



An  
Bord  
Pleanála

## Inspector's Report ABP-307679

<b>Development</b>	Demolition of house, construction of 53 apartments and 10 houses in blocks ranging in height from two to five storeys.
<b>Location</b>	Ard na Glaise, Stillorgan Park (Road) (R825) Co. Dublin.
<b>Planning Authority</b>	Dun Laoghaire Rathdown
<b>Planning Authority Reg. Ref.</b>	Reg. Ref.: D20A/0222
<b>Applicant(s)</b>	Homeland Ltd.
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Refusal
<b>Type of Appeal</b>	First-Party
<b>Appellant(s)</b>	Homeland Ltd
<b>Observer(s)</b>	Greg Kirker and others
<b>Date of Site Inspection</b>	4 <sup>th</sup> and 26 <sup>th</sup> March 2020
<b>Inspector</b>	Suzanne Kehely

## 1.0 Site Location and Description

- 1.1. The site of .81ha is the same as that before the Board in the case of reference number: 304966 (attached). It is located in a medium to low density residential area and is situated on the southern side of Stillorgan Park Road (also referred to as Stillorgan Park) which connects the N11 (200m west) Stillorgan to Blackrock. The site is irregularly shaped extending to depth of up to 130m and width of 80m and has a frontage of c. 78m through which the site is accessed. The southern boundary narrows to a width of almost 40m. The eastern boundary adjoins the Coppinger residential development and the western and southern boundaries adjoin the Orpen housing development. A pair of dwellings with a shared access off Stillorgan Park Road, adjoin the site to the west.
- 1.2. The Carysfort/Maretimo/Brewery Stream (referred to as the Maretimo Stream in this report) runs south to north along the western boundary in a relatively deep channel and it is culverted under Stillorgan Park Road from where it continues northeast to the sea. The site has a mature sylvan character and there is tree cover on all the boundaries with substantial cover particularly along the Maretimo Stream and also in the south of the site and on the eastern boundary with the Coppinger housing. There are also trees in the grass verge fronting the site. The existing house on site - Ard Na Glaise – is proposed for demolition and comprises a two storey Victorian/Edwardian house which has outhouses and a number of more modern single storey extensions to the rear.
- 1.3. The Coppinger and Orpen houses are generally two storey semi-detached houses. Both developments have substantial areas of public open space and are linked to the Stillorgan Road/N11 by footpaths and cycle paths along Stillorgan Park Road. A three storey pitched roof red brick apartment development faces the site.

## 2.0 Proposed Development

- 2.1. The proposed development comprises the demolition of the existing house on site (Ard na Glaise) and construction; two apartment blocks (55 units), a terrace of duplex units (8) and three terraces of houses in two styles (10 units)
- 2.2. The unit types comprise: 28 x two bed units, 17x one-bed units, 3x studio units and 15 x three-bed units (10 of which are houses and 4 are duplexes).

- 2.3. Surface parking provides for 44 cars and there is provision for 7 electric charging car ports in the appeal submission (revised from 4). There is also provision for 2 motorbike spaces and 88 cycling spaces (1.22 per dwelling).
- 2.4. Vehicular Access is proposed to be retained in the existing frontage but repositioned and upgraded and provided with road safety markings.
- 2.5. The application is accompanied by
- A Natura Impact Statement.
  - EIA Screening Assessment Report.
  - Planning Environmental Report.
  - An Arboricultural Report (March 2020)
  - Conservation Assessment (building) (June 2018)
  - Landscaping Report
  - Photomontages
  - Design Statement: This is a comprehensive document with detailed housing quality assessment.
  - Energy Report
  - Public lighting Report
  - Sustainability Report
  - Civil engineering Infrastructure Report.

The grounds of appeal also contain:

- A revised NIS which corrects minor inaccuracies. This was advertised.
- Outline Construction Environmental Management Plan.
- Ecological Assessment Report.
- An addendum to the civil engineering report with details responses to the requirements of the transportation department and drainage division as contained in their respective reports.

## **3.0 Planning Authority Decision**

### **3.1. Decision**

- 3.1.1. The planning authority decided to refuse permission for the stated reasons:

1. The proposed development by reason of its proximity to subject site boundaries in combination with the scale, massing and number of blocks and units proposed would be excessive in scale and built form, would result in overdevelopment of the subject site, would be visually overbearing when viewed from adjacent streetscapes and residential properties, and would detract from the visual amenities of the area. The proposed development would therefore seriously injure the residential and visual amenities and depreciate the value of properties in the vicinity and would set a poor precedent for similar type development in the area and would thus be contrary to the proper[ty] planning and sustainable development of the area.
2. The existing dwelling if Ard na Galise is considered to be of architectural value as an example of early 20<sup>th</sup> century domestic built heritage, in a mature sylvan setting and is worthy of retention. The proposed development which includes the demolition of the existing dwelling and removal of a significant amount of its surrounding landscaping would negatively impact on the character of the site and would detract from the visual amenity of the area and streetscape and would be contrary to the provision of the Policy AR5 and Policy AR8 regarding buildings and features of heritage interest and character, the provision of section 8.2.3.4(xiv) regarding Demolition and Replacement Dwellings and provision of Policy RES4 of the Dun Laoghaire Rathdown County Development Plan 2016/2022 in relation to Existing Housing Stock and Densification. The proposed development would therefore be contrary to the proper planning and sustainable development of the area.

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

- 3.2.1. Planning Reports The planner's report as in the previous case raises concerns regarding proximity to dwellings, spacing between apartment blocks and the outstanding issues in the technical reports. Notwithstanding the scope of the previous decision by the Board and the contents of the inspector's report which concludes on the acceptability of demolition, the planning authority remains of the view as supported by the conservation office that retention of the existing dwelling and subdivision would be more appropriate as a means to provide for multiple housing on the site. A total of 30 observations were made to the planning authority from residents in the area.

### 3.3. Other Technical Reports

- 3.3.1. Transport Planning: (19/6/20) Further information required regarding provision of :
- individually assigned car parks required under the DHPLG Design Standards for new apartments and space for visitors, deliveries, etc. (2 car park spaces required for each 3 bed house and 1 space each for the 53 apartments,
  - 117 bicycle spaces,
  - additional electric parking,
  - relocation of the vehicular access with the main vehicular access provided through Coppinger Glade and details also required regrading be submitted of the cyclist/pedestrian/vulnerable road user paths through the proposed development and legal consents,
  - a Traffic and Transport Assessment Report and Quality Audit to include a road safety audit, access audit, cycle audit and walking audit in accordance with DMURS.
  - works specifications and
  - a Mobility Management Statement
- 3.3.2. Drainage Department 22/4/2020 is cited in the planning report and refers to 13 items which require further information. This report is reviewed and updated in the planning authority response to grounds of appeal.
- 3.3.3. Conservation Officer (undated report) remains opposed to the principle of demolition of the existing house having regard to its architectural merit and within the framework of sections 2.1.3.4 and 8.2.3.4 and Policies AR5 and AR8 of the Development Plan. Conversion of the house as part of scheme would be preferable.
- 3.3.4. EHO: (26/3/20) Acceptable subject to conditions
- 3.3.5. The Parks and Landscape Section - no report on file but in previous case further information was recommended. In the event of a grant of planning permission it was recommended that conditions relating to the provision of an insurance bond for the protection/replacement of trees, revised landscape design and boundary treatment, details of the proposed play area within the site should be submitted to and agreed with the planning authority.
- 3.3.6. Irish Water previously reported no objection subject to connection agreement.

## 4.0 Planning History

4.1. An Bord Pleanála Ref. 304966 refers to a refusal of permission for the same proposal on the subject site. (file attached)

- On the basis of the information provided with the application and appeal and, in the absence of a Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024) and the South Dublin Bay Special Area of Conservation (Site Code: 000210), in view of the sites' Conservation Objectives. In this regard, the Board noted that the Appropriate Assessment Screening Statement submitted with the application relies on measures (described in the submitted documentation as "housekeeping and pollution control measures") which would have the effect of avoiding or reducing the impact of silt and other potential pollutants arising from the proposed development on the Carysfort Maretime stream that leads directly into these European sites. In light of the judgement of the European Court of Justice in the case of People Over Wind (C-323/17), reliance on such measures is not appropriate in the context of screening for Appropriate Assessment. Accordingly, it is considered by the Board that a Natura Impact Statement should have been submitted with the application. In the absence of such a Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay and River Tolka Estuary Special Protection Area and the South Dublin Bay Special Area of Conservation, and, therefore, is precluded from granting planning permission.

In a note on the Board's Order it is stated that

**Note:** Furthermore, the Board concurred with the Planning Authority's Reason for Refusal Number 1 in so far as it related to the layout of the terrace of houses on the northeast and the duplex units to the south of the site. The Board noted the applicant's proposal at appeal stage to replace the duplex units originally proposed along the east with a terrace of houses. However, the Board remained concerned about the potential impact of the houses on the northeast and the duplex units to the south on the overall existing sylvan character of the site and on the residential

amenities of adjacent residential properties arising from their undue proximity to the northeast and southern boundaries of the site.

## 5.0 Policy and Context

### 5.1. National Policy

5.1.1. The National Planning Framework (2018) sets out a number of national objectives.

- Objective 3c is to deliver at least 50% of new houses in the city/suburbs of Dublin, Cork, Galway, Limerick and Waterford.
- Objective 11 is to favour development that can encourage more people to live or work in existing settlements.
- Objective 27 is to prioritise walking and cycling accessibility to existing and proposed development.
- Objective 33 is to prioritise the provision of new homes that can support sustainable development.
- Objective 35 is to increase residential density in settlements.

5.1.2. The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009) sets out general principles of sustainable development and residential design, including the need to prioritise walking, cycling and public transport over the use of cars, and to provide residents with quality of life in terms of amenity, safety and convenience. Section 5.11 states that densities for housing development on outer suburban greenfield sites between 35 and 50 units/ha will be encouraged, and those below 30 units/ha will be discouraged. A design manual accompanies the guidelines which lays out 12 principles for urban residential design.

5.1.3. The Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments (amended in December 2020) contains several specific requirements with which compliance is mandatory.

- Specific Planning Policy Requirement 1 requires a particular mix of unit types: Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing

Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

Note: It is stated that all standards set out in this guidance shall generally apply to building refurbishment schemes on sites of any size, or urban infill schemes, but there shall also be scope for planning authorities to exercise discretion on a case-by-case basis, having regard to the overall quality of a proposed development.

- Specific Planning Policy Requirement 3 requires minimum Apartment Floor Areas:

Studio apartment (1 person) 37 sq.m

1-bedroom apartment (2 persons) 45 sq.m

2-bedroom apartment (4 persons) 73 sq.m

3-bedroom apartment (5 persons) 90 sq.m

- 5.1.4. New schemes are also required to exceed the minimum floor areas by at least 10%. Requirements for individual rooms, for storage and for private amenity space are set out in the appendix to the guidelines, including a requirement for 3m<sup>2</sup> storage for one-bedroom apartments, 6m<sup>2</sup> for two-bedroom apartments and 9m<sup>2</sup> for three-bedroom apartments. In suburban locations a minimum of 50% of apartments should be dual aspect. Ground level apartments should have floor to ceiling heights of 2.7m.

- 5.1.5. The Guidelines for Planning Authorities on Urban Development and Building Heights (2018) state (section 3.6) that development in suburban locations should include an effective mix of 2, 3 and 4 storey development. SPPR 4 is that planning authority must secure a mix of building heights and types and minimum densities in line with other guidance.

- Specific Planning Policy Requirement 4 states that it is a specific planning policy requirement that in planning the future development of greenfield or edge of city/town locations for housing purposes, planning authorities must secure:
  1. the minimum densities for such locations set out in the Guidelines issued by the Minister under Section 28 of the Planning and Development Act 2000 (as amended), titled “Sustainable Residential Development in Urban Areas (2007)” or any amending or replacement Guidelines;
  2. a greater mix of building heights and typologies in planning for the future development of suburban locations; and



3. avoid mono-type building typologies (e.g. two storey or own-door houses only), particularly, but not exclusively in any one development of 100 units or more.

5.1.6. The Design Manual for Urban Roads and Streets (DMURS 2013) sets out (Section 1.2) a policy that street layouts should be interconnected to encourage walking and cycling and offer easy access to public transport. Section 3.2 identifies types of street. Arterial streets are major routes, link streets provide links to arterial streets or between neighbourhoods, while local streets provide access within communities. Section 3.3.2 recommends that block sizes in new areas should not be excessively large, with dimensions of 60-80m being optimal and 100m reasonable in suburban areas. However maximum block dimensions should not exceed 120m. Section 4.4.1 states that the standard lane width on link and arterial streets should be 3.25m, while carriageway width on local streets should be 5-5.5m or 4.8m where a shared surface is proposed.

## 5.2. **Development Plan**

5.2.1. The site is zoned objective A – ‘to protect and or improve residential amenity’ in the Dun Laoghaire Rathdown County Development Plan 2016-2022.

5.2.2. **Densification** : Policy RES4 refers to a policy to improve and conserve housing stock, to densify existing built-up areas having due regard to amenities of established dwellings. Section 8.2.3.4 (xiv) refers to demolition and replacement of dwellings in the context of building strategy. It states that the council will sometimes state a preference to retain existing structure houses that, while not Protected Structures, do have merit and/or contribute beneficially to the area in terms of visual amenity, character and or accommodation type. Demolition of an existing house in single occupancy and replacement with multiple new build units will not be considered simply on the ground of replacement numbers but will be weighed against other factors. Better alternative to comprehensive demolition of for example a distinctive detached dwelling and its landscaped gardens may be to construct structures around the established dwelling... In larger proposals for demolition of existing structure the balance between the greater energy efficiency ratios of the new building will be considered.

- 5.2.3. Policy AR5 – Buildings of Heritage Interest: It is Council policy to:
- i. Retain, where appropriate, and encourage the rehabilitation and suitable reuse of existing older buildings/structures/features which make a positive contribution to the character and appearance of a streetscape in preference to their demolition and redevelopment and to preserve surviving shop and pub fronts of special historical or architectural interest including signage and associated features.
  - ii. Identify buildings of vernacular significance with a view to assessing them for inclusion in the Record of Protected Structures.
- 5.2.4. Policy AR 8 Nineteenth and Twentieth Century, Buildings Estates and Features. It is Council policy to:
- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.
  - ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.

## 6.0 Natural Heritage Designations

6.1. There are a number of Natura sites within 15km as listed on pages 12-13 of the NIS. Given the potential for connectivity via the stream bounding the site, the relevant sites are:

- South Dublin Bay and River Tolka Estuary SPA – site code 004034
- South Dublin Bay SAC - site code 000210

## 7.0 EIA Screening

7.1. As in the previous case before the Board the applicant submitted an EIA screening assessment report which identified the project as being within Class 15 but below the threshold for triggering the need to submit an EIAR. The report went on to test the need for a subthreshold EIAR having regard to the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended. Following the screening assessment, the report concluded that the proposed development would

not give rise to significant effects on the environment which would require submission of an EIAR.

- 7.2. Having regard to the material submitted with the application and the DAU comments on this case, I concur with the previous assessment that in view of the submissions and having regard to the nature of the development comprising a significantly sub-threshold residential development on appropriately zoned lands where public piped 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.

## 8.0 The Appeal

### 8.1. Grounds of Appeal

- 8.1.1. This application includes a reduction in units from 67 to 63 (replaces 4no. 3 storey duplexes with 4 no.2 storey houses further off the eastern boundary) as submitted to the Board as part of revised plans on appeal. It is submitted that DLRCC has not appropriately considered the revised scheme having regard to the variation and the Board's previous decision. The nature of the reason for refusal and the inspector's report is cited in support of the proposal.
- 8.1.2. The following points are made in respect of reason 1:
- The application has had specific regard to the Carysfort stream along its western boundary and the residential uses on adjoining sites. Boundary treatment to the south and east includes 1.8m post and timber fencing and semi-mature and extra heavy planting of trees. The proposed boundary/stream bank planting will result in significant screening of the development as viewed from surrounding residential dwellings to the south, east and west.
  - Eastern boundary: First floor bedrooms are in the front elevation only of House type H1 which back onto nos. 15 and 16 Coppinger Close. Ensuite/bathroom window are in the rear first floor elevation. This was accepted in the inspector's report in the previous case and there is also precedent for this in the Board's decisions.

- Southern Boundary: The proposed duplex units have been designed with a stepped back upper level at 1<sup>st</sup> and 2<sup>nd</sup> levels and balconies are located in the north elevation to protect amenities of the dwellings to the south. This set back of 9-10m was accepted by the inspector in the previous report.
- Western boundary: There is a significant separation from the existing houses to the west. Block A is 17.7m from the closest building line to the west. No issues of overlooking or loss of residential amenity will occur.
- Block A on the northern edge provides a visual marker for the site. Both blocks A and B are set back from the boundaries on all sides and provide passive surveillance of open space.
- The visual analysis submitted with the application establishes that the visual impact in a winter scenario with minimal screening is considered to be acceptable with respect to views from Coppinger Glade, Coppinger Close, Orpen Dale and Stillorgan Park. Tree planting and maturing will further screen the development.
- The density (Note: stated to be 81 units/hectare but is 78/ha) is considered fully appropriate in terms of scale and form while protecting amenities. The materials further integrate with the character of the area.

8.1.3. The following points are made in respect of reason 2:

- The policies in the development plan support the demolition of the house and the densification of the site. This is supported by a Conservation Assessment undertaken by Historic Building Consultants in June 2018 as submitted with the previous application. The existing house on site (Ard na Glaise) is not a protected structure. The Assessment submitted with the application concluded that the house is not architecturally significant and is not an important element of the streetscape.
- Retention of the house would mean that a density of no greater than 44units/ha could be achieved. This is contrary to national, regional and local policy for housing provision.
- The sylvan setting is something that will change over time regardless of the nature of the proposal. Many of trees are not viable over the short medium or

long term. The proposed Landscape Plan is a sustainable proposal incorporating indigenous species and strategic screening. The use of semi-mature species and extensive plant will reinforce a sylvan setting within a relatively short timeframe.

8.1.4. In respect of traffic issues raised by the planning authority a number of points are made and the following points are made:

- The quantum of car parking accords with national policies having regard to proximity to QBC on N11 and guidance to reduce parking in such circumstances (Sustainable Urban Housing : Design Standards for New Apartments.
- The applicant is amenable to conditions to provide 117 cycle spaces if requires and submit details for agreement regarding electric parking.
- All development works will meet DLRCC standards.
- Quality Audits and Travel statement are not deemed necessary at planning stage
- A detailed traffic and transport assessment is not deemed necessary for a development of this nature, for example, it is predicted that during morning peak hour the traffic volume existing the site will be 16 and entering will be 4.
- An alternative vehicular access was not considered necessary in the Inspector's report.

8.1.5. In respect of drainage further details are submitted in an engineering report Appendix 1 .

8.1.6. In respect of the requirement to relocate trees away from the attenuation tank it is requested that this be considered and if necessary be addressed by the Board by way of condition.

8.1.7. In respect of the NIS the discrepancy in number of housing units as raised by the planning authority is acknowledged and the conclusions of the NIS are clarified. The NIS which is was based on the original 67 units and a basement car park and which is clarified as now relating only to the 63 units is submitted to be not materially affected in terms of the outcome of the ecological impact assessment screening of the AA or NIS. The reduction in the development is in fact stated to marginally decrease potential impact

## 8.2. **Planning Authority Response**

8.2.1. The reasons as set out in the planning report still stand in support of the reasons for refusal. (The typo is corrected) The planning authority requests that the attached Drainage report of 8/8/21 be considered in full .

8.2.2. The drainage planning division has considered the Planning System and Flood Risk Management Guidelines but is of the opinion that the imposition of planning conditions requires certainty. It is clarified that the Drainage Division did consider the proposal in full and that the reference to the bridge is based on the information in the consulting engineer's report. As it does in fact not exist, contrary to this report, it is acknowledged that the issue of the bridge is addressed. A number of other issues raised in the report of April 2020 are acknowledged as being addressed.

8.2.3. Further information is required regarding the following items and while preference is that these mainly are addressed prior to a decision, it is requested that these items as number in the original report of 4/20 be specifically addressed in a condition in the event of grant of permission;

- Flotation issues (2<sup>nd</sup> part of item 2 )
- Change from on-line to off line proposals should be addressed at planning application stage. (Item 3)
- Cross sections to determine if run-off from the adjoining road would drain to the permeable paving impact on interception storage/ calculations - needs addressing (Item 6)
- Adequate interception storage provision not demonstrated (Item 7)
- Feasibility of tank siting with respect to landscaping. (Item 8)

It is further stated that proposed levels remain unclear notwithstanding the previous request and the applicant's statement that 'it is clear from an examination of the existing and proposed levels on the planning drawings that levels on site in the predicted flood zone along the stream edge have not altered and therefore will not exacerbate predicted flooding to the lower lying area to the west of the site.' (Item 11)

- longitudinal section drawing (item (12)
- It is further highlighted that the absence of debris deposits as described in the inspector's report in the previous case should not be relied upon as an indicator of flood risk. It is stated that, 'Of significance in this catchment is an extreme

intense rainfall level such as the October 2011 event which did cause flooding of properties in the catchment. This event has been estimated to be a c. 1.5%AEP event (1:70 to 1:80 year return event) and is only referred to in this report as an indicator of the intensity of event that would be required from which some conclusions could be drawn or extrapolated ...'

### 8.3. Observations

8.3.1. Observations were received from Coppinger Residents Association, Eilin de Buitleur (rep by Hughes Consultants), 75 Coppinger Glade, Linda Kelly, 74 Coppinger Glade, Christian Mielke and Elena Rossi 76 Coppinger Glade, Alan Killian, 14 Coppinger Close, Greg Kirker, 38 Coppinger Glade and Michael Palcic, 54 Coppinger Glade and Nessian and Maeve Heaslip, 72 Coppinger Glade

8.3.2. This submissions are based on the following concerns:

- The objections in relation to the previously proposed scheme still stand given that the reduction of 4 units has no positive impact on neighbouring dwellings. It is considered to be over scaled with overbearing impacts as appraised by the planning authority.
- The demolition of the house is objected to by reference to policies AR5 and AR8, on grounds of historic value and its contribution to the streetscape. The conversion of the house into apartments would be more appropriate and would reduce the environmental impact due to loss of trees, earthworks and loss of biodiversity.
- The height and density are considered excessive and together with the style would be out of character with its surroundings. The Edwardian style two storey dormer opposite the site is considered a more appropriate reference.
- There will be a negative impact on amenities of surrounding properties in an area subject to the objective to protect residential amenity. This is due to overlooking overshadowing and overbearing impact due to the scale, visual impact due to loss of trees and visual obtrusion and disturbance due to multiplicity of units and interconnection.
- Development along the eastern boundary is too close to nos.75 and 76 Coppinger Glade present an opportunity for overlooking. the development plan clearly requires 22m opposing distance between upper floor windows.

- The development along the southern boundary is too close to no 75 Coppinger Glade and no. 9 Orpen Green.
- The balconies at top floor level would cause undue overlooking to the west.
- 44 car park spaces inadequate for 120 bedrooms and the effect of this on parking will be a nuisance impact on the residents of Coppinger Glade which is proposed to be connected by a pedestrian access. It will also impact on Coppinger Close which has a pedestrian access onto Stillorgan Park near the site
- Pedestrian access to Coppinger Glade is objectionable :It will be considerably disruptive to residents and will result in a loss of privacy – pedestrian link would make more sense on the other side. The ownership and rights of ways issue is also raised. It is submitted there is insufficient evidence of entitlement to the land required to provide this pedestrian access and permission should therefore be refused by reference to An Bord Pleanála decision in its case Ref.305148.
- Traffic and car parking :The density of development will contribute to increased traffic congestion and along the Stillorgan Park Road which is already at full capacity. Other issues relate to lack of electric charging points.
- Loss of trees and Landscaping: Concern extent of loss of a mature landscape (loss of up to 104 trees) and visual impact on an area characterised by the mature trees. The landscaping report is considered to be very negative. The owner of no. 14 does not want trees removed for reasons relating to root spread and disturbance to house, flooding impact and loss of privacy
- Depreciation of property.
- Disturbance of construction works.
- Ecological Impact – loss of habitats and disturbance.
- Flooding: It is submitted that the Carysfort Maretime Stream is a cause of flooding. The improvement project for this stream seeks to minimise disturbance of mature trees
- The site should be an open space as there is shortage of such space.
- The conservation assessment of the house is disputed. It also has cultural merit in that the Maurice Walshe, author of 'The Quiet Man' lived in the house.
- Impact on dynamics of an established community



- It is submitted by some that there has been a lack of consultation with neighbours and Covid has restricted access to the planning authority and meeting with neighbours for a more informed participation.
- The proposed 3 storey duplexes are too close to Coppinger Glade housing and will give rise to negative visual impact. (Photos from directly affected properties attached in submission from Hughes Planning Consultants.
- The proposed development will give rise to a loss of privacy to adjoining property particularly 75 and 76 Coppinger Glade.

#### 8.4. **Proscribed Bodies**

##### Dep. of Tourism, Culture, Arts, Gaeltacht, Sport and Media – Development

Applications Unit: (2/11/20) In its report of 2/11/20 the department comments on the NIS, Bats and Landscaping proposals. It accepts that if the mitigation measures set out in the NISs and the OCEMP are successfully implemented in full during the construction phase that no significant negative impacts on Natura 2000 sites should result from the proposed development. The loss of the trees which are mainly exotic is not of conservation significance. The mature trees on site have limited potential to contain bat roosts. There is no objection to the development subject to 3 conditions relating to river pollution, vegetation clearance times and precautionary bat protection.

Irish Water: A letter dated 30<sup>th</sup> July 2018 is appended to the grounds of appeal and this confirms that connection to water and waste-water networks is feasible subject to conditions which may require pumping in the event that a gravity connection is not achievable.

#### 8.5. **Further Responses**

No further responses.

### 9.0 **Assessment**

#### 9.1. **Issues**

9.1.1. The principal planning issues in this case are;

- Demolition - Architectural Conservation.
- Density.
- Impact on Adjoining Property and Streetscape.

- Landscaping/Loss of trees.
- Traffic Safety/Access.
- Parking.
- Drainage/ Flooding.
- Apartment quality.
- Landscaping/ecology
- Appropriate Assessment.

## 9.2. Demolition – Architectural Conservation

- 9.2.1. Notwithstanding the Board’s decision in the previous case, the planning authority remains of the view that the demolition of the existing house on site would be a significant loss and its retention is seen to be supported by policies AR5 and AR8. The conservation officer and many of the observations advocate the subdivision of the house as a means to its retention and densification of the site. This is I accept supported by policy AR5. The applicant however makes the case that the house is not a protected structure nor is it in a designated conservation area and ultimately its retention compromises the provision of a comprehensive redevelopment so as to provide a more resource efficient and denser form of development in line with the national planning framework strategy to densify serviced and accessible sites.
- 9.2.2. The demolition, as in the previous case is supported by a conservation report which concludes that there is limited conservation value. The house is described in architectural terms as a run-of the mill late early 20<sup>th</sup> century house which lacks the decorative style and coherence that would be expected of a good example of an Arts and Crafts style house. The case, as was previously made and accepted, is that the best examples of this architectural type are listed in the RPS and that this building is not one of them.
- 9.2.3. While I note the objections of the planning authority and in particular, the conservation officer’s report and the third party observations regarding cultural history and association with the author Maurice Walshe, I do not consider there to be any material change in circumstances or policies from the previous case that would support a reason for refusal on the grounds of loss of a building of architectural interest. The development plan policy provides for taking account of the redevelopment opportunities arising from demolition of a single house – and in this

way supports the principle of demolition. This is supported in national policy whereby development should be consolidated in areas with good access to transport and services such as are the circumstances of this case. However it is on the basis of the quality of the redevelopment that the acceptability of demolition of the house should be assessed. I accept that the demolition of the house would have a localised impact in terms of cultural and historic heritage however I consider the benefits of a comprehensive denser scheme outweigh this loss subject to design standards. In terms of streetscape I also concur with the previous inspector's assessment that the house is limited in terms of its contribution to the streetscape due to the set back and boundary treatment which restrict views. Accordingly the issue falls on the quality of the proposal rather than the intrinsic architectural quality of the existing dwelling.

### **9.3. Density**

- 9.3.1. In the previous case before the Board the original proposal was for 61 apartments and 6 houses and this was amended during that appeal to 53 apartments and 10 houses with a density of 77 units/ha as is presently proposed . I concur generally with the inspector's previous assessment that in a strategic context with reference to national policy, that this density is appropriate for a built-up suburban area such as this and given the infrastructure and proximity to services and community and educational facilities; it is less than 500m to the QBC on the Stillorgan Road/N11 and less than 1km from Stillorgan village, and on this basis accords with the Sustainable Housing in Urban Areas Guidelines. There are however qualitative issues with the form and scale of the buildings and their interface with neighbouring dwellings particularly those to the south and east of the site .

### **9.4. Impact on Adjoining Property and streetscape.**

- 9.4.1. The residents raise similar concerns as in the previous case with regard to impacts on their respective properties. Specifically the issues centre on the scale and intensity of development and consequent overlooking, overshadowing, overbearing nature, visual aspect and disturbance broadly consistent with the planning authority's reason 1 for refusal.

9.4.2. While the building height guidelines advocate 2-4 storeys in height for suburban locations, the level of acceptable height and density is ultimately predicated on reasonable protection of amenity and a degree of flexibility in integrating higher densities and height is provided for. In this case the development ranges from 2 to 3 storeys along the western and southern boundaries where they bound established two storey houses and scales up to a recessed fifth level towards the centre of the site and 2-4 storey where it fronts the Stillorgan Park Road. The Board previously did not include the planning authority's reason for refusal in relation to these issues although a note was attached to the Board's Direction. This flagged concerns about the proximity of the development in the south end of the site and the north east and I have considered these in detail.

Duplex Units along the southern boundary

9.4.3. This comprises a terrace of 4 pairs of duplexes (8 units) in the format of a three-bed two-storey unit over a ground floor two-bed unit. The layout is such that the ground floor units extend to within a range of 2.8m -4.75m from the side boundary of no. 9 Orpen Green. I note the comments of the previous inspector in respect of the stepped rear elevation and that first and second floor kitchen and bedroom windows are between 9m and 10m off the boundaries with the rear gardens number 75 Coppinger Glade and number 9 Orpen Green. While I accept that this is a reasonable set back from a side boundary where rear facing windows will be at oblique angles, this nevertheless introduces a 3 storey height and 8 units in a format that could I accept be quite oppressive on the amenities of no 9 in particular- as it extends along its entire northern boundary from the rear building line. While I note the orientation and the replacement trees and also the expansive open space to the front of no.9, I consider that the intensity of this block should be reduced. There are a few options: Firstly, the ground floor units could be revised to one bed units thereby reducing the depth of the units and freeing up space for enhanced boundary screening. Alternatively the Board may consider the replacement of the duplexes at this point of the site with a two-storey terrace of Houses (e.g.type 3). Another option in tandem with option 1 would be to reduce the duplex units to 6 in total (3 over 3units) by, for example, omitting the duplex bay (1 over 1 unit) at the eastern end. As there is a very marginal difference between these potential revisions in terms of reducing impacts, I consider a combination of the first and third option to be most

the appropriate option as it still provides for 6 units on a reduced footprint and thereby allows for increased landscape buffering for properties to the south and to the east.

Impact on north east boundary properties.

- 9.4.4. House type 1 with a ridge height of 8.3m is proposed at a distance of 8.356m from the eastern boundary at a point where houses on Coppinger close back onto the site at a distance of just under 10m at first floor level. No. 16 has been extended to within a couple of metres at this point. While the proposed set back from the boundary is at the reduced depth for opposing development the issue has to be assessed on its merits, for example the degree of overlooking. In this case the east facing first floor windows are ancillary spaces (such as bathrooms, storage, etc) and will not therefore give rise to any significant overlooking. A condition of permission requiring opaque glazing permanently would control future layout revisions. There will also be enhanced screening and similarly this could be maintained by condition. I also note that these houses have generous plot widths and open space of 83 sq.m which reduces the level of intensity and potential for disturbance in adjacent properties. I am also satisfied that the height and form and set back of the two storey houses with asymmetrical roofs will not cause undue overshadowing – I would suggest that the new boundary landscaping will permit more light into the adjacent property than presently exists. Having considered this matter in detail I do not consider there to be any undue impact in terms of overlooking, overshadowing or overbearing impact on dwellings to the east.

Western Boundary

- 9.4.5. As in the previous case, Block A which includes a single terrace on its western elevation at a nearest distance of 15m from the western site boundary, will, in my judgement, not give rise to any undue overlooking or unreasonably impact on the amenity of property to the west. This is due to set back and intervening stream and embankment growth and additional planting which will act as a screen between the proposed apartment block and the two 2 storey houses off Stillorgan Park Road to the west.

9.4.6. Similarly, Block B (to the south of Block A ) faces west onto the gable ends of houses on Orpen Dale. The Orpen Dale houses are semi-detached dormer houses accessed off Stillorgan Park Road to the west of the application site. Having regard to the separation distances off the western boundary, the intervention of screening, the orientation of the proposed terraces generally towards gable walls, roads and front gardens I concur with the previous assessment that this element of the proposed development is generally acceptable in terms of impacts on adjoining property.

#### Eastern Boundary

9.4.7. In the original design of the previous application there was a pair of duplex units proposed in the middle of the eastern boundary. This element has been revised and the duplex units are now replaced with four two-storey houses moved further into the site to increase the separation distance off the eastern boundary to 10.4m. This was also before the Board as part of revised drawings in the grounds of appeal and considered by the inspector. I am satisfied that the layout and arrangement of windows will minimise overlooking and not give rise to any significant impact on amenity. The forward setting of the ridge and use of a flat roof to the rear also improves the angle of light into neighbouring properties. A condition restricting exempted development to the rear of the property would provide a degree of control over any further developments within the curtilage of the proposed dwelling houses.

#### North boundary and Streetscape

9.4.8. Block A is the most northerly block fronting onto Stillorgan Park . While the planning authority as in the previous case remains concerned that this block will negatively impact on the visual amenity of the streetscape in the area I do not agree. I note that contemporary four storey high development has been recently constructed a few hundred metres to the west close to the road and near the N11 and provides context for an evolving urban landscaping. The 3 storey pitched roofed and traditional styled red brick apartment block opposite also allows for a moderate scaling up. The proposed 4 storey design of Block A is of a contemporary design with a brick façade that frames large windows which give the building a lightness and reflective quality. It is well set back from houses and the road and with the combination of materials and landscaping together with the stepping down to two storey pitched roofed houses allows for a visual assimilation into the streetscape. Block B which

incorporates a fifth level is further setback from the road behind Block A and will add visual interest to the topography without being overly dominant. Accordingly I do not consider the blocks as viewed from the north will be visually incongruous in the immediate or wider streetscape context and am satisfied that this aspect of the development does not give rise to any significant amenity concerns.

- 9.4.9. On balance having considered the objections and submissions, ministerial guidance, the provisions of the development plan and inspected the site and environs, I consider that the proposed development subject to some minor adjustments will not be excessive in scale, form or height to the extent that it would seriously injure the amenity or depreciate the value of property in the vicinity through overshadowing or overlooking or unacceptable visual intrusion. I therefore do not consider a reason for refusal on these grounds is reasonable.

#### 9.5. **Traffic safety/Access.**

- 9.5.1. It is proposed to retain vehicular access from Stillorgan Park Road in a modified format (20m west and 50m east of the roundabout) and use this as the main access for the site and to upgrade it in terms of safe access and egress, for example, by a 5.5m wide road at the entrance road, pedestrian priority, low speed by design measures and the provision road markings such as a right turning lane and a yellow box junction. However the Transport Planning Department reports, as in the previous case sought revised access arrangements as it was considered that the proposed development should be required to provide vehicular access through the adjoining Coppinger development to minimise junctions on the Stillorgan Park road. Coppinger Glade is taken-in-charge by the Council and has the potential for such access although the legality is questioned by the residents. The need for this is refuted by the applicant having regard primarily to the existence of an entrance, traffic levels and proposed safety measures.
- 9.5.2. I note that the council's preference for relocation is based on the status of the road as a regional route (R825) linking Stillorgan village to Blackrock in the east. As pointed out in the inspector's previous report, the document, Spatial Planning and National Roads Guidelines for Planning Authorities (2012) makes the point that where there are non-national roads in urban areas which are particularly significant, they should be identified the County Development Plan and the guidelines applied to those roads. It remains the case that, Stillorgan Park is not identified in the County

Development Plan as being of special significance or planned for improvement works. The applicant refers to the previous acceptance in the inspector's assessment.

- 9.5.3. I further note the road is in a 50kph zone appropriate for this built-up area and sightlines are adequate and exceed the DMURs requirements in Table 6.1 which requires a stopping sight distance of 49m. In terms of design detail, the Roads Layout and Site Entrance Plan (drawing C1002) provides for the integration of the new vehicular entrance and pathways with the existing footpath/cycleway and road at Stillorgan Park. I accept however that this a busy distributor road and that a further road safety audit and a mobility management plan that minimises car usage in line with the level and nature of parking to be provided are necessary to manage the traffic in a safe and efficient manner. The applicant is amenable to addressing this by a condition of permission. The traffic volumes however are not I consider of a magnitude to warrant a full traffic impact Assessment. As previously highlighted, a condition under section 48(2)(c) could be imposed allowing the planning authority to recoup the costs of road works/markings on Stillorgan Park necessitated by the proposed development.
- 9.5.4. As in the previous case I concur that the proposed entrance for a development of this scale is warranted. I would also comment that the vehicular access through Coppinger Glade would result in an unduly circuitous vehicular entrance route and generate unnecessary traffic through a quiet residential enclave. The potential for reduced traffic is also supported by enhanced facilities and linkages for pedestrians and cyclists for future and existing residents in the area. This is facilitated by the path links through Coppinger Glade and this should be maintained in the interest of permeability and sustainable movement. It provides an opportunity for Coppinger residents to more direct access to the surrounding area and potentially reduce car usage. As recommended in the previous inspector's report, I support the previous recommendation of a condition requiring the provision a pedestrian/bicycle access open permanently between the application site and Coppinger.
- 9.5.5. In conclusion of this matter, having regard to the speed limit on Stillorgan Park Road, the availability of segregated cycling and pedestrian paths and the pattern of residential development in the area I do not consider that an access to Stillorgan Park will give rise to traffic hazard. I concur with the applicant that traffic



management and safety issues in addition to design details can be addressed through a condition of permission.

#### 9.6. **Parking.**

- 9.6.1. The planning authority's Transport Planning Section remains of the view that the level car parking is substandard and again seeks a ratio of two spaces per house and 1 per apartment together with details of visitor parking and services.
- 9.6.2. The application proposes 44 car parking spaces and has increased electric spaces to from 4 to 7 in the grounds in the appeal submission. I note that the car parking provision based on the development plan standards requires at least 73 spaces as was also applicable in the previous case. The applicant makes the case that the site is well serviced by public transport – being less than 500m from the QBC. I also note that the site is well served by a network and cyclepath and footpaths and there is therefore a case to be made to reduce parking by reference to The Sustainable Urban Housing Design Standards for New Apartments which recommend that in 'intermediate urban locations', that is areas with public transport or close to town centres and employment opportunities, planning authorities should reduce the requirement for car parking spaces. Accordingly I concur with the previous assessment that given the location and proximity to educational, employment and community uses the car parking provision is acceptable.
- 9.6.3. Pedestrian Access and nuisance parking: A source of significant concern relates to the provision of site access from Coppinger Glade. The main concern relates to the generation of traffic and parking on the surrounding road network outside the site and beside the access points. This is underlined by what is considered to be insufficient parking within the site by reference to the development plan parking ratio requirements. However, the provision for a pedestrian access to the adjacent cul-de-sac development allows for permeability in line with the strategic approach to integrated land use and transport and it is difficult to argue against. The issue of on-street parking on a public road (a road in charge) is a matter for parking control by the council. With respect to legal entitlement and the case for refusing on such grounds, I would make the point that the development is not wholly reliant on this access, notwithstanding its desirability and that in the event that there is insufficient legal entitlement to create an opening in the site boundary to access a public road, the site would still have alternative access. Therefore I do not consider it reasonable

to refuse on grounds of lack of legal entitlement. Every opportunity should be made to provide for this in terms of site layout and integration as previously stated in the appraisal of the traffic issue in this assessment.

## 9.7. Drainage and Flooding

- 9.7.1. The Civil Engineering Infrastructure Report Doc No.17.373-1K-01 (Barrett Mahony) dated 12/3/20 describes the existing and proposed drainage systems in section 2 and the flood risk assessment in section 3 and a number of details are stated to be need clarification preferably prior to decision to grant permission.

### Surface Water drainage

- 9.7.2. The surface water drainage system including SuDS and the attenuation facilities are designed to ensure that discharge from the whole development will not exceed 2.0 l/s/ha as per GDSDS guidance. The Greenfield run-off rate is calculated at 1.6l/s for the site.

- 9.7.3. As in the previous case the Drainage Division, after a rigorous analysis, highlights some uncertainties about data and calculations in relation to flood levels, capacity of attenuation tanks, feasibility of location and levels of these tanks relative to the trees and stream. This is reiterated and explained in detail in the planning authority's response to the grounds of appeal. The main outstanding issues and differences of approach are summarised as follows:

- Flotation issues (2<sup>nd</sup> part of item 2 ). In this regard the engineers for the applicant (BM) have stated that the outfall is located above the estimated 10% AEP flood level as shown on drawing C1007 and will not be subject to flotation. The Drainage division highlights that the invert level 10% AEP level relied upon in fact refers to a different location downstream where it is 37.16m whereas the proposed cover level for tank 1 is 36.2m and the sump is at 36.20 , hence the concern about flotation. I consider this matter can be subject to agreement prior to commencement of development.
- An in-line solution for tank1 (Item 3) is required and it is requested that this be addressed however the consulting engineers propose that that is a design detail and can be agreed prior to commencement of development which is disputed by

the drainage division as it is a standard requirement. I consider this can be addressed by agreement prior to commencement of development.

- In respect of details of permeable paving lining and cross sections to establish the chamber of the road and level of intersection (Item 6) the drainage division further explains that this is needed to determine if run-off from the adjoining road would drain to the permeable paving and the extent of impact on interception storage calculations. The applicant confirms the permeable paving will be lined and that cross section drawings are a matter of detail. I consider this to be a matter that can be subject of agreement by condition.
- In respect of SuDs run-off and treatment (Item 7), the drainage division is not satisfied that adequate interception storage provision has been clearly demonstrated within the individual components of the system. The applicant disputes the needs for additional drawings but nevertheless is amenable to a condition requiring the relevant drawings in this regard. I consider this matter can be addressed by condition.
- The drainage division seeks the removal of certain trees from the vicinity of the attenuation system as shown in the landscape plan and requires 2m minimum distance from the edge of the attenuation tanks together with tree protection barriers as required. (Item 8). While I accept that this is an important issue in that tree retention should be maximized, I do not consider it to be insurmountable in that there are a number of options in terms of tank dimensions and design, tree species and tree conditions and landscaping options, the detail of which is best worked out in tandem with the fine tuning of the landscaping measures. There is also an option to lodge a security bond where for example tree roots may breach the desirable buffer and damage the tank. I consider the details of tank siting, design and specification on a site of this size is a matter that can be addressed by prior agreement.

#### Flood Risk

- 9.7.4. As in the previous application, a Flood Risk Assessment confirms that the site is in Flood Zone C where risk of flooding is low and where residential development is acceptable – the site is outside the 0.1% flood risk zone. The assessment includes a detailed site map (figure 3.1 adopted from the CFRAM study map – Appendix II) which indicates that a section in the southwestern corner of the site has been subject

to flooding, but defence works along the stream have been completed. There is no risk from either a 0.1% or .1% AEP storm. It is explained that residual risk of flooding from the stream is stated to be low due to topography, stream gradient, surface water systems proposed and recent flood modelling showing the site to be above 1% AEP flood levels. It is further demonstrated that the site is generally not in a flood risk zone as supported by the simulated flood extent of the Maretimo Stream (as part of a preliminary FRA by the OPW) for a 0.1% AEP flood extent prior to flood defence measures where flood water was within the 10m wide riparian strip in the site. In the scenario to stream swelled. In line with guidance floor levels are designed to be at least 500mm above 1:100 year plus the 20% climate change factor.

- 9.7.5. The proposed levels (Item 11) however remain unclear to the drainage division, notwithstanding the previous request and the applicant's statement that 'it is clear from an examination of the existing and proposed levels on the planning drawings that levels on site in the predicted flood zone along the stream edge have not altered and therefore will not exacerbate predicted flooding to the lower lying area to the west of the site.' Longitudinal section drawing of the stream are also sought for clarity despite topographical survey details already provided as (item (12)).
- 9.7.6. It is further highlighted by the drainage division that the absence of debris deposits as described in the inspector's report in the previous case should not be relied upon as an indicator of flood risk. It is stated that, 'Of significance in this catchment is an extreme intense rainfall level such as the October 2011 event which did cause flooding of properties in the catchment. This event has been estimated to be a c. 1.5%AEP event 1:70 to 1:80 year return event) and is only referred to in this report as an indicator of the intensity of event that would be required from which some conclusions could be drawn or extrapolated ...'
- 9.7.7. While I accept that the Drainage division requires further clarity with respect to precise levels and attenuation among other design and specification details, I consider the responses as set out in the consulting engineering reports provide a satisfactory response to the issues raised by the drainage division in its initial report for the purposes of this planning application. While the Board may wish to seek further clarification I consider it reasonable that the outstanding issues are addressed by conditions to the satisfaction of the planning authority. Accordingly I recommend, in the event of permission, a detailed condition in the interest of clarity.

9.7.8. There is no significant change in information from the previous application, accordingly, having regard to the SFRA published by the planning authority, the flood risk assessment and drainage details including the water attenuation arrangements as submitted with the application and clarified on appeal I am satisfied that the proposed development will not be unreasonably liable to floods or give rise to flooding elsewhere.

## 9.8. **Apartment Quality.**

9.8.1. As in the previous proposal the proposed mix of units complies with the standards set out in the New Apartment guidelines as amended and is generally acceptable and is not at issue. While I consider the development to be generally of high standard in terms of the residential space, light and orientation and landscaping I have reservations about the opposing windows between those in the south elevation of block A and those in the north elevation of B where there is gap of less than 5m. I consider it reasonable that the south facing windows in Block A in this location should be obscured and fixed in the interest of privacy and minimising disturbance.

## 9.9. **Landscaping - ecology**

9.9.1. The neighbouring residents are most concerned about the loss of trees and impacts on both visual aspect, privacy and loss of biodiversity. There is also a case made that the site should be retained as open space given the stated lack of it in the area.

9.9.2. In the first instance I note the nearby open spaces to the east and south of the site and having regarding to zoning I do not consider it appropriate that the site be retained as open space. In respect of tree felling it is correct that a large volume of trees are proposed to be felled. The arboriculture report and associated drawings and identifies 137 trees of which 104 are to be removed in addition to hedgerow and shrub clumps. Twenty of the trees are identified to be dangerous or dying, 11 of moderate quality and 75 of poor quality. In terms of species a high number are exotic species predominantly coniferous e.g. Leyland Cypress, Austrian Pine and Monterey. I note the DAU concludes that the loss of the trees cannot be considered to be of conservation significance. The Unit highlights the importance of protecting bird nesting and that this can be managed by construction timing and landscaping

which is noted to be considerable and with the benefit of compensatory nesting sites over the long terms. It is further highlighted by the DAU that the site is of limited significance for bats. There are no roosts. I am satisfied that a condition of permission is a sufficient precautionary approach to address any concerns regarding protection of bat species. Following my site inspection, I consider that the description of the trees on site illustrated in the application documents to be reasonable and that the level of tree removal is justified by the construction of the proposed development. The landscape plan provides for extensive planting along the eastern boundary but is limited in southern end, while many of the more important trees are along the western boundary are retained as part of the design.

- 9.9.3. In respect of the concerns of highlighted by the Board, I concur that the gable elevation of the most southern block at present a bleak vista which partially closes the view of Coppinger Glade. The set back of 2m from the eastern boundary provides limited opportunity for tree planting. As addressed previously in this assessment the relationship with the boundary with surrounding dwellings to the south east needs to be addressed. This is I consider best achieved by omitting one bay of the terrace of duplexes (H4/D4) which would provide a 7m set back and provision for a landscaped buffer.
- 9.9.4. Similarly the reduction in the single storey element to the rear of the duplexes to the south (bedroom/ensuite area) will facilitate some additional planting to the side/rear of the dwellings of the Orpen houses.
- 9.9.5. I am satisfied that the detailed issue of the landscaping plan including the protection of trees, integration with SuDs and the management and timing of tree felling during construction can be adequately addressed by a condition of permission.
- 9.9.6. With respect to issues concerning property damage, I consider this to be a civil issue and not strictly a planning matter. Permission does not give consent to alter or damage property of other parties.

## 10.0 **Appropriate Assessment**

### 10.1. **Stage 1 - Screening**

A Natura Impact Statement was submitted as part of the planning application with the application and was subsequently modified to take account of the site-specific

CEMP as required in a request for further information by the planning authority. The revised NIS was advertised by the applicant. The submission of the NIS was on the basis of the Board's decision refuse permission for substantially the same development on the basis that it could not be satisfied that the proposed development individually, or in combination with other plans or projects, would not be likely to have a significant effect on the South Dublin Bay & River Tolka Estuary SPA and the South Dublin Bay SAC, and was therefore precluded from granting planning permission.

10.1.1. Notwithstanding the submission of a Screening report, a staged approach to screening for appropriate assessment as recommended in both EU Guidance and by the Department of Environment, Heritage and Local Government is required in the following sequence.

**10.1.2. Project Description and Site Characteristics:**

10.1.2.1. The proposed development is as described in section 2 of this report. In summary the proposal relates to demolition of a dwelling house and construction of 2 apartment blocks up to five storeys in height, a terrace of 3 storey duplexes and 10 two storey houses with surface car and bicycle parking and hard and soft landscaping in a serviced site that is boundary by the Carysfort/ Maretimo Stream to the west of the site. (Section 2.1.2 of the revised NIS describes its characteristics.) The construction phase work is to last 12-18 months and is described in section 3.1.2. The application is accompanied by an outline Construction and Environmental Management Plan . The infrastructure report includes the drainage arrangements and a flood risk assessment.

10.1.3. Relevant Natura 2000 Sites, Qualifying Interests and Conservation Objectives: South Dublin Bay and River Tolka Estuary SPA – site code 004034 and South Dublin Bay SAC - site code 000210 are the two sites within the zone of influence of the proposed development based on proximity and potential hydrological links via the Maretimo Stream which enters the site 1.9km downstream. It is 1.6km away following a straight line. Having regard to the absence of direct pathways and the dispersal factor in the sea I consider the other sites within a 15km range as listed in Table 3.1 do not require further consideration.

10.1.4. Table 3.3. sets out the conservation target for these sites

Site and Designation	Distance from Site	conservation objective
South Dublin Bay and River Tolka Estuary SPA – site code 004034	1.9km downstream	To maintain favourable conservation condition of the bird species listed as Special Conservation interest for this SPA. Light-bellied Brent Goose A046 Oystercatcher A130 Ringed Plover A137 (proposed for removal) Grey Plover A141 Knot A143 Sanderling A144 Dunlin A149 Ba-tailed Godwit A157 Redshank A162 Black-headed Gull A179 Roseate Tern A192 Common Tern A193 Arctic Tern A194 Wetland and Waterbirds A999
South Dublin Bay SAC - site code 000210		To maintain or restore the favourable conservation condition of: . Mudflats and sandflats not covered by seawater at low tide 1140

10.1.5. I note there are other qualifying interests for SAC namely: Annual vegetation of drift lines [1210], Salicornia and other annuals colonising mud and sand [1310] and Embryonic shifting dunes [2110] but these are not included in the site specific conservation object as set out for 1140 habitat. These habitats are however subject to conservation objectives for other North Dublin Bay 6.6km away.

10.1.6. **Assessment of likely Effects:**

10.1.6.1. I concur with the applicant’s Screening Report in its conclusion that further assessment is required in relation to this site. This is based on the hydrological connection provided by the Maretimo Stream and the fact that the qualifying interests are dependant on good water quality. Run-off at construction stage particularly overland flow at construction stage and release of sediments and pollutants to Maretimo Stream have the potential to impact and effect water quality without mitigation. Waste on-site may attract species and impact on local ecology.



Machinery and deliveries may be a vector for transmitting invasive species. Accordingly, in the absence of mitigation there is potential for direct, indirect and cumulative impacts on the Natura sites 1.9km downstream of the stream.

#### 10.1.7. **Statement and Conclusions:**

10.1.7.1. Having regard to the nature and location of the proposed works in such close proximity to the Maretimo Stream which is 1.9km upstream of the South Dublin Bay and River Tolka Estuary SPA – site code 004034 and South Dublin Bay SAC - site code 000210 and to the nature of the site and the characteristics of the qualifying interests, I concur with the screening assessment that significant effects cannot be ruled out on these sites. Having regard to the foregoing, it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that significant effects cannot be ruled out and a Stage 2 Appropriate Assessment is accordingly required.

#### 10.2. **Stage 2 Appropriate Assessment**

##### 10.2.1. **Assessment of potentially direct and indirect effects:**

10.2.1.1. The NIS identifies the site specific conservation objectives for the site which relate to habitat 'mudflats and sandflats not covered by seawater at low tide' (SAC) and the 'wetlands' habitat in the SPA. Account is also taken of the SCI species for which more detailed conservation objectives have been prepared and I consider this a reasonable approach. It is stated that there will be no direct impact on the habitats that are qualifying interests of the sites as the development lies outside the boundaries and the proposal does not provide or propose any access to any part of the designated sites or require resources from same. As set out in section 4.1.2, the potential effects can be described as outputs and emissions such as surface water run-off, construction phase run-off, release of deleterious materials such as wet cement, hydrocarbons, silt-laden water etc from the proposed development during the project construction phase leaving the proposed development site entering the Maretimo Stream continuing downstream to the Natura 2000 sites. Such effects can result in indirect habitat loss or deterioration of these Natura 2000 sites from the

effects of run-off or discharge into the aquatic environment through impacts such as siltation, nutrient release and or contamination.

10.2.1.2. The disturbance or displacement of species associated with the site does not arise given the distances involved and the nature of the habitat environs of the site. There is very limited opportunity for visiting species by reason of light spill due to the downward and direct nature of the light which will be necessitated by protecting amenities of neighbouring residents. The potential for attracting species by edible waste debris is negligible risk and would be localised and temporary.

10.2.1.3. Impacts arising via the foul waste is not significant as it will be removed off site at construction stage. At operational stage the site is connected to the foul sewer which connects into the Ringsend Treatment plant which is approved for a major upgrade and capacity increase.

10.2.1.4. The NIS includes control/mitigation measures for the demolition, construction and operational phases. The Outline Construction and Environmental Management Plan in appendix A contains commitments designed to mitigate issues related to the potential for run-off or contamination of watercourse and any associated risk to the hydrologically connected Natura 2000 sites. This is part of a wider range of measures to minimise disturbance of species (not of special conservation interest). The range of measures and commitment is set out in section 4.2.1 and relate to best practice measures aimed at safeguarding the environment and include detailed measures for storage and use of materials, plant and equipment, surface water and ground water mitigation during construction, dust mitigation, operating outside a riparian buffered marked and use of silt fence, best practice for prevention and containment of invasive species and a monitoring system. Also as part of the surface water management and landscaping of the site, kerbing is to be provided and is noted in the NIS to have the benefit of water protection operational phase as it is part of a system to prevent pollution of the stream together with grading of surfaces to inhibit excess run-off filtering directly to the watercourse.

10.2.1.5. Section 4.3.2 of the NIS sets out an integrity checklist which comments on the likely effects on the key target elements of the conservation objectives for the sites

and concludes that the proposed development will not cause delays in achieving the conservation objectives of Natura 2000 sites within the project zone of influence having regard to the absence of potential indirect effects via overland flow due to works practices and design measures for protecting the watercourse and by extension the Natura sites downstream. Similarly the proposed development will not:

- interrupt the achievement of the sites' conservation objectives or those factors that help maintain the favourable conditions of site or interfere with the distribution or density of key indicator species,
- cause changes to the defining aspects or the dynamics of key relationships associated with Natura 2000 sites,
- Interfere with the predicted or expected natural changes to Natura 2000 sites,
- result in the loss reduction or change of key features associated with the Natura 2000 sites,

The proposed development will not cause indirect habitat loss or deterioration of designated sites downstream in the aquatic environment.

Due to proximity the proposed development will not,

- result in disturbance that will affect population size or densities of Qualifying features,
- give rise to fragmentation of Natura 2000 sites, or
- result in loss or reduction of key features of Natura 2000 sites.

10.2.1.6. The NIS was amended to take account of minor inaccuracies in the description of the development and the revised NIS as submitted with the grounds of appeal has been confirmed to have no material change in the outcome of the findings set out in the statement. The details have the benefit of Site Specific Flood Risk Assessment, an ecological impact assessment and arboriculture report. This informs the likely impacts and residual effects based on the conservation objectives for the designated site. I also note the comment by the DAU and its acceptance that if mitigations are successfully implemented during construction no significant negative effects should result.

10.2.1.7. The mitigation measures proposed are sufficient to ensure that impacts regarding water quality, disturbance and non-native invasive species are reduced to an imperceptible level. On this basis the proposal development will not prevent any of the qualifying interests from achieving or maintaining the conservations objectives listed.

10.2.1.8. Cumulative effects may arise in-combination with other plans and projects in the vicinity. Reference is made to two large developments in the area – Newtownpark Avenue and the former Blakes/Esmonde Mototrs site Stillorgan for which AA was screened out. . These surrounding development sites are on zoned lands and benefit from connection to municipal infrastructure in terms of surface water drainage and sewerage. Subject to adherence with the mitigation measures outlined, I consider that the proposal will not give rise to in-combination adverse effects with other plans and projects.

10.2.1.9. I am satisfied that it has been demonstrated based on the information in the submitted Natura Impact Statement that with implementation of mitigation measures included in the Outline construction and environmental management Plan that the proposed development, individually or in combination with other plans and projects would not adversely affect the South Dublin Bay and River Tolka Estuary SPA – site code 004034 and South Dublin Bay SAC - site code 000210.

## 10.2.2. **Appropriate Assessment Conclusions**

10.2.2.1. The proposed development has been considered in light of the assessment requirements of Section 177U and 177V of the Planning and Development Act 2000 as amended.

10.2.2.2. Having carried out screening for appropriate Assessment of the proposed development it was concluded that it would be likely to have a signifcnat effect on the South Dublin Bay and River Tolka Estuary SPA – site code 004034 and South Dublin Bay SAC - site code 000210. Consequently , as Appropriate Assessment was required if the implications of the project on the qualifying features of those sites in light of their conservation objectives.

10.2.2.3. Following an Appropriate assessment it has been determined that the proposed development individually or in combination with other plans or projects would not adversely affect the integrity of the European sites – site code 004034 and site code 000210, in view of their Conservation Objectives.

10.2.2.4. This conclusion is based on a complete assessment of all aspects of the proposed project and there is no reasonable doubt as to the absence of adverse effects.

## 11.0 Recommendation

11.1.1. I recommend that permission be granted.

## 12.0 Reasons and Considerations

Having regard to the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the zoning objective for the site, to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, the National Planning Framework issued by the Department of Housing, Planning and Local Government and the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage, according to which new residential development should be increased in density and directed into locations within the existing built up serviced areas, the building pattern in the area and to the scale and architectural design of the proposal which ranges in height from two to five storeys on a site in close proximity to public transport in a well serviced urban area, it is considered that, subject to compliance with the conditions set out below, the demolition of the existing dwelling house is justified and would not result in a significant loss of architectural heritage in the area and that the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of quantum of development, urban design, permeability, car parking, pedestrian and traffic safety, flood risk and ecology. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application and lodged and as amended by by the further plans and particulars received by An Bord Pleanala on the 23<sup>rd</sup> day of July 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. The proposed scheme shall be amended and shall incorporate the following:
  - a) Revision of the terrace of 4 pairs of duplexes (comprising 8 units) along the southern boundary shall be reduced to a terrace of 3 pairs of duplexes (comprising 6 units) by the omission of the pair of units (marked as D1.03 on the site plan 1807A-OMP-ZZ-00-DR-A-1002 ) providing a set back of at least 8m between the reduced terrace and the boundary with Coppinger Glade. Increased boundary planting shall be provided at this section of the boundary
  - b) Revision of the ground floor two bed apartments marked as D1.02 and D1.04 in the duplex terrace (as revised in accordance with 2 (a) of this condition) to one bed units by reduction in depth of the single storey to the rear by 4m, thereby increasing the separation from the southern boundary of the site.
  - c) The windows in the south elevation of Block A where it is at a distance of less than 5m from the north elevation of Block B shall be fitted with fixed opaque glazing.

Drawings showing the revised plan and elevations, consequent modification to open space and an augmented landscaping scheme which shall increase the extent of planting along the south east boundaries, shall be submitted to, and agreed in writing with the planning authority prior to commencement of development.

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

3. The first-floor windows in the rear elevation of houses- House type H1(01/02/04 and 05)as marked on the site plan 1807A-OMP-ZZ-00-DR-A-1002 proposed along the eastern boundary shall be fitted with opaque glazing which shall be maintained.

**Reason:** To restrict overlooking of dwellings to the east.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed refurbished building and additional structures/plant, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

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

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

6. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the following details shall be submitted for the prior written agreement of the planning authority:

- a) An assessment of the possible impact of the attenuation tanks on high groundwater levels at the proposed location and modification if required to address any issues such as flotation.
- b) Details of an in-line solution for Tank No. 1
- c) Cross-sections of the proposed permeable paving and road to establish road camber and level of interception.
- d) Details of interception for the proposed green roof and permeable paving and treatment including accompanying description and calculations to demonstrate that the entire site complies with the requirements of GDSDS.
- e) Demonstration of protection of attenuation tanks from root spread.

**Reason:** In the interest of Public Health

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

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

8. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A plan. Thereafter, the waste shall be managed in accordance with the agreed plan.  
(b) This plan shall provide for screened bin stores for the entire development and which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot unless suitable communal areas can be provided at not less than 10m from the boundaries with existing residences to the east and south.

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

9. The internal road network serving the proposed development, including turning bays, junctions, 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.

10. A total of 117 number bicycle parking spaces shall be provided within the site over a phased basis. 88 of these spaces shall be available prior to occupancy of any unit. The phasing, layout and demarcation of these spaces shall be



submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

11. Prior to the occupancy of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of the monitoring and managing of the pedestrian access points and adequacy of bicycle parking and maintenance facilities.

12. 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interest of visual amenity and orderly development.

13. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate the requirements of Fisheries Ireland and provide details of intended construction practice for the development, including, hours of operation, noise and dust management measures and off-site disposal of construction/demolition waste.

**Reason:** In the interest of environmental protection of the watercourse bounding the site and to protect the amenities of the area.

14. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, 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 dwelling.

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

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. 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.

16. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the dwelling houses without a prior grant of planning permission

**Reason:** In the interests of amenity and orderly development.

17. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** To protect the amenities of the area.

18. A Road Safety Audit shall be prepared and submitted for agreement with the planning authority prior to commencement of development.

**Reason:** In the interest of traffic safety

19. The measures to avoid pollution of the Maretimo stream and downstream Natura 2000 sites as proposed in the Natura Impact Statement submitted in support of the appeal and the Outline Construction and Environmental Management Plan supporting the original planning application shall be incorporated in the finalised Construction and Environmental Plan to be submitted to the local authority for its agreement prior to the commencement of any work on the site. this CMP shall include details of the location of the site compound, bunded areas and the silt fence and berm to be installed parallel to the western boundary of the site and procedures for managing demolition, construction, chemical storage, vehicles and machinery on site and shall be implemented in full.

**Reason:** to prevent pollutants entering and having a detrimental impacts on Natura 2000 sites protected by Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).

20. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures or felling of trees that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

**Reason:** In the interest of wildlife protection.

21. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme.

The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

22. The landscaping scheme as submitted to the planning authority on the 13th day of March, 2020 as modified in accordance with the requirements of the Drainage Division by written agreement with the planning authority shall be carried out within 6 months of the date of commencement of development or as soon as is feasible allowing for a restriction on the clearance of vegetation from the development site only taking place in the period from 1<sup>st</sup> September to the end of February inclusive (i.e. outside the main bird nesting season. All planting and associated works shall be in accordance with the mitigation measures contained within the NIS as amended and submitted to the An Bord Pleanála on the 23rd day of July, 2020.

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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 visual amenity.

23. 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.

24. 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 landscaping commitments and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of road safety measures serving the proposed vehicular accesses. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which

are not covered in the Development Contribution Scheme and which will benefit the proposed development.

26. 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.

**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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Suzanne Kehely  
Senior Planning Inspector

March 2021