's house and there is an extant permission for a house in the side garden of this property, adjacent to the access. The access road is approx. 40 metres long and it opens up into a larger area which, it appears, has recently been subject of site clearance works.
- 7.2.3. The proposed apartment building occupies a relatively central location within the site and is close to the eastern boundary. Car parking is proposed to the west of the building and along the southern boundary. Public open space provision is in the eastern corner. 745sqm (23.7%) of the site is cited as public open space.
- 7.2.4. There are two primary constraints in terms of the site layout. A foul sewer runs across the site to the west of the proposed building. A 6 metres wayleave is required at this location. In addition, the County Development Plan 2016-2022 identifies a 'Long Term High Capacity Public Transport (RPA Preferred Route)' as a Specific Transport Objective along the Fonthill Road boundary. Two pedestrian access points are proposed onto Fonthill Road directly from the site which is a positive element in terms of pedestrian permeability.

### Design

- 7.2.5. The proposed apartment building is four-six storeys in height and is externally finished in brick, render and zinc. The six storey area of the building addresses Fonthill Road with a reduction in overall height to the north west elevation, closer to properties on St. John's Road. I consider the design and style of proposed building, the mix of external finishes and roof setbacks avoids monotony and results in an acceptable and visually interesting design.

### Conclusion

- 7.2.6. Having regard to the foregoing, I consider the layout and design to be generally acceptable, subject to more detailed considerations in terms of, for example, impact on adjoining properties, height, car parking etc.

### 7.3. Density

7.3.1. The application is for 44 no. apartments on a 0.3137 hectare site. This is a density of approx. 140 no. units per hectare. I consider this density to be acceptable in the context of the walking distance to Clondalkin village and the proximity of bus services.

### 7.4. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018)

7.4.1. The guidelines set out standards for apartment developments. I consider the site to be an 'Intermediate Urban Location' as set out in the guidelines and is appropriate for apartment development given the zoning objective, proximity of public transport (bus), proximity of Clondalkin village and the permitted and existing development in the vicinity (permitted Primary Care facility adjacent to the east and the Kilwarden Court apartment development on the opposite side of Fonthill Road).

7.4.2. Documentation was submitted with the application from an approved housing body expressing interest in acquiring the completed project. However, the application has not been made by an approved housing body and there is reference in the submitted Planning Design Report to first-time buyers. Also, the application has not been advertised as a specifically 'build to rent' application.

7.4.3. Specific Planning Policy Requirements (SPPRs) are included in the guidelines. The application can be considered in the context of these SPPRs as follows:

- SPPR 1 – 22 no. of the 44 no. apartments are one bed units. This complies with SPPR 1 which states up to 50% of apartments may be one bed units.
- SPPR 2 – This does not apply as the site area is in excess of 0.25 hectares and it is not a building refurbishment scheme.
- SPPR 3 – All one-bed units exceed the minimum 45sqm floor area requirement. All two-bed units exceed the minimum 73sqm floor area requirement with the exception of Unit No. 31. Unit No. 31 has a floor area of 70.05sqm and is indicated as a three-person unit. Sections 3.5-3.7 of the guidelines state that two-bed, three person units, with a minimum 63sqm floor area, may be considered where they do not comprise more than 10% of the total number of units.

- SPPR 4 – The applicant considers that all apartments are dual aspect. While some of these units rely on high level windows or narrow bedroom windows to achieve a second aspect, the number of dual aspect units greatly exceeds the minimum 50% required.
- SPPR 5 – The section drawings show a ground level floor to ceiling height of 2.85 metres, in excess of the minimum 2.7 metres required.
- SPPR 6 – There is up to four apartments per floor per core, less than the maximum of 12 no. units per floor per core.
- SPPR 7 – This does not apply as it is not a ‘Build-To-Rent’ application.
- SPPR 8 – This does not apply as it is not a ‘Build-To-Rent’ application.
- SPPR 9 – This does not apply as it is not a Shared Accommodation application.

7.4.4. The minimum widths and aggregate floor areas of the living areas, the aggregate bedroom floor areas, storage areas and private open space areas set out in Appendix 1 are achieved with the exception of the bedroom of Unit 43 which is marginally narrower than required, 2.741 metres as opposed to the required 2.8 metres. The room otherwise exceeds the required floor area. I do not consider this a significant deficiency in the context of the overall development.

7.4.5. In conclusion, I consider the proposed development to be consistent with the guidelines.

## 7.5. **Urban Development and Building Heights Guidelines for Planning Authorities (2018)**

7.5.1. The guidelines set out national planning policy on building height in relation to urban areas. The planning process has to strike a careful balance between enabling long-term and strategic development of areas while ensuring the highest standards of urban design, architectural quality and place-making outcomes. The government considers there is significant scope to accommodate anticipated population growth and development needs by building up and consolidating the development of existing urban areas. The guidelines consider general building heights of at least three to four storeys in suburban areas must be supported. The proposed development is four to

six storeys in height, with the four storeys in the north west area of the proposed building, closest to the two-storey houses along St. John's Road.

- 7.5.2. The guidelines state that building heights must be generally increased in appropriate urban locations. The site is an infill site and would contribute towards compact growth. Though relatively remote from Luas or commuter rail there is a high frequency bus route (No. 13; Harristown to Grange Castle via O'Connell Street) immediately adjacent to the site.
- 7.5.3. As set out in Section 7.2.5 I do not consider the proposed development to be monolithic. I consider the design to be acceptable. Fonthill Road is adjacent to the site and a Primary Care Centre has been permitted on the adjacent site to the east. Kilwarden Court is an apartment development up to four storeys in height on the opposite side of Fonthill Road. I consider the proposed building would make a positive contribution to the streetscape and would not comprise an incongruous or visually obtrusive feature. There are no key views that are affected by the proposed development.
- 7.5.4. Having regard to the foregoing, I consider the proposed building height is consistent with national guidelines and is appropriate to the site location.

## **7.6. Impact on Adjoining Residential Amenity**

- 7.6.1. The grounds of appeal and observation, and many of the submissions received, refer to the impact of the proposed development on the residential amenity of the area. Overlooking, shadowing and overbearing impact are the primary issues in this regard.
- 7.6.2. The proposed apartment building is four to six storeys high. The four storey element is closest to adjoining property with the six storey element set back from the residential area. No overlooking occurs to the south as this overlooks Fonthill Road. There are no windows to the east elevation. Windows to the west are approx. 25 metres from the boundary. The main area of concern is overlooking to the rear of houses along St. John's Road. The four storey area of the apartment building is approx. 6-7 metres from the boundary of these properties. There are no windows on this elevation except one high level horizontal window on each floor. It is unclear whether obscure balcony glazing is proposed to each side of the above ground floor balconies at this elevation, but this can be conditioned to prevent overlooking of the adjoining properties. The

windows facing north in the six storey area mainly serve bedroom windows. There are no balconies on this elevation apart from one on the fifth floor. There are slight set backs in the footprint at fourth and fifth floor levels. Windows on this elevation are approx. 14-16 metres from the site boundary. These windows do not directly overlook the rear of houses on St. John's Road. They overlook a car parking area of the development permitted under P.A. Reg. Ref. SD11A/0135 / ABP Reg. Ref. PL 06S.239890. I do not consider the development would result in any undue adverse impact on residential amenity by way of overlooking.

7.6.3. There is conflicting information from both the applicant and the appellant in relation to shadowing as a result of the development. No robust or detailed shadowing assessment has been submitted with the application. It is likely that some shadowing would occur to property to the north. However, given the reduction in height of the proposed development closer to the residential properties, the separation distance of the proposed building to the site boundaries and the length of gardens to the rear of houses on St. John's Road, I do not consider the development would have a significant adverse shadowing impact on residential properties.

7.6.4. There is an inevitable and unavoidable impact on adjoining property, and on the receiving environment, as a result of the development of any site. This is a vacant site relatively close proximity to Clondalkin village and there is a requirement that it be developed in a sustainable manner. I consider the design to be acceptable and there would not be a significant adverse impact in terms of overlooking or shadowing. I consider the scale of the proposed development is consistent with national guidelines relating to building height. Therefore, while there would be an impact on the receiving environment, I do not consider that it would be unduly overbearing.

7.6.5. Having regard to the foregoing, I consider the proposed development would be acceptable in terms of impact on adjoining residential amenity.

## **7.7. Traffic and Car Parking**

7.7.1. These issues also form a significant basis for the grounds of appeal and observation received and submissions made.



### Traffic

- 7.7.2. I am satisfied that the applicant has demonstrated that an adequate width is available to accommodate a 5 metres wide road and a 2 metres wide footpath for the access roadway. Adequate turning circles for a refuse truck and a fire tender have also been demonstrated. The proposed development will generate additional traffic on St. John's Road and Boot Road. The site was inspected in the morning when the schools were opening. While there was some traffic congestion it was similar to many other areas in proximity to schools which experience localised traffic congestion at particular times. I do not consider the proposed development would significantly contribute to any traffic congestion that may occur from time to time.

### Car Parking

- 7.7.3. 10 no. car parking spaces were originally proposed. This was increased to 20 no. spaces in the further information response. A condition attached to the planning authority's grant of permission increased the number of spaces to 26 no.
- 7.7.4. The planning authority's car parking standards are contained within Table 11.24 (Maximum Parking Rates (Residential Development)) of the County Development Plan 2016-2020. The maximum number of spaces for this development is calculated as 38.5 no. spaces if the area is considered as Zone 2 i.e. within 400 metres of a high quality bus service. The Plan states this is not a target and a lower rate of parking may be acceptable.
- 7.7.5. The Apartment Guidelines (2018) state that, in Intermediate Urban Locations, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. Where it is sought to reduce car parking provision, where possible, drop off, service, visitor or mobility impaired parking is provided.
- 7.7.6. When considered in the context of Council and national policy, the number of car parking spaces provided is not less than any specified quantum. Approx. 67.5% of the maximum number of spaces have been provided. The planning authority Roads Department report recommended refusal based on the further information response proposing 20 no. spaces and stated that parking provision should be in the region of 25 to 30 no. spaces for this location. This figure was achieved by way of Condition No. 4(a) of the planning authority decision and a revised site layout demonstrating this has

been submitted with the applicant's response to the grounds of appeal. There appears to be limited scope within the site layout to further increase the number of spaces.

- 7.7.7. Therefore, while the maximum number of car parking spaces cited in the County Development Plan 2016-2022 have not been provided, in the context of national policy, I do not consider that the shortfall in car parking spaces is sufficient to warrant a refusal of permission on this basis.

### Conclusion

- 7.7.8. I do not consider the proposed development would have any undue impact on traffic congestion on the public roads and I consider the number of car parking spaces provided is not contrary to Council or national policy at this location.

## **7.8. Metro West**

- 7.8.1. In the planning application originally submitted, an area parallel to Fonthill Road was included within the site boundary but no development was proposed on it. This was to facilitate the future land-take of the Long Term High Capacity Public Transport preferred route. As part of the further information response, the applicant reviewed the requirement for this reservation. The applicant considered that there is no longer a requirement to provide the reservation and the area was used to increase car parking provision. A letter dated 30.09.2011 from the Railway Procurement Agency to the previous owner of the site was submitted which stated the Railway Order application had been withdrawn. A letter dated 22.03.2018 to the applicant from Transport Infrastructure Ireland, stated that, in relation to the status of Metro West, there has been no change since the position stated in the letter of 30.09.2011. A further email, dated 02.03.2020, from the National Transport Authority (NTA) stated that the Metro West project is not currently in the NTA Transport Strategy 2030.

- 7.8.2. The planning authority's Roads Department noted that the plans remain in the County Development Plan and that Metro West may proceed at some time in the future. The Department consider that the strip should be protected. The Planning Report considered this area of land could be used on a temporary five-year basis as it would allow the area to be used in future should a new proposal be brought forward. Delivery of such a project, in conjunction with BusConnects, would justify a reduction in car parking. Condition 4 of the decision was included on this basis.

- 7.8.3. It is apparent that there are no current plans for Metro West. It is not mentioned in Section 5.3 (Light Rail Infrastructure), or elsewhere, in the Transport Strategy for the Greater Dublin Area 2016-2035 published by the NTA. As there are no current plans for a high capacity public transport route, I consider that a permission without any temporary element is appropriate. Given the withdrawal of the Railway Order in 2011 and its exclusion from the Transport Strategy for the Greater Dublin Area 2016-2035 I do not consider it reasonable, in the circumstances, to have an area of the site subject to a temporary permission on a potentially ongoing basis.
- 7.8.4. In conclusion, I consider that the car parking spaces in the 'reservation area' should be permitted on a permanent basis.

## 7.9. **Appropriate Assessment**

- 7.9.1. An Appropriate Assessment Screening document was submitted with the planning application. It considers that potential impacts to the six Natura 2000 sites within a 15km radius (four SACs and two SPAs) are restricted to surface water and foul water. Both are to be discharged to the public systems. I note Irish Water has not indicated any significant concern in relation to the proposed development. The document concludes that the screening has established that the project poses no potential for significant effects and requires no further appropriate assessment.
- 7.9.2. Having regard to the nature and scale of the development proposed and to the nature of the receiving environment, namely an urban and fully serviced location remote from and with no hydrological pathway to any European site, I consider that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

## 8.0 **Recommendation**

I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

## 9.0 Reasons and Considerations

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) and the Urban Development and Building Heights Guidelines for Planning Authorities (2018), and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of traffic safety and would constitute an appropriate form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on 21.05.2020 and by the further plans and particulars received by An Bord Pleanála on 14.08.2020, 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.

**Reason:** In the interest of clarity.

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

**Reason:** In the interest of visual amenity.

3. The sides of the balconies/terraces to Apartment Nos. 7-8, 11-12, 15-16 and 19 shall be fitted with 1.8 metres high obscure glazing or panels.

**Reason:** In the interest of the residential amenity of adjacent properties.

4. Drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

5. Prior to commencement of development, the applicant or developer shall enter into a water and/or waste water connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

6. (a) Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.  
(b) The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development including traffic management, noise management measures and off-site disposal of construction waste.

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

7. The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

8. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

(a) A plan to scale of not less than 1:500 showing –

(i) The species, variety, number, size and locations of all proposed trees and shrubs,

(ii) Details of screen planting,

(iii) Details of roadside/street planting,

(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

(b) Full detail of all boundaries, having due regard to the development permitted under P.A. Reg. Ref. SD18A/0341.

(c) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.

(d) A timescale for implementation.

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 three 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.

**Reason:** In the interest of residential and visual amenity.

9. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any residential unit.

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

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

**Reason:** In the interests of visual and residential amenity.

11. A minimum of 10% of all communal car parking spaces shall be provided with functioning electric vehicle (EV) charging stations/points and ducting shall be provided for all remaining car parking spaces to facilitate the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points have not been submitted with the application, in accordance with the above requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provisions shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

**Reason:** In the interest of sustainable transport.

12. Proposals for an estate/street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of

the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interest of urban legibility.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company or as otherwise agreed in writing with the planning authority. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

14. (a) 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 for each unit 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.  
  
(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

15. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and



been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

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

**Reason:** To ensure the satisfactory completion of the development.

17. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the

matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

**Reason:** It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

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Anthony Kelly

Planning Inspector

29.10.2020