



An
Bord
Pleanála

Inspector's Report ABP-308151-20

Development

The development consists of a Build to Rent (BTR) apartment development comprising of 50 units (11 x 1 bedroom studios, 21x1 bedroom units, 17x 2 bedroom units, 1x3 bedroom unit) within a three to five storey apartment block. Includes communal areas, open space, car/ bicycle parking, refuse storage and all associated works on a site of 0.27 hectares.

Location

Belmont Drive and Village Road,
Aikens Village, Woodside, Stepaside,
Dublin 18.

Planning Authority

Dun Laoghaire-Rathdown County
Council

Planning Authority Reg. Ref.

D20A/0427

Applicant(s)

SDR Property Development Limited.

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party

Observers

Mary O'Neill & Roger Gaffney

Niall Sherrard

Rosemary Hempenstall

Cassandra Taylor

Suzi Guiney

Mark Harman

Paul Finn

Date of Site Inspection

8th December 2020

Inspector

Paul O'Brien

1.0 Site Location and Description

- 1.1. The site comprises of a stated area of 0.27 hectares located to the north east corner junction site of Village Road and Belmont Drive, Aikens Village, Stepside, Dublin 18. Aikens Village is located to the north of Belarmine and to the north of Stepside village and south of Sandyford village. Access is primarily to the west along the R117 Regional Road.
- 1.2. The site is fenced off from public access and is an undeveloped site within an area of medium to high density residential development. Part of the southern boundary, along Village Road, consists of a low stone wall with round-bar railings over. There is a mix of housing/ apartment types provided in this area and dwellings are designed/ finished in a broad mix of styles.
- 1.3. A lay-by for a bus stop is provided to the south, but no bus route currently serves this section of road. Public transport is available in the form of a Green Line Luas stop at Glencairn, which is approximately 830 m to the north east of the subject site/ approximately 1.1 km walking distance. Dublin Bus route 47 operates from Belarmine to the south, to the city centre on approximately an hourly service. Route 114 operated by Go-Ahead Ireland serves Lamb's Cross, approximately 500 m to the north west of the site and which operates on an hourly service between Rockview/ Ticknock Park and Blackrock station. Route 44B, operated by Dublin Bus is also available from Lamb's Cross, operating between Dundrum and Glencullen at peak hours only.

2.0 Proposed Development

The proposed development of this site, with a stated area of 0.27 hectares, consists of an apartment development in a three to five storey block. The development is described as a Build to Rent (BTR) development in the public notices/ application form.

The unit breakdown is as follows:

	One bedroom Studio	One Bedroom	Two Bedroom	Three Bedroom	Total
Ground Floor	2	2	4	0	8
First Floor	3	7	5	0	15
Second Floor	3	7	5	0	15
Third Floor	2	5	3	0	10
Fourth Floor	0	0	1	1	2
Total	10	21	18	1	50

- A residents communal area located at ground floor level.
- A new vehicular access from Belmont Drive to the west.
- 21 car parking spaces in an undercroft area.
- 51 bicycle parking spaces are provided and communal bin storage areas.
- All associated site works and landscape/ boundary treatment.

The proposed density is 185 units per hectare.

The following supporting documents were included with the application:

- Planning Report prepared by McGill Planning. This includes an Appropriate Assessment Screening.
- An Infrastructure Services Report prepared by McCrae Consulting Engineers

Note: The submitted floor plans dated 22/6/2020 by the Planning Authority indicate the above unit breakdown and not the stated 11 studio units and 17 two-bedroom units. The overall total of 50 units is correct.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. The Planning Authority decided to refuse permission for two reasons as follows:

1. 'The proposed scheme fails to comply with Specific Planning Policy Requirement 1, 7 and 8 of the 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities', 2018, with regards to the over provision of studio and 1 bed units, the lack of a legal covenant, and the lack of residents supports facilities, services and amenities. The scheme is also

therefore contrary to 8.2.3.1 Quality Residential Design of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022 and the Sustainable Urban Housing – Design Standards for New Apartments (2018) and would likely result in a substandard level of residential amenity for future occupiers of the scheme. The proposed development is therefore contrary to the proper planning and sustainable development of the area.

2. 'The proposed car parking/ car storage and cycle parking provision is considered deficient by reference to Table 8.2.3: Residential Land Use- Car Parking Standards of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the 'Standards for Cycle Parking and associated Cycle Facilities for New Developments' and '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 would endanger public safety by reason of traffic hazard and or obstruction of road users and would set an undesirable precedent. The proposed development is therefore contrary to the proper planning and development of the area'.

3.2. Planning Authority Reports

3.2.1. Planning Reports

The Planning Report reflects the decision to refuse permission. The Planning Authority Case Officer reported that the development of this site was welcomed and although elements of the proposal work well, the development is not consistent with a number of objectives of the Dun Laoghaire-Rathdown County Development Plan and the Apartment Guidelines.

3.2.2. Other Technical Reports

Transportation Planning: A very detailed report was prepared and refusal was recommended due to the lack of proposed car parking spaces, which may give rise to the endangerment of public safety due to traffic hazard/ obstruction of road users

and also permitting the development would set a precedent for parking on existing residential streets. The report includes a long list of items that require addressing by way of a further information response, if a grant of permission for this development is under consideration.

Environmental Health Officer: No objection subject to conditions.

Drainage Planning – Municipal Services Department: Further information requested in relation to the proposed surface water drainage system, the proposed attenuation system, to demonstrate that the proposed SuDS measures comply with CIRIA C753 (The SuDS Manual), details of the proposed green roof and surface water drainage system.

Housing Department: No objection subject to recommended condition.

3.2.3. **Prescribed Bodies Report**

Irish Water: No objection subject to conditions.

3.2.4. **Objections/ Observations**

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

Issues raised include:

- The density of development as proposed is excessive.
- The height at five storeys is excessive and may give rise to overshadowing leading to a loss of daylight to the houses on Belmont Drive.
- Increased traffic congestion in the area is a concern, especially due to the nature of the development and proximity of the site to St Marys National School.
- The location of the site entrance on Belmont Drive will increase the congestion with the junction onto Village Drive. This location will also give rise to potential traffic hazard especially having regard to the number of children in the area.
- Shortage of childcare provision and school places in the area.
- Shortfall in services in the area to meet the rising population.
- The proposed development is inappropriate in this location which was originally proposed to be a site for a nursing home. A low-rise nursing home would be appropriate in this location.

- There is a shortfall in parking provision including for visitor parking, this is already a problem in the area.
- The type of development is out of character with the two/ three storey terraced/ semi-detached houses in the area.
- The proposed development is visually obtrusive.
- Request that Belmont estate be taken in charge before any more development is permitted in the area.
- Developers have a record of completing developments, fear that same may happen here.
- Lack of open space for future residents.
- Lack of amenities for existing residents and open space areas have not been completed to date.
- Proposed surface water drainage is not adequate and does not comply with the requirements of Dun Laoghaire-Rathdown County Council.
- The proposed Build to Rent development is out of character with this area which is mostly made up of family homes.
- Water pressure will be reduced due to the proposed development.
- Public transport provision is lacking in this area. The Luas is very congested at peak times.
- Concerns about the impact on the area during the construction phase of development.

4.0 **Planning History**

P.A. Ref. D16A/0588 refers to a January 2017 decision to grant permission for a 3 - 5 storey over basement residential care facility (5,253 sq m) comprising of 85 no. bedrooms with ancillary resident and staff facilities. Car and bicycle parking plant and ancillary storage at basement level. All associated site development works, services provision, access, open space, boundary treatment and landscaping works.

P.A. Ref. D10A/0440/ ABP Ref. PL06D.239332 refers to a December 2011 decision to grant permission for the demolition of existing structures on site and for the construction of a residential development comprising 206 houses, 204 apartments, 2 retail units, 4 office units and a creche. Condition no.2 granted a 10-year permission and condition no.3 stated the following:

‘The proposed development shall be amended as follows: (a) The proposed Managed Housing block located to the south-east of the site, which comprises 49 number units, shall be omitted from the proposed development. (b) The proposed Block 2, located to the southwest of the site, which comprises 6 number units, shall be omitted from the development. Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development’.

This application/ appeal was for a large area of land and included the subject site.

5.0 Policy and Context

5.1. Development Plan

Under the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, the subject site is zoned A ‘To protect and/or improve residential amenity’. Residential development is listed within the ‘Permitted in Principle’ category of this zoning objective.

- 5.1.1. Chapter 2 – ‘Sustainable Communities Strategy’ of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, includes section 2.1 ‘Residential Development’. The Introduction (2.1.1) refers specifically to how future population growth will be accommodated, with one model – ‘Through the continuing promotion of additional infill accommodation in existing town and district centres at public transport nodes, brownfield sites and established residential areas’.
- 5.1.2. Under 2.1.3.3 ‘Policy RES3: Residential Density’ it is policy to: ‘.. to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character

of areas, with the need to provide for sustainable residential development'. I also note the following:

'As a general rule the minimum default density for new residential developments in the County (excluding lands on zoning Objectives GB, G' and B') shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas. Consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and where retention would be in the interests of visual and residential amenity and sustaining the overall character of the area'.

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

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

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

5.1.3. Section 5.1 refers to 'Environmental Infrastructure and Management' and Section 5.2 refers to 'Climate Change, Energy Efficiency and Flooding'.

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

- 8.2 'Development Management' – with particular reference to section 8.2.3 'Residential Development' and 8.2.3.4 'Additional Accommodation in Existing Built up Areas'.
- Section 8.2.4.12 refers to Electrically Operated Vehicles – One parking space per 10 spaces to provide for electric charging.

- Section 8.2.8.2 refers to Public/ Communal Open Space – Quantity and Section (i) refers specifically to Residential/ Housing Developments. The following is noted/ is relevant:

‘Open Space: For all developments with a residential component - 5+ units - the requirement of 15 sq.m- 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high-quality open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2

The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph’.

- Section 8.2.8.3 refers to ‘Public/ Communal Open Space-Quality’ and the following is particularly relevant to this development:

‘Where any open space is to be provided on foot of a planning permission, the space in question should be well overlooked and designed and located to sympathetically complement the layout of the development and should be visible from, and accessible to, the maximum number of dwellings/ units within the proposed scheme. Inaccessible, hidden or otherwise backland open space, and narrow linear strips of open space will not be acceptable. Fragmented open spaces within a development layout, which result specifically from the necessity to protect existing site features (for example a stand of mature trees) may not be included in the calculation open space requirements, as they are necessary to ensure the protection of existing amenities.

Public and/or communal open spaces should be overlooked and designed to ensure that potential for anti-social behaviour is minimised through passive surveillance. ‘Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities’ (2009) provides detailed guidance on the provision of open space for new residential developments while the ‘Retail Design Manual’ (2012) provides guiding principles on how landscaping and open spaces can assist improved public realm and promote attractive retailing centres’.

- Section 8.2.8.4 refers to ‘Private Open Space – Quantity’ and section (iv) Private Open Space for Apartment Developments is relevant.

5.2. National Guidance

- The National Planning Framework includes a specific Chapter, No. 6 – ‘*People Homes and Communities*’ which is relevant to this development. This chapter includes 12 objectives (National Policy Objectives 26 to 37) and the following are key to this development:
 - National Policy Objective 27 seeks to ‘Ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages’.
 - National Policy Objective 33 seeks to ‘Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location’.
 - National Policy Objective 35 seeks to ‘Increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights’.
- Quality Housing for Sustainable Communities (DoEHLG, 2007).
- Design Manual for Urban Roads and Streets (DMURS).

- Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) (DoEHLG, 2009) and its companion, the Urban Design Manual – A Best Practice Guide (DoEHLG, 2009).
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities (DoHLGH, 2020).

These guidelines provide for a range of information for apartment developments including detailing minimum room and floor areas. The following sections, summarised, are of particular relevance to this development:

- Specific Planning Policy Requirement 1: Developments may include up to 50% one bed/ studio units. Studio units to not exceed 20-25% of the total. No minimum requirements for three or more units. Mix to be in accordance with evidence-based Housing Need and Demand Assessment.
- Specific Planning Policy Requirement 3: Minimum apartment standards are provided.
- Specific Planning Policy Requirement 4: Standards for minimum number of dual aspect units. 50% in the case of suburban or intermediate locations.
- Specific Planning Policy Requirement 5: Minimum floor to ceiling heights.
- Specific Planning Policy Requirement 6: Maximum of 12 apartments per core.

Section 5 refers to 'Build-To-Rent and Shared Accommodation/ Co-living Sectors'.

- Specific Planning Policy Requirement 7: Requirements for BTR accommodation/ developments.
- Specific Planning Policy Requirement 8: In the case of BTR development, no restrictions on housing mix and all other requirements apply unless stated otherwise. Flexibility regarding storage, reduced car parking having regard to location, need to exceed standards need not apply and core of 12 units does not apply, subject to compliance with building regulations.

Appendix 1 provides 'Minimum Floor Areas and Standards'.

- Urban Development and Building Heights Guidelines for Planning Authorities (DoHPLG, 2018).
- Permeability Best Practice Guide (NTA).

5.3. **Natural Heritage Designations**

None.

5.4. **EIA Screening**

Having regard to the nature of the proposed development comprising the provision of an apartment development in an established urban area and where infrastructural services are available, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

6.0 **The Appeal**

6.1. **Grounds of Appeal**

The applicant has engaged the services of McGill Planning to prepare an appeal against the decision of Dun Laoghaire-Rathdown County Council to refuse permission for this residential development.

Mains grounds of appeal include:

- The Planning Authority report refers to a number of positive aspects to this development including acceptable density, building heights, visual appearance, provision of 10% open space and well-designed landscaping.
- With regard to Specific Planning Policy Requirement (SPPR), SPPR 3, 4, 5 and 6 demonstrate compliance.
- Internal storage and private amenity spaces are acceptable.
- The Planning Authority refusal reason no.1 refers to SPPR 1, 7 and 8. The appeal notes that SPPR 8 removes the restriction on unit numbers in the case of

BTR developments. A ground floor area of 70 sq m was proposed as a communal area, which should be adequate to serve this development.

- The applicant has proposed amendments to the development in order to address some of the concerns of the Planning Authority as referred to in Refusal Reason no.1 and these include:
 - 4 studio units to be omitted, one per floor, and the space converted to communal areas. Communal space increased from 70 sq m to 260 sq m.
 - Communal area on ground floor amended to be a parcel drop off and bicycle repair area.
 - New unit mix is 7 x one bed studio units (15%), 21 x one bed units (45%), 17 x two bed units (38%) and 1 x three bed units (2%).

Note: The submitted floor plans indicate that the new mix is 6 x one bed studio units (13%), 21 x one bed units (45%), 18 x two bed units (39%) and 1 x three bed units (4%).

- Increase in bicycle parking to now provide for 89 spaces, 65 for residents and 24 for visitors.
- No change to parking, however two electric car charging spaces, a universal access space, two car sharing spaces, and two visitor spaces are provided. Parking for two motorcycles is also provided for.
- A reduction in communal open space but still in line with the apartment guidelines.
- No change in footprint of the building or elevational treatments.

Revised floor plans, elevations etc. have been submitted in support. A draft covenant has been prepared also as required for BTR developments.

- The second reason for refusal refers to the lack of car parking and impact on public safety, congestion and on-street parking.
- Number of units has reduced by 4 and there is a consequential reduction in car parking need. Car parking provision is similar to other permitted schemes, reference is made to a development at Gort Muire, Dundrum under ABP Ref. 304590-19.

- The development is within 4 minutes cycle/ 13 minute walk from Glencairn Luas stop. The site can be considered as an 'Intermediate Urban Location'. The site is in an accessible location. BTR developments presume a reduced car parking provision. The site is in close proximity to a Luas stop and the Sandyford Business District.

6.2. Observations

A number of observations have been received with issues similar to those raised in objection to the original application.

The following comments are made in summary:

- The proposed height and scale of development is excessive in this location.
- Existing development in Belmont of 355 houses is on a much larger site area.
- Traffic congestion/ public safety issues are likely to arise.
- Lack of car parking provision to serve this development.
- Lack of open space to serve the development.
- Concern regarding the proposed means of surface water drainage.
- Lack of existing services and amenity in the area.
- Existing development in Belmont suffers from problems and has not been taken in charge by the local authority.
- Type of housing consisting of mostly one-bedroom units is not appropriate.
- Access to the site is a particular cause of concern.
- Impact of a five-storey development on the character/visual amenity of the area.
- Potential overlooking and loss of daylight/ sunlight.
- Public transport in the area is poor.

6.3. Planning Authority Response

The Planning Authority welcome the reduction in the number of studio apartments and the increase communal floor area. The draft covenant is also welcomed, though no consultation was held with the Planning Authority regarding this. The loss of open space is not viewed favourably and could have been improved in terms of area/

layout. The lack of suitable car parking remains a concern and this is detailed in the Transport Planning Department report.

7.0 Assessment

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

- Principle of Development
- Design and Impact on the Character of the Area
- Quality of the Residential Amenity of Future Occupants
- Impact on Existing Residential Amenity
- Drainage and Water Supply
- Traffic and Parking
- Other issues
- Appropriate Assessment Screening

7.2. Principle of Development

7.2.1. The subject site is zoned 'A' for residential development and the character of the area is defined by residential development, provided in a variety of housing types from detached units to large apartment blocks. The Planning Authority had no objection to the type, density, or general design of the development.

7.2.2. The Planning Authority reasons for refusal refer to non-compliance with elements of the 'Sustainable Urban Housing: Design Standards for New Apartments' and a concern that insufficient car parking was to be provided. Other issues were referred to in the Planning Authority Case Officer's report and they will be considered here.

7.2.3. The proposed density, as submitted is 185 units per hectare. The applicant has submitted a revised development in support of their appeal. The number of units is reduced by 4 (50 down to 46) and the density is therefore 170 units per hectare. I note the revised details submitted in support of the appeal and I consider that these modifications/ alterations provide for improvements over the originally submitted application. The reduced/ revised density remains acceptable.

7.3. Design and Impact on the Character of the Area

- 7.3.1. Guidelines in the form of the 'Sustainable Urban Housing: Design Standards for New Apartments' and 'Urban Development and Building Heights Guidelines for Planning Authorities' allow for greater densities in urban areas and with a presumption that taller buildings be allowed, but not at the expense of existing residential amenity. I will comment later in this report on the potential impact on residential amenity.
- 7.3.2. The design and scale of development is considered to be acceptable. I note that a number of the observations refer to the five-storey nature of development being out of character with the prevailing form of development in the area. From the site visit, it was evident that the Belmont/ Aikens Village and Belarmine areas consist of a wide mix of housing types, thereby allowing for a variety of types in any new development/ proposals. The five-storey section is only located to the south east corner. A four-storey section is provided along the eastern elevation and the western side is three storeys. Having regard to the location of the site adjacent to an existing road junction (Village Road and Belmont Drive) and the presence of three/ four storey units in the immediate area, the form/ height of development is considered to be acceptable. The development will integrate with the existing units in the area and will provide for an acceptable level of variety in building types.
- 7.3.3. The external treatment consists of a mix of material finishes; these are indicated on the original application elevational drawings. This mix consists of sand cement render, selected brick, green copper (on the five-storey section) and hardwood doors. This mix is considered to be acceptable/ appropriate in this location. The final details can be agreed with the Planning Authority in the event that permission is granted.
- 7.3.4. The proposed boundary is to be primarily in the form of a hedgerow, though it can be assumed that the existing boundary wall/ railing will be retained in situ. In the event that permission is to be granted, final boundary details can be agreed with the Planning Authority.

7.4. Quality of the Residential Amenity of Future Occupants

- 7.4.1. The proposed development provides for adequate room sizes in accordance with the apartment guidelines and adequate storage provision is available to future occupants. The mix of units, which includes studio, one, two- and three-bedroom

apartments, will provide for different housing/ tenure needs. It is noted that the revised unit numbers provide for 6 studios, 21 one-bedroom units, 18 two-bedroom units and a single three-bedroom unit. This is incorrectly described and the submitted schedules are also incorrect. The overall number of units to be provided is to be 46, as submitted in support of the appeal.

- 7.4.2. The applicant proposes to provide a total of three cores to serve the floors. The western core serves a maximum of five units, the south eastern core serves a maximum of ten units, on the first floor. Additional stairs are available to the northern side of the block serving the first, second and third floors. As the maximum number of units to be served is less than 12 units, this is acceptable. However, it is not clear that the western and south eastern cores include a lift. The submitted plans suggest that a lift is provided and certainly for a block of five storeys, it would be a necessity. In the event that permission was to be granted a suitable condition could be attached in this regard.
- 7.4.3. The Planning Authority were concerned about the number of studio/ one-bedroom units. The revised proposal, submitted in support of the appeal, sees a reduction in the number of studio units from 10 to 6 and combined with the 21 one-bedroom units, a total of 27 out of 46 units, circa 59% of the total. I note Specific Planning Policy Requirement 8 and in particular item (i) which states 'No restrictions on dwelling mix and all other requirements of these Guidelines shall apply, unless specified otherwise'. The issue of mix does not apply for BTR development and therefore the layout proposed is acceptable.
- 7.4.4. In response to the appeal, the applicant has proposed the replacement of four studio units as communal areas and this demonstrates compliance with the requirements for BTR type development. Communal areas are proposed for the ground, first, second and third floors. This allows for easy access to this space for residents. The originally proposed ground floor communal area has been revised to include a parcel delivery room and bicycle repair area. This remains the largest of the communal areas and may act as a focal point for the entire building. The four additional areas are only minimally revised from a studio unit to communal areas, retaining the footprint and elevational treatment but also the toilet area which is beneficial as these spaces may be used for meetings/ working from home space etc.

- 7.4.5. Private amenity space is provided in the form of terraces for the ground floor units and balconies on the upper floors. Balcony areas and depths are acceptable. I note that the three-bedroom unit is provided with a significant space of circa 27 sq m. This unit will provide for a good-sized family home.
- 7.4.6. The floor to ceiling heights, at over 2.7 m are acceptable and are in accordance with the requirements of the apartment guidelines. Overall, I consider that the proposed units will provide for a high quality of residential amenity for future occupants. I am satisfied that the revised floor plans/ layout and details addressed in full reason one for refusal as issued by the Planning Authority. I note the draft covenant and again if permission is to be granted this can be agreed/ finalised with the Planning Authority.

7.5. Impact on Existing Residential Amenity

- 7.5.1. The letters of objection/ subsequent observations raise a number of concerns in relation to impact on the existing amenity of residents in the area. Overlooking leading to a loss of privacy was raised in a number of the observations. I am satisfied that suitable separation distances are provided between existing houses in Belmont Drive and the subject site. Overlooking is usually measured in terms of overlooking of the rear of residential units, from the rear upper floor windows of adjoining units. The development is designed such that any overlooking will be from the front of this development and direct overlooking of the rear of the houses in Belmont Drive does not arise.
- 7.5.2. The orientation and layout of the subject site will ensure that any overshadowing will be minimal and will be primarily in the morning. The varied height of the block has been designed to ensure that overshadowing is addressed.
- 7.5.3. The lands are serviced and are zoned for residential development. The development has been designed to make maximum use of the available land whilst ensuring that residential amenity is protected for existing and future residents.

7.6. Drainage and Water Supply

- 7.6.1. The Municipal Services Department report raises a number of issues, but these appear to be technical issues that require clarification and no objection to the development was raised in this report. From reading this report, it is possible to address these matters to the satisfaction of the Planning Authority, without having to revise the development/ impact on third parties.

7.6.2. No concerns were raised in relation to the proposed water supply to serve this development. The site is located within a serviced urban area and is zoned for residential development.

7.7. Traffic and Parking

7.7.1. The second reason for refusal referred to the lack of car parking provided on site and consequential potential for on-street parking in the area. The revised development provides for 21 spaces, two for Go-Car/ car sharing scheme, two visitor spaces, one accessible space and two for electric car charging. I note also the limited public transport provision in the area. I have outlined in the Site Description, the existing public transport provision in the area and I note that under the Bus Connects proposal, there will not be a significant increase in bus service provision in the area.

7.7.2. The Dun Laoghaire-Rathdown County Council Transportation Department raised a number of concerns about this development. However, they are satisfied with the location of the entrance, the low-speed environment along Belmont Drive and require revision to the entrance such that pedestrian safety is improved, this can be undertaken by way of condition. The report then considers the issue of car parking provision and in conclusion finds that it is too low. Public transport provision has been overstated by the applicant and additional car parking spaces should be provided. It is on the basis of this report that refusal reason no.2 is issued.

7.7.3. I am satisfied that the site entrance and internal road layout is acceptable. The provision of 21 parking spaces for a 46-unit development appears to be lacking in capacity. The revised development has resulted in the reduction in the number of units, but no increase in parking spaces.

7.7.4. The proposed development is a BTR scheme and includes a significant number of one-bedroom/ studio units. The subject site is not adjacent to the city centre or high capacity/ frequency public transport. It is located within 1.5 km of the centre of Sandyford Business Park, which is a high-density employment area, and it can be assumed that that the location/ nature of this development has had regard to its proximity to Sandyford. I note again Specific Planning Policy Requirement 8 and the acceptance of reduced car parking for such developments.

7.7.5. The revised proposals include for increased bicycle parking and a bicycle repair area. There is relatively good cycle infrastructure provided between the site and

Sandyford Industrial estate, with connections on to other destinations. It is very likely that the residents of this development will take up the option of cycling rather than purchase a car. The applicant has proposed the introduction of a car sharing to this development and this is welcome as it provides for access to a car without the need for every unit having to purchase a car. Local journeys to the shops/ park etc. can easily be accommodated by such a car sharing scheme.

7.7.6. An alternative solution to the shortfall in parking, would be the loss of units. Even 21 units on this site would provide for a density of 78 units per hectare, however it is difficult to justify such a reduction, when most other matters on site are acceptable. A reasonable justification for the reduced number of parking spaces has been provided by the applicant and this is accepted.

7.7.7. I am therefore satisfied that the proposed development, primarily through its development as a BTR scheme, addresses the shortfall in car parking as identified by the Planning Authority.

7.7.8. A range of other issues were raised in the Transportation report including concerns about bicycle parking and motorcycle parking. The applicant has revised the development to now provide for 89 bicycle spaces, this equates to just under two spaces per unit, which should be sufficient for this site. Two motorcycle spaces are now provided for.

7.7.9. It is considered that the issues raised by the Transportation Department can be addressed by way of condition, specifically revisions to the site entrance and the provision of a detailed construction management plan.

7.8. **Other Issues**

7.8.1. I note that the Housing Department have no objection to the development and that details can be agreed following a grant of permission.

7.8.2. The submitted landscaping plan and associated detail are considered to be acceptable. The lack of detail regarding the site boundary has already been addressed in this report. Adequate communal open space is provided to serve this development. The provision of play equipment, though limited, is welcomed. The development is adjacent to a larger area of public open space proposed to the north of the site, on the site of the former Dun Gaoithe reservoir.

7.8.3. I note in the observations, that concern was expressed about the lack of services in the area with specific references to childcare and schools. The proposed development does not meet the threshold for requiring a childcare facility and the provision of schools is a matter for the Department of Education and Skills. The nature of this development is such that it is unlikely to put pressure on the requirement for school places in this area.

7.9. **Appropriate Assessment Screening**

7.9.1. McGill Planning have prepared An Appropriate Assessment Screening report. Designated Natura 2000 sites considered relevant include the following:

- South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) – 5km to the north east,
- South Dublin Bay SAC (Site Code 00210) – 5 km to the north east
- Wicklow Mountains SPA & SAC (Site Code 004040/ 002122) – 5 km to south west
- Dalkey Islands SPA (Site Code 004172) – 9 km to north of east
- North Bull Island SPA (Site Code 004006) – 10 km to north east
- Knocksink Wood SAC (Site Code 000725) – 6km to south.
- Ballyman Glen SAC (Site Code 000713) – 7 km to south.

In conclusion, the screening finds that the development will not significantly impact on any designated Natura 2000 sites/ network.

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

8.0 **Recommendation**

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

9.0 Reasons and Considerations

9.1. Having regard to the provisions of the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022, relevant National Guidelines and the zoning of the site for residential purposes, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development, specifically it is proposed to be a Build To Rent residential development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 22nd day of June 2019 and as amended by the further plans and particulars submitted in support of the appeal on the 10th day of September 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the Planning Authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>This permission is for 46 no. residential units in the form of six (6) no. one bedroom studio apartments, twenty-one (21) no. one bedroom apartments eighteen (18) no. two bedroom apartments and one (1) no. three bedroom apartments. The site layout, elevations and five storey height shall be in accordance with the documentation lodged on the 10th day of September 2020 with the Planning Authority.</p> <p>Reason: In the interest of clarity.</p>

3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority:</p> <p>a) Full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures and specifications. The ground floor shall be finished in brick in a similar colour to the existing houses in Ely Square and the upper floors to be a mix of brick, though of a lighter colour to that used on the ground floor.</p> <p>b) The apartment terrace/ balcony railings/ supports shall be painted/ coated metal and shall not be unpainted galvanised metal railings.</p> <p>c) Full details of the boundary treatment surrounding the site.</p> <p>d) Details of the lifts serving the upper floors of the development.</p> <p>Reason: In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, the junction with the existing street network onto Belmont Drive and layout of the undercroft car park shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p>Reason: In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>Prior to commencement of development, the developer shall submit, for the written agreement of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the residential development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of first occupation of the units within the scheme.</p> <p>Reason: In the interest of the proper planning and sustainable development of the area.</p>

6.	<p>Prior to expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the Planning Authority, ownership details and management structures proposed for the continued operation of the entire development as a Build to Rent Accommodation scheme. Any proposed amendment or deviation from the Build to Rent Accommodation model as authorised in this permission shall be subject to a separate planning application.</p> <p>Reason: In the interests of orderly development and clarity.</p>
7.	<p>Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs and apartment unit numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
8.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p>Reason: In the interest of public health.</p>
9.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p>Reason: In the interest of public health.</p>

10.	<p>a) No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.</p> <p>b) Any access ladders to upper levels/ roof areas shall be incorporated into the design of the building and not be designed as an external addition to the buildings.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
11.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between the hours of 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of property in the vicinity.</p>
12.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, a fully details Construction Traffic Management Plan, noise management measures and off-site disposal of construction/ demolition waste.</p> <p>Reason: In the interests of public safety and residential amenity.</p>
13.	<p>That all necessary measures be taken by the contractor to prevent the spillage or deposit of clay, rubble, or other debris on adjoining roads during the course of the works.</p> <p>Reason: To protect the amenities of the area.</p>

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

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

19. The developer shall pay to the planning authority a financial contribution in respect of 'the extension of Luas Line B1 – Sandyford to Cherrywood' in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

Paul O'Brien
Planning Inspector

4th February 2021