



An
Bord
Pleanála

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

Inspector's Report ABP-307683-20

Strategic Housing Development

Provision of 54 no. additional apartments on previously permitted development of 253 no. apartments under ABP-304469-19, increase in childcare facility and associated site works.

Location

Green Acres Convent, Drumahill House and the Long Acre, Upper Kilmacud Road, Dundrum, Dublin 14. (www.greenacreshd2.ie)

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Greenacres GP3 Limited

Prescribed Bodies

An Taisce

Irish Water
Transport Infrastructure Ireland

Observer(s)

Airfield Estate
Alan and Vicki Browne
Anna Grainger
Anne Holloway
Bernie Dunne
Brian and Mary McMahon
Carmel Leahy
Cian Duffy
Ciara Deans
D. O'Neill
Daniel and Claire Kiely
David and Anne Davison
Declan McMahon
Donal and Helen Casey
Dr. Jun Lion Chin
Eammon and Pauline Quinn
Edmund McPartling
Emma and Thierry Fierens
Eoin and Niamh Devlin
Geraldine Parker
Herbert and Pamela Mitchell
Holywell Residents Association
John and Suzanne Ryan
Jonathon and Grainne Young
Justin Lyunch
Les Ardennes

Lorraine and Don Browne
Lynda Redmond and Peter Hanrahan
Maire De Breadun
Maureen Dunn
Michelle and Darren Kelly
Owen McCabe and Mary Duffy
Paul and Patricia Huban and others
Paul Cahill and Others
Philip and Miriam Coyle
Richard and Elizabeth Arnett
Sean, Mary and Ciara McAlinden
Tom and Margaret Grogan
Tom Noone
Tony and Annette Granell
Tony and Colette Devlin
Tony Crean

Date of Site Inspection

11th October 2020.

Inspector

Elaine Power

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The proposed site is located on the southern side of Kilmacud Road Upper (R826), Dundrum, approx. halfway between the Drummartin Link Road, to the east and Overend Avenue, to the west. The site is located approx. 1km from Dundrum Town Centre and 2km from Sandyford Business Park. Both Balally and Kilmacud Luas stops are located 800m from the site and the M50 Motorway, which is accessed via the Drummartin Link Road is located approx. 2km from the site.
- 2.2. The area is residential in nature, generally comprising 2-storey semi-detached and detached dwellings. In addition, there are a number of recently constructed and permitted apartment blocks in the vicinity of the site. The site is bound to the north by Kilmacud Road Upper, to the south and west by Airfield Heritage Gardens and Family Farm and to the east by a row of 9 no. dwellings known as Drumahill and a mature area of open space. Considerable mature tree cover characterises the residential properties and the public open space to the east of the site.
- 2.3. The site has a stated area of 1.76 ha. It is irregular in shape and slopes gently towards the south. The site is currently an active construction site and is bound by hoarding. It originally comprised three individual plots of land, Greenacres, Long Acre and Drumahill House. A section of the public road is also included in the application and a letter of consent has been submitted from Dun Laoghaire Rathdown County Council.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development comprises the provision of 54 no. additional apartments on the previously permitted (ABP304469-19) residential development of 253 no. apartments, to provide a total number of 307 no. apartments in 3 no. blocks.

3.2. The additional units would be provided by way of additional height, increasing the apartment blocks from 4-6 no. storeys (20.3m) to 4-8 storeys (26.7m). The proposed scheme also includes minor alterations to the internal layout and siting of the blocks. The revised block comprise the follows: -

Block A: Increase in height from 4-6 storeys to 5-8 storeys with an additional 32 no. units, to provide a total of 150 no. units (61 no. 1-beds, 78 no. 2-beds and 11 no. 3-beds). The reconfiguration of the ground floor level increases the gross floor area of the residential amenity space from 387sqm to 502sqm and the gross floor area of the creche from 236sqm to 285sqm.

Block B: Increase in height from 4-6 storeys to 4-7 storeys with an additional 14 no. units, to provide a total of 108 no. units (62 no. 1-beds, 36 no. 2-beds and 10 no. 3-beds).

Block C: Increase in height from 4-6 storeys to 5-7 storeys with an additional 8 no. units, to provide a total of 49 no. units (18 no. 1-beds, 26 no. 2-beds and 5 no. 3-beds).

A breakdown of the proposed unit types is as follows:

Unit Type	Proposed	Permitted
1-bed units	141 (46%)	115 (45%)
2-bed units	140 (46%)	115 (45%)
3-bed units	26 (8%)	23 (9%)

3.3. The proposed apartments range in size from 44sqm to 101sqm and 60% of the units are dual or triple aspect. Private open space has been provided for each unit in the form of balconies and terraces. A total of 3,833sqm of communal open space is provided in 6 no. amenity zones throughout the site.

3.4. The development includes a 285sqm creche with capacity for approx. 50 no. childcare places and an associated external play area.

3.5. The total number of 205 no. car parking spaces are proposed on site which is a reduction from 212 no. previously approved. 178 no. residential spaces, 2 no. car club spaces, 5 no. creche staff spaces and 5 no. accessible spaces are located at

basement place and 9 no. residential spaces and 4 no. accessible spaces are proposed at surface level. A total of 583 no. cycle parking spaces are proposed which is an increase from 400 previously approved. These spaces are located throughout the scheme. The works also include the provision of an additional sub-station.

3.6. Vehicular access to the site is proposed via 2 no. entrances on Kilmacud Road Upper, with an additional pedestrian entrance proposed from the eastern boundary of the site to an area of public open space. The development is set back along the northern boundary with Kilmacud Road Upper to facilitate the provision of a public cycle route.

3.7. The application included the following:

- Planning Report
- Response to An Bord Pleanála Opinion
- Statement of Consistency
- Material Contravention Statement
- Design Statement
- Screening for Environmental Impact Assessment
- Appropriate Assessment Screening Report
- Ecological Impact Assessment
- Outline Construction Environmental Management Plan
- Traffic Impact Assessment
- Accessibility Report
- Mobility Management Plan
- Landscape and Visual Impact Assessment
- Arboricultural Report
- Landscape and Outline Specification
- Childcare Facilities Assessment
- Schools Demand Assessment
- Noise Report
- Site Specific Flood Risk Assessment
- Engineering Services Report

- Daylighting and Sunlighting Analysis
- Energy Analysis Report
- Wind and Microclimate Modelling
- Operational Waste Management Plan
- Outline Construction and Demolition Waste Management Plan
- Outline Construction Management Plan
- Property Management Strategy Report
- Building Life Cycle Report
- Method Statement – Photomontage booklet

4.0 Planning History

ABP 304469-19 - Strategic Housing Development: Permission was granted in 2019 for the demolition of 2 no. houses and the construction of 253 no. apartments and a 236sqm creche, in 3 no. blocks ranging in height from 4-6 storeys.

PL.06D.248265, Reg. Ref. D16A/0818: Permission was granted in 2017 for the demolition of the former Green Acres Convent and the construction of 120 no. apartments in 2 no. blocks ranging in height from 2-5 storeys on the Greenacres portion of the site only, (site area 1.23ha).

PL.06D.246030, Reg. Ref. D15A/0660: Permission was refused in 2016 for the demolition of the former Green Acres Convent and the construction of 130 no. apartments in 4 no. blocks ranging in height from 5-6 storeys on the Greenacres portion of the site only, (site area 1.23ha). The reasons for refusal related to (1) overlooking and overbearing impact and (2) residential amenity.

5.0 Section 5 Pre-Application Consultation

5.1. A Section 5 pre-application virtual consultation took place on the 8th May 2020 in respect of a development of an additional 67 no. apartments on the previously permitted development of 253 no. apartments granted under ABP 304469-19, to provide a total of 320 no. residential units. Representatives of the prospective applicant,

the planning authority and An Bord Pleanála were in attendance. The main topics discussed at the meeting were –

- Development Strategy (overall density, design including height, scale, massing and materials, connections and permeability)
- Residential Amenity (potential overlooking, overshadowing and overbearing)
- Visual Impact Assessment
- Car Parking
- Issues raised by Irish Water
- Childcare

Copies of the record of the meeting and the inspector's report are on this file.

5.2. In the Notice of Pre-Application Consultation Opinion dated 14th May 2020 (ABP-306682-20) An Bord Pleanála stated that it was of the opinion that the documents submitted constituted a reasonable basis for an application for strategic housing development.

5.3. The opinion also stated that the following specific information should be submitted with any application for permission.

1. Demonstrate / justify the suitability of the site to accommodate the proposed height density and housing mix.
2. A housing quality assessment and a building lifecycle report
3. A report addressing residential amenity with regard to overlooking, overshadowing, overbearing and noise.
4. A Traffic Impact Assessment
5. Details of the proposed pedestrian / cycle link along Kilmacud Road Upper
6. Car parking report
7. A detailed Sunlight and Daylight Impact Assessment
8. A childcare demand assessment
9. A school demand assessment
10. Address concerns raised by the Planning Authority's Drainage Department
11. Address concerns raised by Irish Water

12. A site layout plan detailing areas to be taken in charge
13. A draft Construction and Environmental Management Plan and a draft Waste Management Plan
14. Information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations, 2001 (as amended) should be submitted in a stand along document.

5.4. A list of authorities that should be notified in the event of making an application were also advised to the applicant and included:

- Irish Water
- Dun Laoghaire Rathdown County Childcare Committee

5.5. ***Applicant's Statement***

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. The applicant addressed items 1-14 of the specific information to be submitted with the application. Items of note are outlined below: -

Item 1: The Urban Development and Building Heights, Guidelines for Planning Authorities, 2018 is the relevant documents as it takes precedent over the development plan. The Dundrum area has experienced significant development in recent years linked principally to the strategic policy designation of Dundrum as a Major Town Centre within the Dublin Region, the delivery of major public transport infrastructure investment in the form of the Luas Green Line, and its proximity to the M50 motorway has led to high density development in the surrounding area.

The proposal seeks to optimise its location in relation to public transport infrastructure and the proximity of major town centre amenities and deliver sustainable residential densities in accordance with national and local policy and guidance.

The site presents a significant opportunity to increase the quantum and range of residential development in this part of Dundrum. As the site is larger than 0.5ha, it can develop its own character, which responds to the surrounding context and location.

The housing mix is in compliance with SPPR1 of the Guidelines.

Item 2: A Housing Quality Assessment is provided within the Design Statement and is addressed within the Planning Report. A Building Lifecycle Report has also been included.

Item 3: To address concerns regarding residential amenity drawings submitted with the application include levels, cross sections and relationship drawings between the proposed development and adjoining residential development. A daylight and sunlight report assesses the impact of the proposed development on adjoining properties and the quality of access for the proposed units. Landscape drawings indicate how the development is screened from adjacent residential development through extensive planting.

Item 4: A Traffic Impact Assessment has been submitted.

Item 5: The provision of a pedestrian / cycle link to the development was previously submitted under ABP 304469. A full set of drawings and a letter of consent from Dun Laoghaire Rathdown County Council for the inclusion of lands in the application have been submitted.

Item 6: The submitted Traffic Impact Assessment addresses the Car Parking Strategy including management of spaces. A Mobility Management Plan has also been submitted which includes measures to be employed to encourage sustainable transport choice. Parking management is also addressed in the Property Management Strategy Report.

Item 7: A detailed daylight and sunlight report has been submitted.

Item 8: A Childcare Facilities Assessment has been submitted

Item 9: A School Demand Assessment has been submitted.

Item 10: Drawings and reports have been submitted to address drainage concerns raised by the planning authority.

Item 11: Drawings and reports have been submitted to address concerns raised by Irish Water.

Item 12: A taking in charge plan has been submitted.

Item 13: An Outline Construction Environmental Management Plan, an Outline Construction and Demolition Waste Management Plan, an Outline Construction Management Plan and an Operational Waste Management Plan have been submitted.

Item 14: An EIA Screening Report was submitted.

6.0 Relevant Planning Policy

6.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

The site is zoning 'Objective A' with the associated land use objective 'to protect and/or improve residential amenity'.

Chapter 2 of the Plan notes that the Council is required to deliver 30,800 units over the period 2014-2022. Figure 1.3 of the Plan indicates that there are approx. 410 ha of serviced land available which could yield 18,000 residential units.

Section 1.2.5 of the Plan states '*in addition to the major parcels of zoned development land above, the ongoing incremental infill and and densification of the existing urban area will generate, overtime and on a cumulative basis, relatively significant house numbers*'

Of particular relevance is Policy UD6: Building Height Strategy: - '*It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County*'.

Chapter 2: Sustainable Communities, Chapter 8: Principles of Development and Appendix 9: Building Height Strategy, Policy RES3: Residential Density, RES7: Overall Housing Mix, Policy RES8: Social Housing, Policy SIC11: Childcare Facilities, Policy UD1: Urban Design Principles, Policy UD2: Design Statements, Policy UD3: Public Realm Design, and Section 8.2.3: Residential Development are also considered relevant.

It is noted that the site is located outside of the boundary of the proposed Dundrum Local Area Plan 2019-2025.

6.2. ***Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy (RSES) 2019.***

The RSES is underpinned by key principles that reflect the three pillars of sustainability: Social, Environmental and Economic, and expressed in a manner which best reflects the challenges and opportunities of the Region. It is a key principle of the strategy to promote people's quality of life through the creation of healthy and attractive places to live, work, visit and study in.

The site is located with the 'Dublin Metropolitan Area'. The Metropolitan Area Strategic Plan (MASP), which is part of the RSES, seeks to focus on a number of large strategic sites, based on key corridors that will deliver significant development in an integrated and sustainable fashion. The followings RPOs are of particular relevance:

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan Area shall provide for higher densities and qualitative standards set out in the 'Sustainable Residential Development in Urban Areas'. 'Sustainable Urban Housing; Design Standards for New Apartment' Guidelines, and Draft 'Urban Development and Building Heights Guidelines for Planning Authorities'.

RPO 5.5: Future residential development in the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus on the consolidation of Dublin and suburbs, supported by the development of Key Metropolitan Towns in a sequential manner as set out in the Dublin Area Strategic Plan (MASP) and in line with the overall settlement strategy for the RSES.

6.3. ***National Planning Framework (2018)***

The National Planning Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it considers would support the creation of high quality urban places and increased residential densities in appropriate locations while improving quality of life and place. Relevant Policy Objectives include

- National Policy Objective 4: Ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being.

- National Policy Objective 13: In urban areas, planning and related standards, including in particular building height and car parking, will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.
- National Policy Objective 33: Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.
- National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

6.4. **Section 28 Ministerial Guidelines**

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

- Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018
- Urban Development and Building Heights Guidelines, 2018
- Urban Design Manual, A Best Practice, 2009
- Design Manual for Urban Roads and Streets, 2013
- The Planning System and Flood Risk Management Guidelines, 2008

6.5. **Material Contravention Statement**

The applicant submitted a Material Contravention Statement. The statement provides a justification for the material contravention of the Dun Laoghaire Rathdown Development Plan 2016 - 2022 in relation to height. The statement is summarised below: -

- Section 4.8 of Appendix 9 – ‘Height Strategy’ of the development plan allows for an increase or decrease in height of one or possibly 2 storeys. It is considered that in this instance the increased height should be considered in the context of the Urban Building Height Guidelines, National Planning Framework Objective 13 and on a site specific contextual basis.
- The subject site retains and builds upon the qualities of the previously permitted scheme and provides additional residential accommodation. The 8th storey is provided centrally in the scheme at a distance from the existing adjoining properties.
- The development is arranged on the site to optimise existing site conditions.
- The scheme seeks to optimise its location in relation to public transport infrastructure and proximity to major town centre amenities and employment centres.
- The site is also considered suitable for increased height due to its frontage and access onto Kilmacud Road Upper, its long and narrow nature, its landscape setting, the topography of the site and the residential context of the area.
- The scheme would deliver sustainable residential densities.
- As the site is larger than 0.5 ha it can develop its own character, responding to context and location.

7.0 Third Party Submissions

42 no. third party submissions were received. The submissions generally support the redevelopment of the site for residential development. The concerns raised are summarised below: -

Principle of Development

- The development contravenes, the Local Area Plan and the Development Plan. There is no justification to contravene the development plan. It would not be in accordance with Section 37 of the Planning and Development Act, therefore, permission can not be granted.
- It would contravene SPPR3 the Building Height Guidelines, as it does not satisfy the criteria.

- There is no requirement for this number of apartment units. There are over 15,000 units with planning permission in the county. There are 3 no. additional sites in the local vicinity that are due for redevelopment (Gort Mhuire, the old Dundrum Shopping Centre and the Central Mental Hospital).
- The proposed development would set an undesirable precedent. Permission should not have been granted in the first instance for 6 storeys on the site. The proposed development would exacerbate concerns previously raised.

Design and Height

- The site is relatively small and compact. The proposed scheme represents overdevelopment of the site. The density is too high, it has increased from 143 units per ha to 174 units per ha.
- The proposed density is 3.5 times higher than the permissible density set out in the development plan. The site is not located within 500m of a Luas stop and therefore is not in accordance with the criteria set out in the Building Height Guidelines.
- The applicant's statement of consistency is incorrect. The development exceeds the height and density and the site is described as urban, this is a suburban location.
- The Development Plan allows for a maximum of 3-4 storeys in height. The proposed building is 8-storeys in height, this is a material contravention of the development plan. There is no justification for the proposed height at this location, which would double the height that is permissible in the development plan.
- The proposed development is adjoined by 2-storey houses and an urban farm. It would have a serious detrimental effect on the existing character and residential amenity and would be totally incongruous in this setting. Screening by trees would be ineffective due to the height.
- The site is elevated above adjoining sites therefore the height is even more inappropriate. The development would dominate the skyline.
- The development does not maintain the stepped massing of the permitted scheme. By virtue of the increased floor area at each level there would be an

increase in bulk, scale and massing. The development would also be repositioned closer to the existing dwellings in Holywell residential estate.

- The development is not respectful of its context, site topography or the character of the area. It results in overdevelopment of a transitional area.
- Concerns were raised that the photomontages do not accurately represent the proposed development as they have been taken behind trees during summer months.
- The alteration to the front elevation does not respect the character of the area.
- In light of the recent pandemic, lower density developments with more open space should be encouraged.
- The provision of 141 no. 1-bed apartments would not contribute toward creating a sense of community or good quality homes and would result in overcrowding and lack of privacy.
- Concerns that the scale of the development, and lack of community would result in anti-social behaviour.

Car Parking

- Car parking provision is completely inadequate. It is proposed to reduce the number of car parking spaces previously permitted from 212 no. to 205 no. A minimum of 403 no. spaces are required under the development plan standards. These standards are fully supported by a detailed study for Cherrywood SDZ prepared by Aecom, in 2018.
- Inadequate car parking would lead to overspill car parking on the surrounding road network. This is already an issue in the area due to the proximity to Luas.
- While residents may not drive to work, car storage is required for personal use.

Transportation

- The egress points from the site are onto the narrowest sections of Kilmacud Road Upper. This section of road is already dangerous for pedestrians and cyclists, with narrow footpaths and no cycle lanes. Adding additional turning movements would endanger public safety.

- The area suffers from traffic congestion and Kilmacud Road Upper provides access to a number of primary schools. There is no capacity for additional trips.
- The site is located in close proximity to public transport, however, it is also located on top of a hill. Therefore, it is unlikely to generate a significant number of trips by walking and cycling.
- The Luas and Dublin Bus are already at capacity and cannot accommodate the additional passengers that the scheme would generate.
- During the pandemic more and more people are working from home. There is no requirement for excessive residential developments in close proximity to public transport as there is no demand to travel to the city centre.

Water Services

- The local road network is subject to flooding.
- The excavated basement within the site flooded. It took 2 months to pump the water out. (The submission from Herbert and Pamela Mitchell includes photos of the flooding on site.)
- Concerns regarding the drainage network within the site and the potential flood risk for adjoining properties.

Residential Amenity

- There are examples of appropriately designed apartment developments in the vicinity of the site. The proposed design, layout and height of the proposed development would have a negative impact on the existing residential amenities in terms of overlooking, overshadowing and overbearing impact.
- There is particular concerns of overlooking from balconies into the existing rear gardens of adjoining properties.
- The daylight and sunlight report indicates that the proposed development would have no impact and have only a minor shadow cast on adjoining houses. The argument that the existing mature trees already contribute to loss of light is unacceptable as the tree canopy allows for light to filter through.

- The daylight and sunlight analyses indicates that the development would result in a reduction of daylight and sunlight for adjoining residents. This is unacceptable.
- The design of the scheme would provide poor amenity for future occupants.
- The recreational facilities at this site are minimal. The open space is divided into small plots which does not offer sufficient amenity for the proposed population of the development.
- The proposed development would negatively impact on the market value of the adjoining properties.
- The proposed link to the Holywell residential estate would increase anti-social behaviour.
- The landscaping plan is of little merit with regard to reducing overlooking and overbearing impact.

Visual Amenity

- The height of the previously approved development already resulted in a development that was out of character with the area. The proposed development would be more suited to the city centre, Dundrum town centre or Beacon South Quarter and not the suburbs.
- The scale, bulk and mass on this development on a local elevated site would have a negative impact on the visual amenities of the area.

Airfield Estate

- Concerns are raised that the excessive height, bulky design, and siting would result in a significant and adverse impact on the amenity value and continued operation of Airfield Estate.
- Airfield Estate is a unique setting with a protected structure and active farm. The proposed development would be visually prominent, overbearing and would result in overshadowing. This would adversely impact the character, setting and operation of Airfield.
- The design of the building has not taken account of the impact when viewed from Airfield Estate.
- No continuous elevations have been submitted of the impact on Airfield Estate.

- The Visual Assessment submitted by Airfield Estate found that the proposed development would have a 'High Adverse Impact' on Airfield Estate. This is at variance with the applicant's documentation which states that the development would have a 'notable' and 'important' impact.
- The applicants Visual Impact Assessment was a desk-based assessment and did not include a site visit.
- If permission is being contemplated the blocks should be relocated away from the boundary with Airfield and the upper levels should be stepped back.

Trees / Landscaping

- Proposals were previously submitted regarding the protection to existing trees and new planting proposals. However, the ground works to date have result in the loss and damage of existing trees on site.
- Concerns regarding the potential loss of deciduous trees to facilitate the entrance and sightlines. This would have a negative impact on the character of the area and on wildlife.
- No open space has been allocated to the scheme, it is proposed to demolish an existing wall between the site boundary and the existing area of open space that serves the Holywell, Dromahill and Beech's residential estates.
- A section of the wall would be replaced with railings, which provides no screening from the development.

Infrastructure

- The schools noted in the Schools Demand Assessment are at capacity or are not easily accessible from the site.
- There are insufficient services and facilities in the area to accommodate the proposed population including, childcare places and GP's.

Other Issues

- Concerns were raised that the public notices are inaccurate. The proposed scheme does not just alter the height of the previously permitted scheme, it also increases the residential floor area at each level and repositions the development closer to the southern and eastern boundaries of the site.

- There are inaccuracies in the drawings, which is misleading and confusing when trying to ascertain the true impact of the development.
- The developer has not engaged with the community regarding the proposed application

8.0 Planning Authority Submission

- 8.1. The Chief Executive's Report, in accordance with the requirements of Section 8(5)(a) of the Act 2016, was received by An Bord Pleanála on the 17th September 2020. The report includes a summary of the proposed development and third-party submissions. A summary of the views of the elected members of the Dundrum Area Committee, meeting held on the 27th August 2020. The main concerns, of the elected members related to the proposed height, which is a material contravention of the development plan, density, overdevelopment, traffic and car parking, residential amenity, social infrastructure, housing mix, loss of trees, impact on Airfield Estate and concerns regarding the SHD process. Reports from the Housing, Waste, Drainage, Transport and Parks Sections have also been provided.
- 8.2. The key planning considerations of the Chief Executive's report are summarised below.

Principle of Development: The proposed development is considered to be consistent with national and local land use objectives.

Density: The proposed density of 174 units per hectare, which is achieved through increased height would have a serious negative impact on the residential amenities of the adjoining neighbours and would negatively impact on the character of the area, therefore, the density is not acceptable.

Height: National height and density guidelines are noted however it is considered that any further increase above the 6-storeys previously approved on the site would be determinantal to the residential and visual amenities of the surrounding area. The stepped approach to the blocks is acknowledged, however, it is considered that the proposed height of up to 8 storeys is inappropriate at this location.

The scheme would appear overbearing to adjoining properties and unduly dominate the skyline. It is considered the applicant has not satisfactorily demonstrated that the proposed building heights are appropriate at this location. The development would materially contravene the development plan, in particular Policy UD6: Building Height and the Guidelines on Urban Development and Building Heights for Planning Authorities.

Transitional Zoning: The development plan notes that it is important to avoid abrupt transitions in scale and use in the boundary areas. The site is bound by Airfield Estate which contains a protected structure. To surround Airfield with very tall buildings would significantly take away from its open character and place of recreation and tranquillity. The previous scheme included tree coverage which does not apply in this instance due to the proposed height.

Design, Form and Layout: The development largely remains the same as that previously permitted, with a modest decrease in the separation distances between the proposed blocks and the site boundaries. Having regard to the increased height, the separation distances are not welcomed.

No concerns regarding the site coverage. The provision of increased residential amenity space is welcomed. No concerns regarding the proposed external materials and finishes or the boundary treatments. The provision of pathways, including the link to Drumahill Estate, is welcomed as this enables permeability through the site. Notwithstanding this, it is considered that the development would appear visually dominant and overbearing due to the decreased separation distances and the increased height, particularly when viewed from Drumahill residential estate and Airfield Estate. This is not acceptable.

Residential Amenities: The distance between the corners of Blocks A and B are 9m and the distance between the corners of Blocks A and C are 14m. While the view would be angled there is potential for overlooking. The increased height and reduced separation distances would exacerbate the issue of overlooking for properties on Drumahill estate. It is considered that the proposed trees would not screen the development.

The proposed development would further decrease access to daylight and sunlight for adjoining properties. It is noted that minimum standards would be reached. It is considered that there should be no further loss of day light or sunlight to the properties in Drumahill and along Upper Kimacud Road, as any further loss of light would be harmful to their amenity.

Standard of Accommodation: It is considered that a good standard of internal accommodation would be provided for future occupants of the apartments.

Open Space, Trees and Recreational Amenity: The 6 no. 'pocket parks' are well thought out in terms of usability and attractiveness. There is no concerns regarding the quality or quantity of open space.

It is considered that additional trees could be retained on site, an amended landscape layout was requested in this regard.

Supporting Community Infrastructure: The provision of the creche is welcomed. There is a lack of school places in Dundrum. The Department of Education has recommended that a new primary school be built in the Goatstown / Stillorgan area, however, it has not been delivered. It is unclear where the demand generated by the scheme would be accommodated. It is also noted that there are a number of large-scale developments recently granted permission in the area.

Refuse / Waste Management / Construction: Having regard to the information submitted there is no objection to the proposed arrangements.

Surface Water Drainage / Flood Risk: Having regard to the information submitted there is no objection to the proposed arrangements.

Car / Cycle Parking and Transportation: It is proposed to provide 0.65 car parking spaces per residential unit. This is a reduction from 0.8 spaces per unit in the previously approved scheme. The Transportation Planning Department consider that 1 no. space per unit is acceptable at this location. Serious concerns that the proposed development would result in overspill car parking onto the surrounding road network.

Having regard to the limited number of car parking spaces on site it is considered that additional cycle parking should be provided. Concerns are also raised regarding the

proposed cycle track, which appears to terminate approx. 14m from the western boundary. The cycle track must be constructed up to the site boundary.

Other Issues

Taking in Charge: Areas of 'taking in charge' relate solely to areas at the front of the development, in this regard the cycle lane and services.

Part V: A condition should be attached to any grant of permission to ensure the transfer 31 no. units comprising a mix of 1, 2 and 3-bed units, as proposed by the applicant.

Wind Impact: It is noted that the proposed development does not generate reportedly generate any additional wind impact to that already generated by the permitted development.

Appropriate Assessment / Environmental Impact Assessment: The applicants AA and EIA screening reports are noted.

Development Contributions: If permission is being contemplated standard contributions as outlined in the Development Contribution Scheme would apply.

The planning authority recommend that permission be refused for the following reasons:

1. The proposed development is located in an area zoned 'to provide for and / or improve residential amenity' in the Dun Laoghaire Rathdown County Development Plan 2016 – 2020'. Having regard to the design, scale, bulk and height of the proposed development and its close distance to the site's boundaries, it is considered that the proposed scheme would seriously injure the existing visual and residential amenities of adjoining properties and neighbouring lands, in particular no.s 1-9 Drumahill and Airfield House and Estate. The scheme would appear overbearing to these properties and unduly dominate the skyline when viewed from Airfield House and Estate. The applicant has not demonstrated to the satisfaction of the planning authority that the proposed buildings heights are appropriate at this location and therefore the proposed development is considered contrary to the building height strategy for

the County and would materially contravene the County Development Plan, in particular sections 8.1.2.3 Policy UD6: Building Height Strategy, 8.3.2 Transitional Zonal Areas and 8.2.3.3 Apartment Development of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and the 'Guidelines on Urban Development and Building Heights for Planning Authorities', 2018.

2. The proposed car parking / car storage provision is deficient by reference to Table 8.2.3: Residential Land Use – Car Parking Standards of the 2016-2022 County Development Plan and is inconsistent with the relevant standards as set out in the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities', 2018 which would give rise to unacceptable levels of on-street parking and overspill in an area with little in the way of residual publicly available car parking. The proposed development would therefore seriously injure the amenities of the area and endanger public safety by reason of traffic hazard and obstruction of road users and would therefore be contrary to the proper planning and sustainable development of the area

If permission is being contemplated the planning authority have provided 34 no. standard conditions.

9.0 Prescribed Bodies

- 9.1. The list of prescribed bodies, which the applicant was required to notify prior to making the SHD application was issued with the Section 6(7) Opinion and included the following: -

- Irish Water
- Dun Laoghaire Rathdown County Childcare Committee

The applicant notified the relevant prescribed bodies listed in the Board's Section 6(7) opinion. The letters were sent on the 23rd July 2020. A summary of the comments received are summarised below:

Irish Water: In respect of water a new connection to the existing network is feasible without upgrade. Approx. 25m of 200 diameter new connection main would have to be connected from the site location to the existing network. In respect of wastewater significant network upgrades are required. A small section of the upgrades are scheduled for Summer 2020, however, further upgrades are also required. The developer would be required to fund these upgrades.

An Taisce: The height of all 3 no. blocks is too great for this suburban location and represents overdevelopment of the site. The development would be out of character with the area and would negatively impact on the existing residential and visual amenities. The level of car parking is insufficient and would result in overspill onto the surrounding road network. The justification for the material contravention is inadequate

Transport Infrastructure Ireland: No observations

No comments were received from the Dun Laoghaire Rathdown County Childcare Committee

10.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment focuses on the National Planning Framework, the Regional Economic and Spatial Strategy and all relevant Section 28 guidelines and policy context of the statutory development plan and local plan and has full regard to the chief executives report, 3rd party observations and submission by prescribed bodies. The assessment considers and addresses the following issues: -

- Quantum of Development
- Height
- Residential Amenity
- Landscaping / Open Space
- Transportation
- Car Parking

- Cycle Parking / Infrastructure
- Water Services
- Childcare / School Demand
- Part V
- Material Contravention

10.1. ***Quantum of Development***

- 10.1.1. Permission was previously granted on the subject site for 253 no. apartments in 3 no. blocks ranging in height from 4 - 6 storeys. The proposed development comprises the construction 307 no. apartments in 3 no. blocks ranging in height from 4 - 8 storeys.
- 10.1.2. The third-party submissions on file, acknowledge that there is an existing permission on the site for a residential development ranging in height from 4-6 storeys, however, concerns are raised that the additional height proposed as part of this application would result in overdevelopment of the site would have a significant negative impact on the character of the area and would result in a density that is inappropriate.
- 10.1.3. The Planning Authority raised serious concerns regarding the height of the proposed development and recommended that permission be refused on this basis. The issue of height is addressed below in Section 10.2. It is noted that the planning authority raised no objection in principle to the proposed density.
- 10.1.4. The subject site is approx. 1.76 ha. The design and layout of the proposed scheme is similar to that previously approved on the site. It has a contemporary design approach, with 3 no. blocks with flat roofs ranging in height from approx. 14m to approx. 26.7m. The blocks are stepped with the highest elements located in the centre of the scheme. The ends of the blocks are narrower than the central elements to reduce the bulk and scale. The external materials include a similar pallet to those already approved, including a light brick with a darker brick at ground floor level, large sections of glazing and bronze colour features, including window frames and balustrades. A brick work treatment is proposed over the balcony opes at the top of the blocks. The applicant has stated that the proposed materials reflect the traditional materials of adjoining residential properties.

Block A has a gross floor area of 14,057sqm. It is generally located in the front (north) centre of the site. It ranges in height from 5-8 storeys, with a maximum height of 26.7m. It accommodates 150 no. residential units, in this regard 61no. 1-beds, 78 no. 2-beds, 11 no. 3-beds. A 477sqm internal amenity space and a 285sqm creche with associated external open space are provided at ground floor level of Block A.

Block B has a gross floor area of 9,715sqm. It is located to the rear (south) of the site. It ranges in height from 4-7 storeys, with a maximum height of 23.6m. It accommodates 108 no. residential units in this regard, 62 no 1-beds, 36 no. 2-beds and 10 no. 3-bed units.

Block C has a gross floor area of 4,529sqm. It is located to the front (north) of the site and to the side (east) of Block A. ranges in height from 4-7 storeys, with a maximum height of 23.6m. It accommodates 49 no. residential units, in this regard 18 no. 1-beds, 26 no. 2-beds and 5 no. 3-beds.

- 10.1.5. A Schedule of Accommodate was submitted with the application. It is noted that the proposed units reach and exceed the minimum standards for room sizes as set out in the Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- 10.1.6. The proposed scheme has a density of 176.4 units per hectare. While it is acknowledged that this is significantly higher than the adjoining housing estates of Holywell and Eden Park it is my view that the proposed scheme should be viewed in the context of the surrounding area which has experienced a transition from a low density, two storey suburban area to a more urban area, with a mix of different types of dwellings, including apartment blocks of varying heights and significantly increased densities. In this regard recent grants of permission, include the existing extant permission on the site; PL06D.249320 for the construction of 60 no apartments in 2 no. 4-storey blocks on Kilmacud Road; PL06D.248343 for an additional 7th floor level on Herbert Hill, Sandyford Road, to the west of Overend Way. There are also a number of recent developments in close proximity to the site including ABP 303738-19 for a mixed use block ranging in height to 14 storeys at Beacon Quarter and ABP-204405-19 for a residential scheme of up to 14-storeys at Sandyford Business District. Having regard to these recent planning permissions in the wider area, it is my view that the area surrounding the site (Dundrum / Churchtown / Kilmacud / Goatstown) is in

transition and undergoing a major change in its profile of development and that the proposed development would reinforce that changing profile and introduce a new housing type to the vicinity.

10.1.7. Objectives 4, 13, 33 and 35 of the National Planning Framework, RPO 5.4 and RPO 5.5 of the Regional Spatial and Economic Strategy 2019-2031 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, all support higher density developments in appropriate locations, to avoid the trend towards predominantly low-density commuter-driven developments.

10.1.8. Chapter 2 of the Design Standards for New Apartments Guidelines, 2018 notes that it is necessary to significantly increase housing supply, and City and County Development Plans must appropriately reflect this and that apartments are most appropriately located within urban areas, and the scale and extent should increase in relation to proximity to public transport as well as shopping and employment locations. The apartments guidelines identify accessible urban locations as sites within a reasonable walking distance (i.e. up to 10 minutes or 800 - 1,000m) to / from high capacity urban public transport stops, such as DART or Luas. Having regard to the sites location, approx. 800m from both Balally and Kilmacud Luas stops and its proximity to urban centres, employment locations and urban amenities it is my opinion that the proposed increased scale of the proposed development complies with national guidance and, therefore, is suitable for higher density.

10.1.9. In conclusion, it is my view that the proposed quantum of development is appropriate in this instance having regard to national policy, the relatively recent permissions in the vicinity, the area's changing context, the site's size and proximity to public transport.

10.2. **Height**

10.2.1. Third parties and An Taisce raised serious concerns regarding the proposed height of the development and its impact on the visual amenities of the area. It is considered that the proposed development would be more suited to the city centre, Dundrum town centre or Beacon South Quarter and not the suburbs. The third-party appeal submitted from Airfield Estate raised specific concerns regarding the impact of the development on the amenity value and continued operation of Airfield Estate.

- 10.2.2. The planning authority considered that the development would appear visually dominant and overbearing due to the decreased separation distances from the site boundaries and the increased height, particularly when viewed from Drumahill residential estate and Airfield Estate. It was recommended that permission be refused on the basis that the proposed development would contravene Policy UD6: Building Height Strategy, and Sections 8.3.2 Transitional Zones, and Section 8.2.3.3 Apartment Development of the Development Plan.
- 10.2.3. There is an advisory noted attached to Chapter 8 of the development plan notes that Section 8.2.3.3 has been superseded by National guidance on apartment development.
- 10.2.4. Policy UD6: Building Height Strategy requires that developments 'adhere to the recommendations and guidance set out within the Building Height Strategy for the County'. The Building Height Strategy is set out in appendix 9 of the Development Plan. Section 4.8 of Appendix 9 of the Development Plan sets out guidance in relation to height including promotion of higher densities and increased building heights around public transport nodes. It states that a maximum of 3-4 storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effect on the existing character and residential amenity. The issue of residential amenity is addressed below, however, I am satisfied that due to the size of the site and its proximity to public transport nodes that this is an appropriate location for increased building heights.
- 10.2.5. The development plan states that there will be situations where a minor modification up or down in height by up to two floors could be considered. This would allow for a maximum of 6 no. storeys on the site. The proposed development includes a maximum of 8 no. storeys and, therefore, having regard to Policy UD6 of the development plan to adhere to the recommendations and guidance set out within the Building Height Strategy for the County, the proposed development would materially contravene the development plan. The issue of material contravention is dealt with below.
- 10.2.6. The proposed development would introduce a new feature in the skyline in the immediate vicinity of the site. A booklet of photomontages is included with the

application which provides a comparison of the existing site, the previously permitted scheme on site and the proposed development. It is noted that concerns were raised by third party regarding the angles of the photomontages, which are located in close proximity to trees and too far away from the site. It is my view that the submitted photomontages provide a reasonable representation of how proposed development would appear.

10.2.7. It is acknowledged that the proposal would alter the character of the area and would introduce a new feature in the skyline, particularly when viewed from Drumahill and Airfield Estate. However, having regard to the high quality design and layout of the scheme, which includes a stepped approach with the highest elements centrally located within the development and the separation distances between the blocks and the adjoining properties, it is my view that the proposed height would not be excessive and should be considered in the changing character of the area and a transition towards higher density apartment development. Therefore, having regard to the changing character of the surrounding area it is my view that the proposed development would not negatively impact on the visual amenities or character of the area.

10.2.8. The planning authority also raised concerns that the proposed height would not comply with Section 8.3.2 Transitional Zones. With regard to specific concerns raised regarding the impact on Airfield Estate, it is acknowledged that the proposed development would be highly visible and that future residents would have direct views of the estate. The Airfield Estate is zoned 'Open Space' with the associated land use objective to protect and provide for open space with ancillary active recreation amenities. The development plan notes that it is important to avoid abrupt transitions in scale and use in the boundary. The planning authority have stated that to surround Airfield with very tall buildings would significantly take away from its open character and place of recreation and tranquillity.

10.2.9. A Landscape and Visual Impact Assessment was submitted with the application. The report concluded that the overall impact of the proposed development on surrounding receptors when compared to the previously permitted development would be moderate and not important. Appendix 1 of the third-party appeal received from Airfield Estate includes an assessment of the criteria used in the applicant's visual

assessment and considers that the proposed development would have a greater impact than that purported by the applicant and indicates that the proposed development would have a high adverse impact, as the proposed development is at variance with the scale and pattern of development and would erode the quiet / agricultural character of the estate and negatively detract from the attractiveness and, therefore, operation of the estate.

- 10.2.10. The corner of Block B is located approx. 5m east of Airfield Estate. The previous permission permitted 5 no. storeys at this corner. The proposed Block B has a maximum height of 6 storeys at this corner. An additional 10 no. units are provided at 6th floor level. There is a minimum separation distance of approx. 21m between the boundary with Airfield and the proposed 6th floor balconies to (6th floor unit - B06 09).
- 10.2.11. There is an existing 6-storey development 'Rockfield' located to the south west of Airfield. It is noted that Rockfield is located on lower lying land, however, it has similar views towards the estate, as those proposed in the current application. It is my opinion that the Rockfield development does not dominate the skyline, detracted from the setting of Airfield or have a detrimental impact on the views to or from the estate.
- 10.2.12. In conclusion, having regard to the relatively large scale of Airfield Estate and to the significant levels of planting within the estate and the landscaping proposals for the subject site, it is my view that the proposed development would consolidate the urban setting of the area and that the existing visual amenities of Airfield Estate would not be negatively impact by the proposed development. In addition, having regard to the Guidelines on Urban Development and Building Heights, I am satisfied that the proposed development represents a reasonable response to its context and is stepped down at site boundaries to reduce impacts on adjacent properties.
- 10.2.13. It is also noted that third parties have raised concerns that the proposed development would not be in accordance with SPPR3 of the Urban Development and Building Heights Guidelines. Section 3.2 of the guidelines sets out criteria for assessing the scale of the development with regard to the city, street and site level including, proximity to high frequency public transport; integration / enhancement of the character and public realm of the area; response to overall natural and built environment; architectural response; urban design; improved legibility; mix of uses and

building typologies. Additional specific assessment may also be required for issues including daylight and sunlight; microclimate; communication. Having regard to the information outlined above it is my view, that the proposed development would be in compliance with SPPR3, having specific regard to the high-quality design and layout of the scheme and its contribution to the consolidation of the urban area.

10.3. **Residential Amenity**

10.3.1. Concerns were raised by third parties and An Taisce that the proposed development would have a negative impact on the existing residential amenities in terms of overlooking, overshadowing and overbearing impact. The Planning Authority recommended that permission be refused as the development would be visually dominant and overbearing, particular when viewed from Drumahill residential estate and Airfield Estate and considered the proposed development unacceptable.

Overlooking

10.3.2. The site is generally bound to the north by Kilmacud Road, to the south and west by Airfield Estate, and to the east by Drumahill and an area of public open space. There is an additional detached dwelling located on Kilmacud Road approx. 33m west of Block A.

10.3.3. Block A is located at the front (north) of the scheme, a minimum of approx. 14m from the northern boundary with Kilmacud Road Upper and approx. 36m from the front building line of the buildings on the opposite site of the street. Permission was previously granted for a maximum of 6 no. storeys. The proposed Block A varies in height from 4 – 8 storeys. The additional height is located on central portion of the block. It is also repositioned approx. 0.5m closer to the western boundary, than the scheme previously permitted on the site. Block A is located approx. 18m from the western site boundary and approx. 37m from the gable wall of a detached house on Kilmacud Road Upper. The proposed scheme results in additional balconies on the western elevation of Block A at 6th, 7th and 8th floor level. The balcony serving A06 18 (6th floor level) is located approx. 30m from the boundary of the rear garden of the detached dwelling on Kilmacud Road Upper and is orientated in a south eastern direction, the balconies servicing A06 23 (6th floor level) and A07 23 (7th floor level) A08 02 and A08 10 (8th floor level) are located a minimum of 45m from the rear garden

of the house. Having regard to the separation distances it is my view that the proposed development would not result in undue overlooking of properties on Kilmacud Road Upper.

10.3.4. Block B is located to the rear (south) of the site, approx. 13m from the eastern boundary with Drumahill. Permission was previously granted on the site for a maximum of 6 storeys. The proposed Block B ranges in height from 4-7 storeys. The additional height is located on central portion of the block. It is also repositioned approx. 1m closer to the boundaries with Drumhill and Airfield Estate. The proposed scheme results in additional balconies on the eastern elevation of Block B at 6th floor level. Balconies serving B06 13 and B06 15 are located approx. 34m from the eastern boundary with the rear gardens of Drumahill. It is noted that there is an additional balcony to serve B06 02 on the north eastern elevation of the block, however, due to the orientation of the balcony it is my view that it is unlikely to result in undue overlooking of adjoining residential properties.

10.3.5. Due to the siting of Block C it would not result in any undue overlooking of any residential properties.

10.3.6. The Planning Authority raised concerns regarding the proximity of Blocks A and B and the potential for undue overlooking within the scheme. It is noted that there is a separation distance of approx. 8m between the balconies of third floor apartments B04 19 and A04 08. In my view the angle of the balconies ensures that undue overlooking would not occur. However, if permission is being contemplated it is considered that a condition should be attached to any grant of permission that the balcony serving apartment B04 19 be relocated to the north west elevation and the balcony serving apartment A04 08 be relocated to the south eastern elevation to prevent any undue overlooking.

Overshadowing

10.3.7. Concerns have been raised by third parties that the proposed development would result in an unacceptable level of overshadowing of adjoining residential properties.

10.3.8. The Planning Authority noted that minimum daylight and sunlight standards would be reached. However, it is considered that the proposed development would further

decrease access to daylight and sunlight for adjoining properties and that any further loss of light would be harmful to their amenity.

- 10.3.9. The potential impact of overshadowing on no. 1-9 Drumahill, located to the east of the site and no. 259 – 283 Kilmacud Road Upper, located on the opposite side of Kilmacud Road, to the north of the site was undertaken. The analysis indicates that all houses assessed would achieve compliance with BRE guidance with regard to access to daylight, in this regard, all houses would still receive in excess of 27% Vertical Sky Component. The analysis also indicated that all houses assessed would achieve compliance with BRE guidance with regard to access to sunlight, in this regard in excess of 25% annually and 5% in winter. It noted that for the purpose of the analysis the existing mature trees were not included in the assessment, the inclusion of the trees would reduce the impact of the development on the neighbouring buildings as low sun would be blocked by the trees in the south and west.
- 10.3.10. It is noted that the impact of the development on the detached house located to the west of the site and fronting onto Kilmacud Road was not included in the assessment. However, having regard to the information submitted, the orientation of the site and the stepped approach to the upper floor levels, it is my view that the proposed development would not result in undue overshadowing of the adjoining properties.
- 10.3.11. The Daylighting and Sunlighting Analysis submitted with the application noted that the scheme was assessed against BRE guidance criteria. The analysis found that 19 no. units within the scheme (9 no. units in Block A, 6 no. units in Block B and 4 no. units in Block C) would be below the daylight factor target of 1.5% for living rooms. It is noted that they achieve between 1% - 1.4% average daylight factor, which ensures that all units receive natural light. The analysis found that 97% of proposed amenity space within the development would receive at least 2 hours of sunlight on the 21st March, in accordance with BRE guidelines. Having regard to the number of units proposed, the high-quality design of the scheme and amenity spaces the proposed layout is considered acceptable in this instance. It is also considered that the scheme complies with specific assessment criteria set out in SPPR3 of the Building Height Guidelines with regard to daylight and sunlight.

Overbearing

- 10.3.12. Concerns were raised by third parties that the height and scale of the proposed development would result in an overbearing impact on the adjoining properties. The planning authority recommended that permission be refused on the basis that the scheme due to its height and proximity to the site boundaries would be overbearing on neighbouring lands, particularly Drumahill and Airfield Estate.
- 10.3.13. As noted above in Section 10.2 the proposed scheme provides for an additional floor on Blocks B and C with an additional 2 no. floors on Block A above what was previously approved on the site. The blocks step from 4 to 8 storeys, in a series of 1 storey height increases. The 8-storey element of Block A is centrally located within the site. It is noted that the width of the block ends is narrower than the central portions of the blocks, to reduce the massing, this is similar to the previously permitted scheme. The proposed contiguous elevations, (drawing no. GARD-HJL-oo-ZZ-M3-A-2005) submitted with the application clearly indicates that the proposed scheme would introduce a new feature in the skyline, and that this feature would be prominent especially when viewed from Drumahill, it is my opinion that this should be considered in the context of the changing character of the wider area, towards higher density apartment developments. Having regard to the high-quality design and layout of the scheme and the separation distances proposed, it is my view that the development would not result in an overbearing impact on the adjoining residential properties and would be appropriate at this location.
- 10.3.14. In conclusion, it is my opinion that the high-quality design and layout of the proposed development ensures that it would not negatively impact on the existing residential amenities of the adjoining properties.

10.4. *Landscaping / Open Space*

- 10.4.1. The blocks are separated and surrounding by 6 no. areas of communal open space. It is proposed to provide a pedestrian link along the eastern boundary of the site with an adjoining area of public open space which serves Drumahill and Holywell residential estates.

- 10.4.2. Concerns have been raised by third-parties that there is insufficient open space provision for the proposed scheme and that the proposed link to the existing area of public open space which serves the residents of Drumahill and Holywell residential estates would result in anti-social behaviour. The planning authority have stated that the 6 no. 'pocket parks' are well thought out in terms of usability and attractiveness and there are no concerns regarding the quality or quantity of open space.
- 10.4.3. The layout of the scheme results in a series of irregular shaped courtyard spaces / pocket parks and provides a total of 3,833sqm of open space, which is above development plan standards. It is noted that the areas of open space are designed to incorporate both passive and active amenity spaces, including children's play facilities. The areas are well connected and provide permeability through the scheme and with Kilmacud Road and the area of public open space located to the east of the development site. All areas of open space are overlooked from the residential units. In my opinion the provision of a pedestrian link through the site to an existing area of public open space is welcomed as it would improve permeability from the site and connect the areas of public open space. It is, therefore, considered that the proposed quality and quantity of public open space is acceptable.
- 10.4.4. Concerns were also raised by both the third parties and the planning authority regarding the loss of trees on site.
- 10.4.5. An Arboricultural Assessment was submitted with the application. It notes that the site currently supports 132 individual and / or groups of trees. The proposed development requires the loss of a further 75 no. trees (24 no. category U 'unsustainable / unsuitable', 18 no. category B 'fair' and 33 no. category C 'poor'). The report notes that the substantive removal of trees on site could potentially negatively effect trees to be retained due to exposure and loss of shelter and it is necessary to regularly review trees to be retained. The Ecological Assessment submitted with the application notes that the trees currently surrounding the site are not of particular ecological importance, however, they provide a wildlife corridor that is connected to Airfield Estate. This corridor forms a foraging area for bats and nesting areas for bird species. Retention of existing trees in addition to supplementary planting would be required to assisted in maintaining or enhancing local biodiversity.

10.4.6. The Landscape Design Rationale Report submitted with the application outlines the design objectives for the site, which includes the retention of as many mature trees as possible and replacement tree planting. Having regard to the high quality landscaping proposals for the site and the retention of existing mature trees and vegetation where possible, it is my opinion that the loss of a number of trees to facilitate the proposed development, would not have a significant negative impact on the visual amenities or biodiversity of the area. In addition, it is considered that the landscaping proposals as outlined on the Landscape Design Strategy Plan (drawing no. 056119_LP_02) would provide a level of screening for the proposed development.

10.5. ***Transportation***

10.5.1. The appeal site is highly accessible by public transport. It is located approx. 800m from both the Kilmacud and Balally Luas stops and there are 6 no. Dublin Bus routes (11, 14/c, 44/b and 75) located within 1km of the site. A Mobility Management Plan has been submitted with the application which indicates a baseline modal split of 20% foot / bicycle, 50% public transport and 30% private car (including passenger) with a target of increase the modal split to 25% foot / bicycle, 55% public transport and 20% private car (including passenger) when the development is operational. The MMP includes a number so specific measures to achieve this objective.

10.5.2. The proposed development includes the provision of 205 no. car parking spaces and 583 no cycle parking spaces. Vehicular access to the site is proposed via 2 no. accesses on Kilmacud Road Upper with an additional pedestrian access from Drumahill. It is proposed to upgrade the existing vehicular entrances to the Greenacres and Drumahill sites. The Greenacres entrance would provide vehicular access to the basement level only. The access at Drumahill would provide access to the internal route for emergency vehicles, refuse trucks and visitor set down parking. Both entrances are set back from the boundary with Kilmacud Road upper and sightlines in excess of 49m are achieved for both accesses. The access arrangements are similar to those previously approved on site.

10.5.3. Third parties have raised concerns that egress points from the site are onto the narrowest sections of Kilmacud Road Upper and that this section of road is already

dangerous for pedestrians and cyclists, with narrow footpaths and no cycle lanes. Any additional turning movements would endanger public safety.

- 10.5.4. It is proposed to set the front boundary of the site along Kilmacud Road Upper back to accommodate a new public cycle track. It is noted that both entrances have sightlines in excess of 49m. Having regard to the existing location of these accesses, the design of the accesses /egresses and the information submitted it is my view that they would not create a traffic hazard.
- 10.5.5. Concerns have been raised that the surrounding road network is heavily congested and cannot accommodate any additional vehicular trips. It is noted that Transport Infrastructure Ireland had no observation on the proposed development.
- 10.5.6. Traffic surveys were carried out in October 2018 at 4 no. junctions, in this regard (1) Kilmacud Road Upper / Lower Kilmacud Road / Drummartin Link Road (signalised junction) (2) Kilmacud Road Upper / Birch's Lane (signalised junction), (3) Kilmacud Road Upper / Overend way (signalised junction) and (4) Sandyford Road / Overend Way (singalised junction) between the hours of 07.00 - 19.00. The applicant has stated that due to the current impact of the Coivd 19 pandemic procurement of an updated traffic survey was not possible. The applicant has stated that growth factors as set out in TII guidance have been applied to ensure adequate allowance is made for background traffic growth. This is considered acceptable. Full details of the traffic counts are provided in the TTA submitted by the applicant.
- 10.5.7. By combining the traffic count data with the traffic generated estimates the peak periods were recorded as 08.15 - 09.15 and 16.45 - 17.45. The surveys found that all link roads are operating within capacity (with FRC values of between 27% and 79%). The TRICS database was used to estimate the potential number of trips generated by the proposed development. The information used to generate the potential number of trips was based on a higher car parking ratio (between 1 and 1.6 no. spaces per unit). Therefore, the trip generated estimates are likely to be higher than those actually generated by the proposed development. The TRICS database found that the proposed development has the potential to generate an additional 113 no. trips (21 no. arrivals and 92 no. departures) in the AM peak (08.00 – 09.00) and 116no. trips (93 no. arrivals and 23 no. departures) in the PM peak (17.00 – 18.00). it also indicates

a significant number of movements (132 no. arrivals and 66 no. departures between 19.00 – 20.00.

10.5.8. Picady was used to analyse the impact of the development on the surrounding signalised junctions outlined above. With additional background growth included it is estimated that by the year 2027 and 2037 with the development the surrounding link roads would generally operate within capacity with the Drummartin Link Road and the Sandyford Road experiencing the highest RFC values during the AM and PM peaks. While it is noted that some queuing does occur on the surrounding road network, the analysis indicates that there is sufficient capacity to accommodate the proposed development and that the proposed entrance would operate within capacity and would result in a negligible amount of queuing.

10.5.9. It is noted that planning authority raised no concerns regarding the impact of the proposed development on the capacity of the surrounding road network.

10.5.10. In conclusion, having regard to the evidence submitted, it is my view that the potential number of trips generated by the proposed development would not have a significant impact on the capacity of the network and that the proposed development would not result in a traffic hazard or generate any road safety concerns and would improve cycle infrastructure and safety along Kilmacud Road Upper.

10.6. ***Car Parking***

10.6.1. Permission was previously approved on site for the provision 212 no. spaces to serve 303 no. residential units. The proposed development results minor amendments to the previously approved basement and ground floor levels which results in a reduction of 7 no. spaces on site. At basement level, 178 no. residential spaces, 2 no. car club spaces, 5 no. creche staff spaces and 5 no. accessible spaces. At surface level 9 no. residential spaces and 4 no. accessible spaces are proposed. The proposed amendments result in the provision of 0.67 no. spaces per residential unit, compared to 0.8 no. spaces per unit previously approved. It is noted that provision is also provided for 8 no. motorcycle parking spaces.

10.6.2. It is noted that the Design Statement submitted with the application states that the number of car parking spaces on site would be reduced from 205 no. spaces to 198

no. spaces, however, this appears to be an error, as the site notice and all other documentation submitted refers to the provision of 205 no. spaces.

- 10.6.3. Concerns have been by third parties and An Taisce that level of car parking proposed is inadequate and would lead to overspill car parking on the surrounding road network. The planning authority recommended that permission be refused on the basis that the proposed development would generate an unacceptable level of overspill car parking onto the surrounding road network, which would seriously injure the amenities of the area.
- 10.6.4. Table 8.3.2 of the development plan sets out car parking standard which permit 1 no. space per 1-bed unit, 1.5 spaces per 2-bed unit and 2 no. spaces per 3-bed spaces + for apartment developments. The development includes a caveat that reduced car parking standards for any development may be acceptable dependant of specific criteria including the site location, proximity to public transport and the nature and characteristics of the site. The planning authority consider that 1 no. space per unit is acceptable at this location.
- 10.6.5. The Design Standards for New Apartments Guidelines (2018) states that in larger scale and higher density developments which comprise wholly of apartments in more central locations that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances.
- 10.6.6. Having regard to the highly accessible location of the site, the provision of 2 no. car club spaces and the design of the proposed scheme, I am satisfied that the provision of 0.67 spaces per unit is acceptable in this instance and complies with the standards set out in the Design Standards for New Apartments Guidelines and the provisions of the development plan.
- 10.6.7. While the third-party concerns regarding overspill car parking onto the surrounding road network are acknowledged, it is my view, that sufficient car parking has been provided within the site and should overspill car parking become an issue it could be managed by the planning authority through the introduction of restrictive measures on the surrounding public road.

10.7. ***Cycle Parking / Infrastructure***

- 10.7.1. The planning authority have raised concerns regarding the number of cycle parking spaces proposed and considered that due to the level of car parking proposed on site additional cycle parking spaces should be provided.
- 10.7.2. The Design Standards for New Apartments Guidelines (2018) notes that proposals which feature appropriate reductions in car parking provision should be comprehensively equipped with high quality cycle parking and storage facilities for residents and visitors. In this regard it is recommended that 1 no cycle parking space be provided per bedroom. It is also recommended that 1 no visitor bicycle parking space be provided per 2 no. residential units. This result in a requirement of 652 no. spaces to serve the proposed development. The proposed development includes the provision of 583 no. cycle parking spaces, which equates to 1.9 no. spaces per residential unit. In my opinion this is a sufficient level of cycle parking within the site and that any additional cycle parking that may be required in the future could be addressed by the management company.
- 10.7.3. There is an existing segregated cycle track on a section of Kilmacud Road Upper, located to the east of the site. The northern boundary of the site has been set back along Kilmacud Road Upper to facilitate the extension to this existing cycle track, which provides a 1.8m wide cycle track and a 2m wide footpath. Due to the width of the road there is no existing cycle track facility to the west of the site. The planning authority have raised concerns that the proposed cycle track terminates approx. 14m from the western site boundary. Having regard to the information submitted, the cycle track ends at this location for root protection of an existing tree. The applicant has stated that the proposed cycle track is similar to that previously permitted. The provision of a cycle track for the entire length of Kilmacud Road Upper is desirable. However, due to the width of the road and the constraints of the front boundaries of residential dwellings it is unlikely. Therefore, it is my view that in this instance the existing tree should be protected, which results in the cycle track terminating approx. 14m from the western boundary of the site. If permission is being contemplated it is recommended that a condition be attached recommending that the detailed design of the cycle track be agreed with the planning authority.

10.8. **Water Services**

- 10.8.1. Concerns have been raised by third parties that the drainage network within the site is insufficient and there is a potential flood risk for adjoining properties. It is also noted that the local road network is subject to flooding and that recently the excavated basement within the site flooded. (The submission from Herbert and Pamela Mitchell includes photos of the flooding on site.)
- 10.8.2. The OPW maps indicate that the appeal site is located outside of a flood zone and that there is no record of historic flood on the site. A site-specific Flood Risk Assessment was submitted with the application. The report states that there is no significant risk to the site from fluvial or tidal flooding. With regard to potential pluvial flooding the report notes that any flooding would result in overflow from the existing public network on Kilmacud Road Upper and would flow in an easterly direction away from the site. The flood risk is considered to be negligible and no mitigation is required.
- 10.8.3. The proposed surface water drainage system incorporates SuDs to control discharge rates from the site to the equivalent greenfield runoff rates. The proposed drainage system would connect to sewers on Eden Park Avenue. The planning authority raised no objection to the proposed drainage arrangements for the site. Having regard to the information submitted I am satisfied that the proposed arrangements are sufficient to cater for surface water run-off relating to the site and would not result in flooding of the site or of adjoining properties.
- 10.8.4. The proposed development would be connected to the existing public water mains and public sewer. Irish Water acknowledged that a new connection to the existing public water network is feasible without upgrade. In respect of wastewater significant network upgrades are required. It is noted that a small section of the upgrades is scheduled, however, further upgrades are also required which would be at the developer's expense.
- 10.8.5. The Engineering Services Report notes that a new public wastewater sewer would be laid under Kilmacud Road Upper and discharge to the public network on Eden Park Avenue. This new infrastructure would be taken in charge by Irish Water / Dun Laoghaire Rathdown County Council.

10.8.6. I am satisfied that there are no infrastructural aspects to the proposed development that present any conflicts or issues to be clarified.

10.9. ***Childcare / School Demand***

10.9.1. Third parties raised concerns that there is insufficient social infrastructure, including childcare and school places to accommodate the proposed development.

10.9.2. The proposed development includes the provision of a 285sqm creche at ground floor level in Block A. It is noted that permission was previously granted on the site for a 236sqm creche. A Childcare Facilities Assessment was submitted with the application. It states that there are 23 no. existing facilities within a 2km radius of the site. The applicant has stated that the survey was limited due to the lack of participation from existing facilities. An 'Early Years Sector Profile Report 2018 / 2019' is referenced which provide detail for the county. This report indicated that there is a 2% capacity within the existing childcare facilities.

10.9.3. The childcare Facilities Guidelines require that 1 no. childcare facility with capacity for 20 no. children be provided per 75 no. dwellings. The 1-bed units have been omitted from the calculations. Therefore the 2 and 3-bed units (166 no.) generate a requirement for 44.3 no. childcare spaces. The proposed facility has capacity for approx. 50 children, which is in excess of the requirements. It is noted that the planning authority welcome the provision of a childcare facility. No comments were received from the Dun Laoghaire Rathdown County Childcare Committee. It is my view that the proposed creche facility is sufficient to cater of the demand generated by the proposed development.

10.9.4. A Schools Demand Assessment was submitted with the application. It states that there are 16 no primary and 8 no. secondary level schools within 2km of the site. it is stated that the capacity of these schools is unclear. Details of 7 no. additional schools to be provided at a future date within the surrounding areas has also been provided. It is anticipated that the proposed development would generate a demand for 77 no. primary places and 52 no. secondary places.

10.9.5. I am satisfied that there is likely to be sufficient capacity existing and in the future at both primary and secondary level to meet the demand generated by the proposed development.

10.10. **Part V Provision**

10.10.1. It is proposed to transfer 31 no. units in Block B upon completion of the development. The units comprise 24 no. 1-bed, 6 no. 2-bed and 1 no. 3-bed units at ground and first floor level. The planning authority raised no objection to the proposed Part V provision.

10.11. **Material Contravention**

10.11.1. As outlined above the proposed development would materially contravene Policy UD6 of the development plan '*to adhere to the recommendations and guidance set out within the Building Height Strategy for the County*'. The Building Height Strategy is set out in Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. The applicants Material Contravention Statement submitted with the application addresses and provides a justification for the material contravention.

10.11.2. Section 4 of the plan sets out the proposed policy approach for the assessment of building height. It notes that apartment development with a maximum height of 3-4 storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes – providing they have no detrimental effect on the existing character and residential amenity. It further states that the maximum height can not apply in every circumstance and there will be situations where a minor modification up or down in height by up to two floors could be considered. Therefore, subject to certain criteria a maximum of 6 no. storeys would be permissible on the site. The proposed development is 8-storey and, therefore, is above the maximum permissible height as set out in the plan.

10.11.3. Section 37(2)(b) of the Planning and Development Act, 2000 (as amended) states that where a planning authority has decided to refuse permission on the grounds that a proposed development materially contravenes the development plan, the Board may only grant permission in accordance with *paragraph (a)* where it considers that: -

- (i) the proposed development is of strategic or national importance,

- (ii) there are conflicting objectives in the development plan, or the objectives are not clearly stated, insofar as the proposed development is concerned, or
- (iii) permission for the proposed development should be granted having regard to the regional spatial and economic strategy for the area, guidelines under *section 28*, policy directives under *section 29*, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government, or
- (iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

10.11.4. Having regard to the characteristics of the proposed development, Section 37 (2) (b) (i) and (iii) are considered relevant in this instance.

10.11.5. **Section 37 (2) (b)(i)**

The proposed development falls within the definition of strategic housing as set out in the Planning and Development (Housing) and Residential Tenancies Act 2016 and by the government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the proposed material contravention is justified by reference to section 37(2)(b)(i) of the act.

10.11.6. **Section 37 (2) (b)(iii)**

The proposed material contravention to the Building Height Strategy is justified by reference to:-

- Objectives 13, and 35 of the National Planning Framework which support increased residential densities and building heights at appropriate locations .
- SPPR3, and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

10.11.7. **Conclusion**

Having regard to the provisions of Section 37 (2) (b) of the Planning and Development Act, 2000 (as amended), I consider that a grant of permission, that may be considered to material contravene the Dun Laoghaire Rathdown Development Plan 2016-2022,

would be justified in this instance under sub sections (i) and (iii) having regard to the Planning and Development (Housing) and Residential Tenancies Act 2016, by government's policy to provide more housing, as set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, the National Planning Framework, 2018, the Regional and Economic Strategy for the Eastern and Midland Region 2019-2031 and Urban Development and Building Heights Guidelines, 2018.

11.0 Chief Executives Recommendation

11.1. As noted above the planning authority recommended that permission be refused for 2 no. reasons. In the interest of clarity, the reasons for refusal are addressed outlined below.

11.2. *Height*

11.2.1. The planning authorities first reason for refusal considered that the applicant had not sufficiently demonstrated that the proposed height is appropriate at this location and, therefore, the proposed development would be contrary to the building height strategy for the County and would materially contravene the County Development Plan, in particular sections 8.1.2.3 Policy UD6: Building Height Strategy, 8.3.2 Transitional Zonal Areas and 8.2.3.3 Apartment Development of the Dun Laoghaire Rathdown County Development Plan 2016-2022, and the 'Guidelines on Urban Development and Building Heights for Planning Authorities', 2018.

11.2.2. As outlined above in Section 11 - Material Contravention it is my view that having regard to Section 37 (2) (b) (i) and (iii) of the Planning and Development Act, 2000 (as amended) that the material contravention of Policy UD6: Building Height Strategy is justified.

11.2.3. Section 8.3.2 Transitional Zonal Areas of the development plan notes that it is important to avoid abrupt transitions between zones. Having regard to the relatively large scale of Airfield Estate and to the significant levels of planting within the estate and the landscaping proposals for the subject site, it is my view that the proposed development would consolidate the urban setting of the area and that the existing visual amenities of Airfield Estate would not be negatively impact by the proposed

development. In addition, having regard to the Guidelines on Urban Development and Building Heights.

11.2.4. With regard to Section 8.2.3.3 Apartment Development of the Dun Laoghaire Rathdown County Development Plan 2016-2022, there is an advisory noted attached to Chapter 8 which states that Section 8.2.3.3 has been superseded by National guidance on apartment development. It is my view that the proposed development is in accordance with the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, 2018 and SPPR3 and SPPR4 of the Urban Development and Building Heights Guidelines, 2018.

11.2.5. In conclusion I am satisfied that the proposed development represents a reasonable response to its context and is acceptable in this instance.

11.3. ***Car Parking***

11.3.1. The planning authority's second reason for refusal related to the proposed level of car parking which would give rise to unacceptable levels of on-street parking and overspill in an area and would, therefore, seriously injure the amenities of the area and endanger public safety by reason of traffic hazard and obstruction of road users.

11.3.2. As noted above in Section 10.6, it is my view that having regard to the highly accessible location of the site, the provision of 2 no. car club spaces and the design of the proposed scheme, I am satisfied that the provision of 0.67 spaces per unit is acceptable in this instance and complies with the standards set out in the Design Standards for New Apartments Guidelines.

11.3.3. It is my view, that sufficient car parking has been provided within the site and should overspill car parking become an issue it could be managed by the planning authority through the introduction of restrictive measures on the surrounding public road.

11.3.4. It is also noted that a Mobility Management Plan has been submitted with the application which increases specific measures to achieve a 30% modal split for private car.

11.3.5. In conclusion I am satisfied that having regard to the information provided and the proximity to public transport that the proposed level of car parking is sufficient to serve the proposed development.

12.0 Environmental Impact Assessment (EIA) Screening

12.1. An Environmental Impact Assessment Screening report was submitted with the application.

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

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

It is proposed to construct 307 no. residential units on a site within an overall area of approx. 1.76ha. The subject site has been cleared and is an active construction site. The site is located within an existing built up area but not in a business district. The area is transitional in character and is bound by both low density residential, and open space / recreational uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any Natura 2000 sites (as discussed below). The development would be in residential use. It would not give rise to waste, pollution or nuisances that differed from that arising from the other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The proposed development would use the public water and drainage services of Irish Water and Dun Laoghaire Rathdown County Council, upon which its effects would be marginal.

12.3. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for residential uses under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to ensure no connectivity to any sensitive location,
- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

Having regard to the limited nature and scale of the proposed development and the absence of any connectivity to any sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

13.0 **Appropriate Assessment**

- 13.1. The proposed development would not be located within an area covered by any European site designations and the works are not relevant to the maintenance of any such sites.

13.2. The applicants AA Screening report considered that there is no direct hydrological link to any designated sites. Therefore, the only potential for an indirect pathway is via surface water run-off.

13.3. The following 13 no. European sites are located within a 15km radius of the site and separation distances are listed below.

<i>European Site</i>	<i>Site Code</i>	<i>Distance</i>
South Dublin Bay SAC	000210	3.5km
South Dublin Bay and River Tolka Estuary SPA	004024	3.5km
Wicklow Mountains SAC	002122	6.3km
Wicklow Mountains SPA	004040	6.7km
North Bull Island SPA	004006	7km
North Dublin Bay SAC	000206	8.2km
Knocksink Wood SAC	000725	8.4km
Rockabill to Dalkey Island SAC	004172	9.2km
Glenasmole Valley SAC	001209	9.2km
Ballyman Glen SAC	000713	9.8km
Dalkey Islands SPA	003000	9km
Baldoyle Bay SAC	000199	14km
Bray Head SAC	000714	14km

13.4. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall location of the Ringsend WWTP and River Dodder and could therefore reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites are subject to a more detailed Screening Assessment.

13.5. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

13.6. **Screening Assessment**

The Conservation Objectives and Qualifying Interests of sites in inner Dublin Bay are as follows:

South Dublin Bay SAC (000210) - c.3.5km from the proposed development.
Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.
Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Embryonic shifting dunes [2110]

South Dublin Bay and River Tolka Estuary SPA (004024) - c. 3.5 km from the site.
Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] / Oystercatcher (<i>Haematopus ostralegus</i>) [A130] / Ringed Plover (<i>Charadrius hiaticula</i>) [A137] / Grey Plover (<i>Pluvialis squatarola</i>) [A141] / Knot (<i>Calidris canutus</i>) [A143] / Sanderling (<i>Calidris alba</i>) [A144] / Dunlin (<i>Calidris alpina</i>) [A149] / Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] / Redshank (<i>Tringa totanus</i>) [A162] / Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] / Roseate Tern (<i>Sterna dougallii</i>) [A192] / Common Tern (<i>Sterna hirundo</i>) [A193] / Arctic Tern (<i>Sterna paradisaea</i>) [A194] / Wetland and Waterbirds [A999]

North Dublin Bay SAC (000206) – c. 8.2 km from the proposed development;

Conservation Objective - To maintain or restore the favourable conservation condition of the Annex I habitat(s) and/or the Annex II species for which the SAC has been selected.

Qualifying Interests/Species of Conservation Interest: Mudflats and sandflats not covered by seawater at low tide [1140] / Annual vegetation of drift lines [1210] / Salicornia and other annuals colonising mud and sand [1310] / Atlantic salt meadows (*Glauco-Puccinellietalia maritimi*) [1330] / Mediterranean salt meadows (*Juncetalia maritimi*) [1410] / Embryonic shifting dunes [2110] / Shifting dunes along the shoreline with *Ammophila arenaria* [2120] / Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] / Humid dune slacks [2190] / *Petalophyllum ralfsii* (Petalwort) [1395].

North Bull Island SPA (004006) - c. 7 km from the site.

Conservation Objective – To maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA

Qualifying Interests/Species of Conservation Interest: Qualifying Interests/Species of Conservation Interest: Light-bellied Brent Goose (*Branta bernicla hrota*) [A046] / Shelduck (*Tadorna tadorna*) [A048] / Teal (*Anas crecca*) [A052] / Pintail (*Anas acuta*) [A054] / Shoveler (*Anas clypeata*) [A056] / Oystercatcher (*Haematopus ostralegus*) [A130] / Golden Plover (*Pluvialis apricaria*) [A140] / Grey Plover (*Pluvialis squatarola*) [A141] / Knot (*Calidris canutus*) [A143] / Sanderling (*Calidris alba*) [A144] / Dunlin (*Calidris alpina*) [A149] / Black-tailed Godwit (*Limosa limosa*) [A156] / Bar-tailed Godwit (*Limosa lapponica*) [A157] / Curlew (*Numenius arquata*) [A160] / Redshank (*Tringa totanus*) [A162] / Turnstone (*Arenaria interpres*) [A169] / Black-headed Gull (*Chroicocephalus ridibundus*) [A179] / Wetland and Waterbirds [A999]

Consideration of Impacts on South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA:

- There is nothing unique or particularly challenging about the proposed urban development, either at construction or operational phase.
- There are no surface water features within the site. During the operational stage surface water from the proposed development will flow by gravity to the public network on Eden Park Avenue. The discharge point is located approx. 170m northeast of the site. The nearest European sites to the proposed development site are the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, both located c. 3.5 km downstream of the site. The surface water pathway creates the potential for an interrupted and distant hydrological connection between the proposed development and European sites in the inner section of Dublin Bay. During the construction phase, which is currently underway, standard pollution control measures are in place. Pollution control measures during both construction and operational phases are standard practices for urban sites and would be required for a development on any urban site in order to protect local receiving waters, irrespective of any potential hydrological connection to Natura 2000 sites. In the event that the pollution control and surface water treatment measures were not implemented or failed, I remain satisfied that the potential for likely significant effects on the qualifying interests of Natura 2000 sites in Dublin Bay can be excluded given the distant and interrupted hydrological connection, the nature and scale of the development and the distance and volume of water separating the application site from Natura 2000 sites in Dublin Bay (dilution factor).
- The foul discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to the wastewater pathway. The foul discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible. I would also note that the proposed development, if granted, will supersede an extant permission pertaining to the site for 253 no. apartments (ABP-304469-19).

- All waste from the construction phase would be disposed of by a registered facility.

It is evident from the information before the Board that the proposed development, individually or in combination with other plans or projects, would be not be likely to have a significant effect on the South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and North Bull Island SPA and that Stage II AA is not required.

13.7. **AA Screening Conclusion:**

It is reasonable to conclude that on the basis of the information on file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

14.0 **Recommendation**

Having regard to the above assessment, I recommend that Section 9(4)(a) of the Act of 2016 be applied and that permission is granted for the reasons and considerations and subject to the conditions set out below.

15.0 **Reasons and Considerations**

Having regard to

- a. The sites planning history;
- b. The site's location on lands with a zoning objective for residential development;
- c. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;

- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- l. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009; and
- m. Architectural Heritage Protection Guidelines, 2011;
- n. Chief Executive's Report; and
- o. Submissions and observations received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

16.0 Recommended Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 24th day of July 2020 by Brady Shipman Martin, on behalf of Greenacres GP3 Limited.

Proposed Development: The provision of 307 no. residential units (141 no. -bed, 140 no. 2-bed and 26 no. 3-bed units), a 285sqm creche and 502sqm residential amenity space in 3 no. blocks ranging in height from 4-8 storeys.

Access to the site is proposed via 2 no. existing access points onto Kilmacud Road Upper. The provision of a new cycle track along the northern boundary of the site with Kilmacud Road Upper.

Associated infrastructural site and drainage works, including foul and surface water drainage, attenuation tanks, 205 no. car parking spaces, 583 no. bicycle spaces, a bin storage, 2 no. ESB substations and all other landscaping, servicing and associated works above and below ground.

The application contains a statement setting out how the proposal will be consistent with the objectives of the Dun Laoghaire County Council Development Plan 2016-2022.

The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Decision:

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

Matters Considered

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

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

Having regard to the following:

- a. The sites planning history;
- b. The site's location on lands with a zoning objective for residential development;
- c. The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- d. Nature, scale and design of the proposed development;
- e. Pattern of existing development in the area;
- f. The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- g. The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- h. Regional Spatial and Economic Strategy for the Eastern and Midland Region, 2019 – 2031;
- i. The Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- j. The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- k. The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- l. The Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- m. Submissions and observations received;
- n. Chief Executives Report; and
- o. The Inspectors Report.

The Board, in deciding not to accept the refusal recommendations as contained in the Report of the Chief Executive of the Planning Authority, agreed with the Inspector's assessment and recommendation on those matters.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within an zoned and adequately serviced urban site, the information for the Screening Report for Appropriate Assessment and the Ecological Impact Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

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

Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned for residential uses under the provisions of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 and the results of the strategic environmental assessment of the Dun Laoghaire Rathdown County Development Plan 2016 – 2022 undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109(4)(a) of the Planning and Development Regulations 2001 (as amended)

and the mitigation measures proposed to ensure no connectivity to any sensitive location,

- the guidance set out in the “Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development”, issued by the Department of the Environment, Heritage and Local Government (2003), and
- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from the parameters of the Building Height Strategy set out in Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 broadly compliant with the provisions of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Building Height Strategy as set out in Appendix 9 of Dun Laoghaire Rathdown County Development Plan 2016-2022 as outlined below: -

- Section 4 of Appendix 9 notes that apartment development with a maximum height of 3-4 storeys may be permitted in appropriate locations, including prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes – providing they have no detrimental effect on the existing character and residential amenity. It further states that the maximum height cannot apply in every circumstance and there will be situations where a minor modification up or down in height by up to two floors could be considered. Therefore, subject to certain criteria a maximum of 6 no. storeys permissible.

The proposed development is 8-storey and therefore is above the maximum permissible height as set out in the plan.

The Board considers that, having regard to the provisions of section 37(2)(b)(i) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- The proposed development falls within the definition of strategic housing set out in Planning and Development (Housing) and Residential Tenancies Act 2016.
- Government's policy to provide more housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016

The Board considers that, having regard to the provisions of section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dun Laoghaire Rathdown County Development Plan 2016-2022 would be justified for the following reasons and considerations:

- Objectives 13 and 35 of the National Planning Framework which support the creation of high-quality urban spaces and increase residential densities in appropriate locations, while improving quality of life and places.
- SPPR3 and SPPR4 of the 2018 Urban Development and Building Heights Guidelines, 2018 which support increased building heights and densities.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i) and (iii) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.
Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
(a) the balcony for apartment B04 19 shall be relocated to the north west elevation and the balcony for apartment A04 08 shall be relocated to the south eastern elevation, unless otherwise agreed in writing with the planning authority.
Reason: In the interests of residential amenity.

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

4. 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.

5. Proposals for an apartment naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

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

Reason: In the interests of visual and residential amenity.

7. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and to prevent inappropriate commuter parking.

8. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

9. Details of the public cycle track along Kilmacud Road Upper, including construction and demarcation, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

10. Prior to the occupation 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 carpooling by residents in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

Reason: In the interest of encouraging the use of sustainable modes of transport.

11. A minimum of 10% of all car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date.

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

12. 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 developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

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

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

13. The site shall be landscaped, and earthworks carried out in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential and visual amenity

14. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. This schedule shall cover a period of at least three years, and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity

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

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

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

16. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

17. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: In the interest of sustainable waste management.

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

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

20. 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 occupation of the development.

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

21. 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.

Elaine Power

Planning Inspector

22nd October 2020