



An  
Bord  
Pleanála

## Inspector's Report ABP 308834-20

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<b>Development</b>	Demolish house and construct 18 dwellings and associated works
<b>Location</b>	Baggotrath House, Newbridge Avenue including 11 Newbridge Drive, Sandymount, Dublin 2.
<b>Planning Authority</b>	Dublin City Council
<b>Planning Authority Reg. Ref.</b>	2925/20
<b>Applicant</b>	Walthill Properties Ltd
<b>Type of Application</b>	Permission
<b>Planning Authority Decision</b>	Grant subject to conditions
<b>Type of Appeal</b>	3 <sup>rd</sup> Party v. Grant
<b>Appellants</b>	<ol style="list-style-type: none"><li>1. Anthony Peto</li><li>2. John Sheil</li><li>3. Noel Boyle &amp; Helen Fitzgerald</li><li>4. William Ryan</li><li>5. Brendan Kinsella</li><li>6. Eamonn &amp; Catriona Hughes</li></ol>

**Observers**

1. Simon & Christina Lysaght
2. Edward Carroll & Kathryn Byrne
3. Sharon Dunning Crowley

**Date of Site Inspection**

18/01/22

**Inspector**

Pauline Fitzpatrick

## 1.0 Site Location and Description

- 1.1. The site, which has a stated area of 4,901 sq.m., is irregular in shape and is accessed via a driveway off Newbridge Avenue c. 500 metres to the north-west of Sandymount village centre. The main body of the site is set back from the road and is irregular in shape with a single storey dwelling with 2 storey extension located in the north-eastern corner. A container used as an office is currently on the site. The site entails an extensive garden with glasshouses with varying boundary treatments including stone and block walls. Sections of the site have been partly cleared, namely that in the north-eastern most section of the site to the rear of properties that front onto both Newbridge Avenue and Newbridge Drive, in addition to the southern section of the site bounded by houses on Tritonville Road to the east and Landsdowne Square to the south-west.
- 1.2. An access to the dwelling from Newbridge Drive (cul de sac) to the north has been blocked up.
- 1.3. The access from Newbridge Avenue provides access to a 4 storey apartment block (served by grouped parking) and a couple of dwellings. These bound the site to the south-west. Landsdowne Square accessed from Herbert Road also back onto the site to the south-west. Dwellings fronting onto Newbridge Avenue and Newbridge Drive back-on/side-on to the site to the north. Dwellings fronting onto Tritonville Road bound the site to the east.
- 1.4. The access along which there is planting and trees on its northern boundary is wide enough to facilitate one vehicle. A pedestrian access to the rear garden of No.2 Newbridge Avenue is available from the access.
- 1.5. Newbridge Avenue has pay and display on-street parking to either side of the site entrance with on-street parking limited to one side of the road further north. Speed ramps are also in place.

## 2.0 Proposed Development

- 2.1. The application was lodged with the planning authority on the 26/06/20 with further plans and details submitted 16/10/20 following a request for further information dated 20/08/20.

2.2. The proposal as amended entails:

- Demolition of single storey dwelling on the site.
- Construct 18 no. dwellings comprising of:
  - 4 no. 2 storey 3 bedroom units
  - 12 no. 3 storey 3 bedroom units
  - 1 no. single storey 2 bedroom unit
  - 1 no. single storey 1 bedroom unit
- 1 parking space per dwelling
- 454.5 sq.m. communal open space.

17 no. dwellings will be accessed via the driveway from Newbridge Avenue with a passing bay to be provided. 1 no. dwelling is to be accessed from Newbridge Drive.

The application is accompanied by:

- Planning Statement
- Architectural Design Statement
- Tree Survey and Planning Report (amended by way of FI)
- Civil Engineering Works Planning Statement
- Stage 1 – Screening for AA
- Shadow Analysis (submitted by way of FI)
- Ecological Impact Assessment (submitted by way of FI)
- Construction Traffic Management Plan
- Flood Risk Assessment

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Grant permission for the above described development subject to 17 conditions including:

Condition 3: Development shall not be a gated community.

Condition 4: Details of external finishes including details on the 'green roofs' to be submitted.

Condition 6: Construction hours.

Condition 13: Preclusion of exempted development provisions save with the prior grant of permission.

Condition 14: Developer to be responsible for maintenance and management of the public open space.

## **3.2. Planning Authority Reports**

### **3.2.1. Planning Reports**

1<sup>st</sup> Planner's report dated 19/08/20 reiterates the contents of the other internal reports summarised below and notes:

- The proposed density of 36 units per hectare is low but cognisance has to be given to the specific circumstances of the site and its surroundings and to its access arrangements.
- Need for sunlight/daylight assessment.
- All houses comply with minimum standards and garden sizes.
- The 12 no. 3 storey dwellings have ridge heights of 12.8 metres. The eaves facing towards the eastern boundary to the houses on Tritonville Road is 8.3 metres. They will be viewed as two storeys with the roof angled so as to limit their visual dominance.
- The two, single storey dwellings will have limited visual impact on neighbouring properties.
- Further information required on the boundary of Unit No.17.
- Landscaping plan required.
- The site is located just outside the Conservation Area for the River Dodder. Given that most of the site is to be cleared for development an ecology survey including a bay survey is required.

- 10% public open space not achieved.

A request for further information recommended.

The 2<sup>nd</sup> report dated 10/11/20 following further information concurs with the assessment in the shadow analysis report. The ecological impact assessment is noted. It is considered that the site's development is acceptable and will not have significant negative impacts on the ecology of the area. A gated vehicular and pedestrian entrance is not appropriate. The open space provision is acceptable. The contents of the reports from Drainage Division and Road Planning Division noted. A grant of permission subject to conditions recommended.

### 3.2.2. Other Technical Reports

1<sup>st</sup> Drainage Division report dated 15/07/20 recommends preparation of a flood risk assessment. 2<sup>nd</sup> report dated 27/10/20 following further information has no objection subject to conditions including mitigation measures outlined in Flood Risk Assessment to be implemented in full and finished ground level to be a minimum of 2.3m OD.

1<sup>st</sup> Road Planning Division report dated 07/08/20 recommends further information including details of how the existing lane can accommodate the additional vehicular movements, increase in lane width or provision of passing bay, changes, if any, to the vehicular gate at the north-west corner, submission of a preliminary Construction Traffic Management Plan and proposed access to rear of House Nos. 9-11 if proposed. The 2<sup>nd</sup> report dated 05/11/20 considers the provision of a passing bay to be acceptable. No objection subject to conditions.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

Objections to the proposal received by the planning authority are on file for the Board's information. The issues raised are comparable to those set out in the 3<sup>rd</sup> party appeals and observations received and summarised in section 6 below.

## 4.0 Planning History

4146/19 – permission refused for demolition of existing dwelling and construction of 8 no. dwellings on grounds of density being too low.

## 5.0 Policy Context

### 5.1. Development Plan

Dublin City Development Plan 2016

The majority of the site is within an area zoned Z1, the objective for which is to protect, provide and improve residential amenities.

A portion of the site along the northern boundary is within an area zoned Z2, the objective for which is to protect and/or improve the amenities of residential conservation areas.

The following policies are applicable

QH1 – have regard to the Guidelines for Quality Housing and Sustainable Communities.

QH 3 (i) – compliance with Housing Strategy.

QH 5 – promotion of residential development addressing any shortfall in housing provision through active land management and a co-ordinated, planned approach to developing appropriately zoned lands at key locations including regeneration areas, vacant sites and under-utilised sites.

QH6 – encourage mixed use sustainable neighbourhoods.

QH 7 – promote residential development at sustainable urban developments throughout the city in accordance with the core strategy, having regard to the need for high standards of urban design and architecture and to successfully integrate with the character of the surrounding area.

QH 13 – flexibility in design to allow for adaptation to the changing needs of the homeowner.

QH 21 – housing provision for needs of family accommodation with satisfactory level of residential amenity.

QH 22 – housing close to existing houses to have regard to character and scale unless there are strong reasons for doing otherwise.

Policy FC41 – to protect and conserve the special interest and character of ACA's and Conservation Areas in the development management process.

Section 16.10 sets out the standards for residential accommodation.

No upper density figure.

Indicative plot ratios for zones Z1 and Z2 area 0.5- 2.0 with site coverage of 45%, 50-60%.

#### Section 16.101.8 Backland Sites

Allow for the provision of comprehensive, backland development where the opportunity exists.....The development of individual backland sites can conflict with the established pattern and character of development in the area. Backland development can cause a significant loss of amenity to existing properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening.

Applications for backland development will be considered on their own merits.

#### Section 16.10.10 Infill Housing

Having regard to policy on infill sites and to make the most sustainable use of land and existing urban infrastructure, the planning authority will allow for the development of infill housing on appropriate sites. In general, infill housing should comply with all relevant development plan standards for residential development, however, in certain limited circumstances, the planning authority may relax the normal planning standards in the interest of ensuring that vacant, derelict and underutilised land in the inner and outer city is developed.

In all cases infill housing should:

- Having regard to the existing character of the street by paying attention to the established building line, proportion, heights, parapet levels and materials of surrounding buildings,



- Comply with the appropriate minimum habitable room sizes,
- Have a safe means of access to and egress from the site which does not result in the creation of a traffic hazard.

In terms of parking the site is within Zone 2, the maximum allowable therein being 1 space per dwelling.

Section 17.10.8.1 sets out the requirements for proposals in conservation areas.

## 5.2. **Natural Heritage Designations**

None in the vicinity.

## 6.0 **The Appeal**

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

#### 6.1.1. **Brendan Kinsella**

Mr. Kinsella resides in No.2 Newbridge Avenue immediately adjacent to the existing driveway. The submission by Harcourt Architects on his behalf, which is accompanied by a report by Martin Rogers Consulting Ltd. and supporting plans, can be summarised as follows:

- He owns a parking space within the application boundary, together with a right of way. He received permission under ref. 2481/19 for a dwelling which relies on the said parking space together with the lane to access the site and his existing rear access.
- The access cannot support the additional vehicular and pedestrian movements.
- A passing bay is not achievable on the basis that the width necessary for same is not physically available. The width of the lane at the location of proposed passing bay at 4.35 metres, is completely deficient and does not comply with DMURS allowing for 2 vehicles to pass.

- A passing bay, even if adequately sized and located in the position indicated, would not mitigate the issues raised but would give rise to 3 no. traffic hazards.
  - The access from Newbridge Avenue is 1 way regardless of existence of a passing bay.
  - If vehicles meet on the lane, it is highly probable that one would have to reverse.
  - Lack of pedestrian facilities. It is below the minimum width for a shared surface.

#### 6.1.2. **Eamonn & Catriona Hughes (6 Newbridge Drive)**

Their submission, which is accompanied by supporting detail, can be summarised as follows:

- Units 1-4 are within zone Z2 and not Z1. The planning authority did not separate the residential conservation area from the rest of the site.
- The roof heights are excessive and proportionally inappropriate. They are the equivalent of a three storey dwelling.
- They will be clearly visible from Newbridge Avenue and, given their height, bulk and design, would severely harm the setting of the conservation area.
- The 10% open space requirement has not been met. Given the importance of the conservation area within the site the open space requirement should be extended and accommodated within the Z2 zoning.
- Single storey dwellings, only, should be constructed on this section.
- The dwelling design and finishes are not compatible with that existing in the vicinity.
- Green roofs as required by condition 4 was not previously mentioned with no supporting documentation on which to comment.
- There are discrepancies in the delineated site boundary to Nos. 4 and 6 Newbridge Drive.

- The extensions to Nos. 6 & 8 Newbridge Drive are not delineated on the plans and are substantially closer to the proposed development. Units 1-4 will be 1.26 metres from the boundary of No.6 Newbridge Drive at its closest point.
- The development will completely alter the character of the garden and negatively affect the residential amenity.
- Chimneys, which are omitted from the drawings, would further alter the visual aspect.
- The completeness of the ecological survey is queried. The proposal will negatively impact the ecological balance and biodiversity of the area.
- Units 1-4 will cast a shadow in the rear gardens of Nos.6 and 8 Newbridge Drive throughout the winter, on spring and autumn afternoons with an undefined 'slight' shadow in the summer. It will have a substantial impact. There are a number of issues in the shadow analysis report that require more accurate modelling and verification.
- There is no analysis regarding the impact on daylight.
- The appropriateness of the density is queried.
- Omissions in the documentation preclude a full assessment.
- Construction hours detailed in the condition should be amended.
- Short term letting should be prohibited.

#### 6.1.3. **William Ryan (owners No.8 Landsdowne Square)**

The submission by Kieran O'Malley & Co. Ltd on behalf of the 3<sup>rd</sup> Party can be summarised as follows:

- The proposal represents overdevelopment of the site.
- The layout, in providing for density, is at the expense of other important land use planning considerations including amenity of future and existing residents.
- There is a mismatch between the size of the dwellings and associated private open space especially house nos. 5 to 16. House Nos. 8-12 do not provide for the minimum requirements. They are also shallow in depth. Coupled with the poor orientation in terms of sunlight, they do not represent high quality

design. The preclusion of exempted development provisions by way of condition 13 confirms the poor design. This stems from the applicant seeking to achieve density with an inappropriate mix of housing types.

- A smaller number of houses with bigger gardens would be more in keeping with the established character of the area.
- The site area is inflated by including the car parking area on the access laneway.
- The rear laneway access arrangements are restricted and would otherwise be available as usable garden space. It is poor utilisation of valuable, serviced urban land.
- Neither a south elevation of the terrace nor section drawing showing the relationship to Landsdowne Square are on file.
- The ridge of house no.16 is 11.265 m and its southern façade measures 14.672 metres. The block presents a very substantial gable end at a distance of 2.477 metres from the boundary with Landsdowne Square. Its height, mass, scale and proximity to the site boundaries will seriously injure the amenity of existing residents.
- Nos. 17 and 18 have been squeezed onto the site. No.18 will result in the loss of trees and vegetation which provide an important area of natural screening and biodiversity. Its omission would benefit the scheme by retaining an established natural area, would improve the quantum and quality of open space, and would help screen the proposed block from the houses to the south. It would also soften the impact and improve its amenity relationship with nearby housing.
- How trees that are to be retained are to be protected is queried.
- 1 parking space per dwelling is low. Failure to provide adequate parking will result in increase in demand for on-street parking.
- Public open space is too low.
- Construction should not commence before 0800. Condition 6 should be amended accordingly.

- Construction noise monitoring should also be required.

#### 6.1.4. **Noel Boyle & Helen Fitzgerald**

The submission, which is accompanied by supporting documentation, can be summarised as follows:

- Their dwelling (No.10 Newbridge Drive) is the closest to the development at 3.795 metres to house no.5. Due to extensions it is more extensive than shown on submitted plans.
- The ridge height of the dwellings at 13.815 metres is materially greater than their dwelling at 9.3 metres. It will give rise to overshadowing and negative visual impact. The height of their dwelling given on the landscape plan submitted by way of further information is incorrect.
- The shadow analysis does not address the impact of the new terrace (nos. 5-16) on their property. It only addresses the impact of house nos. 1-4.
- House No.5 will give rise to overlooking and loss of privacy and will significantly reduce sunlight to their house and garden.
- The development should be moved back to the line of the existing house to be demolished.
- House Nos. 1 – 4 are out of scale with the houses on Newbridge Avenue and Newbridge Drive. Their ridge heights should be no greater than 9.3 metres.
- Further information should be requested to clarify the correct scale and height comparisons with their dwelling.
- There is lack of clarity as to the pedestrian access from Newbridge Drive. It should only apply to residents of No.17.

#### 6.1.5. **John Sheil (No.9 Landsdowne Square)**

The submission can be summarised as follows:

- The 3 storey dwellings are out of character with existing development.
- The proposal will result in overlooking and overshadowing and would result in devaluation of property.
- No.18 is out of kilter with the rest of the development.

- The possibility of intrusion is of concern. The proposal does not detail how the trees to be removed are to be replaced with no provision for adequate fencing.
- The proposal will have an adverse impact on the biodiversity of the area.
- The application does not provide sufficient detail on flood risk.
- The road network does not have the capacity to accommodate the additional traffic. The access is no more than a lane. It will be a hazard to road users and pedestrians.

#### 6.1.6. **Anthony Peto**

The submission by Armstrong Planning on his behalf can be summarised as follows:

- The appellant resides at No. 81 Tritonville Road which backs onto the site.
- The proposal amounts to overdevelopment on a constrained site.
- Development on such an infill site is required to have cognisance of the amenities of adjoining properties and the character and amenities of the area.
- Minimum private open space standards are not met. The application of the City Development Plan reduced standard for inner city locations is inappropriate. The site is not inner city. The proposal will amount to a substandard level of accommodation for future residents.
- Public open space does not meet the 10% requirement. Communal open space is not the same as public open space.
- The appellant's property is zoned Z2 - residential conservation area. The combination of the height of the proposed terraced and its proximity to the boundary wall will create a sense of enclosure, affecting the outlook from existing houses along Tritonville Road and altering the character of the area.
- It is out of character with the established pattern of development and will negatively impact on the character of the Z2 area.
- The development will result in overlooking. While there is a sycamore tree to be retained on site there is no mechanism provided to ensure that the tree is protected in future. It provides a screening function and contributes to the

character and setting in the Z2 area. Its retention and protection should be ensured by way of condition should permission be granted.

- The laneway along the eastern boundary directly to the rear of the houses on Tritonville Road will result in potential for anti-social behaviour. A condition requiring that it be gated is recommended.

## 6.2. Applicant Response

The submission by McCutcheon Halley accompanied by a report from Stephen Reid Consulting on behalf of the applicant can be summarised as follows:

### 6.2.1. Site Access

- The detailed drawing illustrating the proposed widening/passing bay were based on a topographical survey and tree survey which was checked by the design team.
- The width between the kerbs at the passing bay is 4.3 metres with a 0.3 metre offset to the boundary wall fence on either side.
- There is an element of vegetation on the north side of the lane which is within the applicant's ownership which is to be removed to the boundary to facilitate the widening. This includes the removal of 3 trees.
- The applicant has agreed with the landowner to the south to remove the pier on the party boundary and reconstruct that piece of wall so that there is no outcropping pier at this point.
- The width between the boundaries is increased to 4.8 metres through the parallel section of the passing bay. It can facilitate a typical car and van and are as delineated on the drawings accompanying the application. The submission made in support of the appeal by Mr. Kinsella delineates two vans which is unlikely to occur.
- The reference to DMURS width of 4.8 metres for a local street with a shared surface carriageway is not relevant as the DMURS scenario is intended for two way roadway where opposing vehicles would be passing while travelling at higher speeds than would occur on the laneway at this point where one vehicle is pulled in and stopped at a passing bay.

- Extracts from the US Highway Capacity Manual (US-HCM 1994) is a very selective approach to standards as the submission previously referenced DMURS. The former document is not a suitable document for assessment of a passing bay in a low speed environment with a design speed of 10kph.
- The assumptions made as to the AM peak vehicular movements are inappropriate and without factual basis. The location close to the DART station and proximity to the city centre, Ballsbridge and Docklands reduces the need to travel by car resulting in a low trip rate during the typical peak hour. The overall total volume using the laneway during the weekday AM peak hour would be in the order of 3 arrivals and 7 departures across the full hour, which is much lower than contended.
- The low level of post development movements will result in a much lower probability of inbound/outbound vehicles meeting at the entrance or on the laneway than estimated by the appellant.
- Traffic and speed levels will be low. Therefore, the level of risk to pedestrians and cyclists is low.

#### 6.2.2. **Density/Overdevelopment**

- The proposal responds to the previous refusal of permission on the site under ref. 4146/19 on the basis of density being too low.
- It is consistent with national, regional and local planning policies which promote more sustainable forms of development particularly in highly accessible locations.
- The density of 36 units per hectares is well below the minimum of 50 units per hectare recommended in the 2009 Guidelines for Sustainable Residential Development for lands within public transport corridors.
- It achieves a balance between compliance with the relevant policy provisions and addressing the established residential setting in which it is located.
- Development management standards such as plot and site coverage are also important in determining appropriate density. The plot ratio of 0.47 is below the indicative ratio of 0.5-2.0 for Z1 and Z2 sites. Site coverage at 28% is well below the 45-60% threshold for Z1 and the 45% threshold for Z2.



- The mix of dwellings will increase the range of housing typologies in the locality in accordance with planning policy.

### 6.2.3. Building Height

- The height of the proposed development has been informed by the orientation of the site and designed to address the scale of surrounding dwellings.
- The ridge level of House Nos. 1- 4 is 11.218 above ground level (13.418m OD). The difference to Nos. 6 and 8 Newbridge Drive is less than 2 metres rather than 4 as claimed.
- The ridge level of House Nos 5 to 16 is 11.315 above ground level (13.815mOD). No.10 Newbridge Drive is 9.3 metres, a difference of 2 metres.
- The 3 storey terraced dwellings will be situated along the eastern part of the site where their impact will be lessened by their separation distance to dwellings on Tritonville Road. It will also minimise their visibility from public roads and thus will have a negligible visual impact on the established character and streetscape.
- The layout of the dwellings provide for a varied building form by staggering building heights travelling from west to east.
- With a maximum height of 11.35 above ground they are substantially below the maximum standard for low rise development applicable to the site which limits residential buildings to 24 metres.

### 6.2.4. Overshadowing

- The Shadow Analysis is as accurate as can reasonably be expected.
- The analysis does not show trees and the shadows they cast.
- Given the site's location in an established residential area on an inner suburban location, it is considered that some overshadowing impacts are inevitable. The analysis shows that the overshadowing impacts are limited and will not significantly alter the levels of sunlight presently experienced at the properties.

#### 6.2.5. **Overlooking**

- Nos. 5-16 will have an eaves height facing the eastern boundary of 5.784 metres above ground. Thus the perceived impact of the height and potential for overlooking from the rear 1<sup>st</sup> floor windows will be substantially less than suggested.
- The proposed retention of the tree in the rear garden of No.10 will provide screening particularly to Nos. 79 and 81 Tritonville Road.
- The boundary treatment will mostly comprise of 2 metre high stone wall which will act as a significant barrier that minimises impacts on privacy and preserves the amenities of adjoining properties.

#### 6.2.6. **Private Open Space**

- The rear gardens were reduced in size when the laneways were widened. House Nos. 5 to 16 have gardens ranging in size from 44.9 sq.m. to 89.5 sq.m.
- The requirements of section 16.10.2 which requires a minimum of 10 sq.m. private open space per bedspace are met.
- The communal open space complements the private open space.

#### 6.2.7. **Public Open Space**

- 9.27% of open space is to be provided. The marginal shortfall was addressed with reference to the abundance of public open space within 1km of the site.
- The need to promote more efficient use of scarce, urban land in highly accessible locations is considered to be a reasonable basis for accepting this marginal shortfall, especially in view of the facilities available in the vicinity.

#### 6.2.8. **Built Heritage**

- It is submitted that the Z2 zoning is an inconsistency in the City Development Plan. This section appears to be the former back garden of Nos. 8 and 10 Newbridge Avenue but is now in the ownership of the applicant.

- The virtually enclosed nature of the site which is not visible from the public road will ensure that the proposal will preserve the character of existing dwellings on adjoining Z2 lands and maintain the integrity of the streetscape.

#### 6.2.9. **Other Issues**

- The laneways to the rear of the dwelling will not be accessed from any adjoining public road and are internalised. They will be managed and controlled, operating as service areas for individual units.
- The proposal will create an attractive and sustainable development and will not result in a devaluation of property.
- 1 parking space per unit is in accordance with Table 16.1 of the City Development Plan. The site is within Zone 2.
- The site layout plan is based on a site survey and corresponds with the folio maps for the site. The red boundary line on the site location map is accurate and consistent with the red boundary line on the site layout plan.
- The applicant has no objection to a condition requiring a construction start time of 0800hrs in line with the Construction Management Plan.
- A comprehensive Flood Risk Assessment was prepared. Mitigation measures are detailed therein. Drainage Division of the City Council has no objection.

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

None received

#### 6.4. **Observations**

Observations have been received from

1. Simon & Christina Lysaght
2. Edward Carroll & Kathryn Byrne
3. Sharon Dunning Crowley

The submissions can be summarised as follows:

- Adverse impact on amenities of adjoining property arising from overlooking, loss of privacy and overshadowing.
- Security issues arising from the rear access lanes to be provided.
- Design and height of dwellings. The 3 storey dwellings should be reduced to two storeys. The separation distances to adjoining properties should be increased.
- Negative impact on Z2 residential conservation area zoning.
- Retention of trees and hedges on site.
- Excessive density.
- Inadequate open space.
- Risk of flooding.
- Inadequacy of access and knock on impacts on Newbridge Avenue.
- Negative impact on ecology of the area.

## 7.0 **Assessment**

I consider that the issues arising in the case can be assessed under the following headings:

- Zoning Provisions and Density
- Residential Development Standards
- Amenities of Adjoining Property
- Access and Traffic
- Other Issues
- Appropriate Assessment

### 7.1. **Zoning Provisions and Density**

- 7.1.1. The bulk of the site is within an area zoned Z1 in the current Dublin City Development Plan, the objective for which is to protect, provide and improve

residential amenities. The north-western most portion of the site is zoned Z2, the objective for which is to protect and/or improve the amenities of residential conservation areas. As suggested by the agent for the applicant, this zoning may have arisen due to the fact that this section of the site appears to have originally formed part of the rear gardens of Nos. 8 and 10 Newbridge Avenue which are within the Z2 zone. The relationship to the said properties is not evident with the section forming an integral part of the appeal site. Notwithstanding, the Z2 zoning provisions are noted to which regard will be had in this assessment. In both zones residential is permitted in principle.

- 7.1.2. In the context of the City Development Plan provisions the site is appropriately considered to be a backland site. With an area of just under half a hectare it affords an opportunity, in accordance with plan policy, to allow for the provision of comprehensive development subject to due cognisance of the sensitivities that can arise in terms of impacts on the amenities of adjoining properties including loss of privacy, overlooking, noise disturbance and loss of mature vegetation or landscape screening.
- 7.1.3. The 3<sup>rd</sup> party appeals assert that the proposed development would result in overdevelopment of the site with an excessive scale and density of development relative to the surrounding character. The proposal, providing for 18 no. dwellings on the 0.4901 hectare site, equates to a density of c.35 units per hectare. In the context of the site size and location in proximity to both public transport, the city centre and places of employment the proposed density, when assessed in isolation, is considered to be low and materially below the minimum net densities of 50 units per hectare within 500m walking distance of bus stops and within 1km of light rail/rail stations promoted in the Sustainable Residential Development in Urban Areas Guidelines (2009). Notwithstanding, the Development Plan and Guidelines on Sustainable Residential in Urban Areas state that on such a backland site in an area whose character is established by its density and/or architectural form, a balance has to be struck between the reasonable protection of the amenities and privacy of adjoining dwellings, the protection of established character and the need to provide residential infill.
- 7.1.4. In terms of other development management markers I note that the plot ratio of 0.47 is below the indicative ratio of 0.5-2.0 for Z1 and Z2 sites whilst the site coverage at

28%, is well below the 45-60% threshold for Z1 and the 45% threshold for Z2. The concerns as to the appropriateness of the inclusion of the parking area along the avenue within the site area in the above calculations is noted but, even were this to be omitted, the density would not be increased materially nor would the plot ratio or site coverage figures exceed the stated parameters for such a located site.

- 7.1.5. Whilst the compliance with the above parameters is noted the suitability of the scheme with respect to other planning and environmental considerations must also be satisfied. Further consideration with respect to the scale and height of the development, as well as impacts on local amenities, is outlined below.

## **7.2. Residential Development Standards**

- 7.2.1. The application is supported by an Architectural Design Statement providing a rationale for the design, layout and scale of the proposed development. It also sets out how the scheme meets the principles of the Urban Design Manual. A Schedule of Accommodation is provided in Appendix 1.

- 7.2.2. The proposal entails the demolition of the existing, single storey dwelling (with 2 storey extension) on the site and construction of 18 no. dwellings comprising of:

- 4 no. 2 storey 3 bedroom units
- 12 no. 3 storey 3 bedroom units
- 1 no. single storey 2 bedroom unit
- 1 no. single storey 1 bedroom unit

- 7.2.3. The units meet the minimum internal space provisions and room size requirements set out in Table 5.1 of the Quality Housing for Sustainable Communities.

- 7.2.4. The 4 no. three bed, two storey units, by providing for sufficient headroom at roof level to allow for future conversion, have a ridge height of in the region of 11.2 metres which is only marginally lower than that of the proposed 3 storey terraced units (nos. 5 to 16). 3 no. of the said two storey units provide for rear garden areas of a minimum of 50 sq.m. which would accord with the development plan requirement of 10 sq.m. per bedspace. Unit No.1 falls short of the requirement at 42 sq.m. As to why an area of 38sq.m. to the rear on the unit which is within the site boundary is excluded is unclear. In addition I could not identify any development plan imperative requiring rear access provision to the units. There are many

examples of terraced development without such provision throughout the city. I recommend that the omission of the lane and its incorporation into the gardens, in addition to the area to the rear of No.1, be required by way of condition.

- 7.2.5. The 12 no. three storey units have a ridge height of 11.315 metres, again in the region of 2 metres higher than that prevailing in the vicinity. Each provides for the equivalent of 6 bedspaces. By reason of the crescent shaped layout the rear gardens range in area from 44.9 sq.m. to 89.5 sq.m. Working on the 10 sq.m. provision per bedspace requirement the units should provide for a minimum of 60 sq.m. (6no. bedspaces). As per the amended plans submitted by way of further information arising from the planning authority's requirement to extend the rear lane along the full extent of the terrace, 6 no. of the units located in the centre of the terrace fail to meet the minimum requirement. As above, I recommend that the rear lane provision be omitted. Whilst the omission would fail to increase the rear private open spaces to meet the 60 sq.m. requirement it would assist in improving the amenity space provision to over 50 sq.m. in all instances.
- 7.2.6. Two single storey dwellings are also proposed. Unit No.17 in the northern most corner of the site is a one bed unit to be accessed from Newbridge Drive and will be immediately adjacent to a single storey dwelling to the north, also accessed from the cul-de-sac. Unit No. 18 is a two bed, single storey unit located in the southern most corner immediately to the boundary with Landsdowne Square. Both are served by adequate private open space.
- 7.2.7. I submit that there is a consistency in the rhythm and proportions of the buildings, which are conservative in design. As per the details provided the dwellings are to have slate roofs and not green roofs as referenced in condition 4. The detailing and materials are generally durable and of a high standard, including the hard landscaping finishes, and the final detail of materials, can be addressed via condition in the event of a grant of permission for the development. Conditions requiring provision for cycle parking and appropriate means to provide for refuse storage can be attached to address these outstanding matters arising from the omission of the rear access provisions.
- 7.2.8. Each dwelling is to be served by 1 no. parking space in accordance with development plan requirements for such an inner suburban location.

7.2.9. 454.5 sq.m. communal open space is to be provided in the centre of the site and, whilst falling short of the 10% development plan requirement by approx. 40 sq.m., provides for an appropriate level of amenity. I submit that other open space areas within the scheme are incidental and should not be included in the calculations. In view of the amenities available to prospective occupants in the immediate vicinity this shortfall is considered acceptable.

#### *Conclusion*

7.2.10. Whilst I note that the rear garden areas for a number of dwellings in the terrace fall short of the 60 sq.m. requirement I consider that the reduced areas, coupled with the internal space provisions and design and layout of the overall scheme will provide for an adequate level of residential amenity for prospective occupants and are acceptable subject to conditions.

### **7.3. Amenities of Adjoining Property**

7.3.1. The site by reason of its backland location must have due regard to the amenities of adjoining property with specific concern had to issues pertaining to overlooking and overshadowing.

#### *Overlooking and Overbearance*

7.3.2. Units No.1 to 4 are to back onto Nos.8 and 10 Newbridge Avenue. The dwellings are to have a setback of approx. 10.5 metres from the shared boundary with in excess of 29 metres to be maintained between opposing windows. The said dwellings are to be side onto Nos.6 and 8 Newbridge Drive located to the north-east. The boundary in situ corresponds with that as delineated on the site plans. I note that the extent of the extensions to properties on Newbridge Drive do not appear to have been accurately delineated on the site layout plan however I do not consider this omission precludes a proper assessment of the impact on their amenities. A setback of 2 metres to the shared boundary, which is delineated by a block wall, is proposed. With a ridge height of 11.218 metres the dwellings will be approx. 2 metres higher than those existing which is not considered a material deviation. Certainly, the aspect enjoyed by the said dwellings to date will be materially altered, but I consider that such juxtaposition is not uncommon in urban areas. No overlooking will arise. I shall address overshadowing below.



- 7.3.3. The terrace of 3 storey buildings back onto Tritonville Road. Again, their ridge height at 11.3 metres are approx. 2 metres higher than the adjacent dwellings. Whilst the rear garden depths at their minimum are 8.5 metres, the dwelling design takes due cognisance of the orientation and entails a setback back of the upper floor levels, with windows at 1<sup>st</sup> floor level in excess of 10 metres from the shared boundary. The bedroom at 2<sup>nd</sup> floor level is to be served by roof lights only. A separation distance of in excess of 22 metres, is therefore, maintained between opposing windows.
- 7.3.4. The terrace will be side-on to No.10 Newbridge Drive to the north with a separation distance of 1.250 metres to be maintained to the shared boundary. Again the height differential is approx. 2 metres. The layout will result in lateral overlooking from 1<sup>st</sup> floor windows. In such an suburban location where such lateral overlooking between adjoining properties is ubiquitous and I do not consider that the proposal would warrant a refusal of permission on such grounds.
- 7.3.5. With respect to the properties to the south in Landsdowne Square the aspect will be altered with the gable of No.16 in view. No overlooking will arise.
- 7.3.6. Whilst concerns are expressed as to the design and height of the proposed dwellings their height is not materially at variance with the prevailing domestic scale as to raise material concerns in terms of overbearance. Certainly the proposed development would be visible from the private gardens and internal areas of the immediately adjacent houses to the north and west and south and will change the outlook from these properties which have benefitted from the amenity provided by the large private garden serving the single storey dwelling. I consider that the extent of visual change would be in character with the constantly evolving urban landscape and the existing scale of development in the area.

#### *Overshadowing*

- 7.3.7. The Shadow Analysis submitted by way of further information gives a visual assessment of the effect of the proposed development on sunlight levels to the rear gardens of houses adjoining the site. I consider that the submission allows for a proper assessment.
- 7.3.8. Section 3.3.17 of BRE guidelines 'Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice' states that any loss of sunlight as a result of a new development should not be greater than a ratio of 0.8 times its previous value and

that at least 50% of an amenity area should receive a minimum of two hours sunlight on the 21st day of March.

- 7.3.9. Dwelling Nos. 1-4 will result in an increase in overshadowing to the rear gardens of Nos. 6 and 8 Newbridge Drive in the spring and autumn afternoons and to the rear gardens of Nos. 8 and 10 Newbridge Avenue in the spring and autumn mornings. I note that the Shadow Analysis does not take account of the existing vegetation both within the site and in the rear gardens of adjoining, which themselves, would cast shadow. No discernible impact in terms of rear gardens of Tritonville Road will arise whilst the development being to the north of Landsdowne Square will not be impacted.
- 7.3.10. I would concur with the agent for the applicant that given the site's location in an established area on an inner suburban location some overshadowing impacts would arise. I am satisfied that the level of change in overshadowing provided for under the BRE guidelines with respect to neighbouring properties would be achieved and a refusal of planning permission for reasons relating to overshadowing to neighbouring properties would not be warranted

*Impact on Residential Conservation Areas*

- 7.3.11. As noted above parts of Newbridge Avenue and Tritonville Road are within Z2, the objective for which is to protect and/or improve the amenities of residential conservation areas. In view of the backland nature of the site, its setback from the public roads and the height of the dwelling units proposed, views of the proposed development would primarily be restricted to the rear of immediately adjoining properties. Views would not be available from the public roads and thus the streetscapes, which are considered of merit, would not be impacted upon.
- 7.3.12. I therefore consider that the proposal would not unduly impact on the architectural quality of the area and it would not conflict with policy CHC4 of the Development Plan, which aims to protect the special interest and character of Dublin's conservation areas, including Z2 zoned lands. Accordingly, permission should not be refused for reasons relating to the design and visual impact of the proposed development.

## *Conclusions*

7.3.13. Having regard to the assessments and conclusions set out above, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that would adversely affect the enjoyment or value of property in the vicinity. The proposed development should not be refused permission for reasons relating to impacts on the amenities of neighbouring residents.

### **7.4. Access and Traffic**

7.4.1. The existing access from Newbridge Avenue is proposed to serve 17 of the 18 dwellings with unit No.17 to be accessed from Newbridge Drive. The existing entrance is defined by pillars with the driveway approx. 70 metres long and 3.5 metres wide. It is sufficient to facilitate one way vehicular movements only. Coupled with the existing development the development will increase the number of parking spaces served by the access to approx. 36.

7.4.2. By way of further information it is proposed to provide for a passing bay in proximity to the access. The adequacy of the arrangement is a substantive issue in the appeal by Mr. Kinsella.

7.4.3. There is an element of vegetation in addition to a pillar on the north side of the lane which is within the applicant's ownership which are to be removed to facilitate the widening. This will include the removal of 3 trees. The applicant has also agreed with the landowner to the south to remove the pier on the party boundary and reconstruct that piece of wall so that there is no outcropping pier at this point. These works will provide for a width of 4.8 metres through the parallel section of the passing bay which would facilitate a typical car and van to pass. I submit that is an acceptable intervention to allow for vehicular movements.

7.4.4. The justification of the low AM and PM peak trip rates made in the applicant's response have merit in view of the site's proximity to public transport, Dublin City, docklands and areas of employment providing alternatives to the car.

7.4.5. I accept that the proposed development would not result in such a material increase in vehicular movements along the lane and that vehicular speeds would be very low. On this basis it is not anticipated that the proposal would give rise to hazard arising from the conflicting vehicular movements or from shared pedestrian/vehicular usage.

- 7.4.6. As per the Construction Traffic Management Plan submitted by way of further information it is recommended that the works be carried out prior to commencement of development to assist access for construction vehicles. I recommend that a condition to this effect is appropriate.
- 7.4.7. The proposed arrangement does not impact on the existing parking space or access to Mr. Kinsella's property.
- 7.4.8. As noted previously the access is onto Newbridge Avenue along which there are speed ramps. The additional vehicular movements arising from the development would be largely imperceptible and would not lead to concerns regarding traffic safety or convenience.
- 7.4.9. I note that Transportation Planning Division of the Planning Authority did not object to the revised proposals submitted by way of further information subject to conditions.
- 7.4.10. On the basis of the above I consider that the existing access, subject to alterations, is adequate to accommodate the additional vehicular movements that would be generated by the proposed development without giving rise to conflicting vehicular movements or concerns regarding pedestrian safety.

7.4.11. **Other Issues**

*Construction*

- 7.4.12. While disturbance is an inevitable and typical consequence of any development and there would be likely to be some disruption for local residents and occupants during construction period, this would only be for a temporary period. In this regard I note that a Construction Traffic Management Plan accompanies the application and that a Construction Management Plan will be required which will identify measures to avoid nuisance impacts arising to neighbouring residents including construction hours. The details of this plan will be subject to agreement with the Planning Authority prior to commencement of development and, as such, I am satisfied that these matters can be satisfactorily addressed by way of planning condition.

*Occupancy*

7.4.13. As the proposal is for 18 dwellings a condition restricting the occupation of the units to individual purchasers in accordance with the Regulation of Commercial Institutional Investment in Housing should be attached should permission be granted.

#### *Ecology*

7.4.14. The site is in a suburban location surrounding by existing residential development and is not within or adjacent to an area designated as being of ecological importance. The majority of the site is laid out as lawn with vegetation cut back and cleared in places, notably to the north and south. By way of further information an ecological impact assessment was submitted which noted that the surveys covered appropriate seasons for flora and bat assessments. No bat roosts were found on site nor were any flora and fauna of conservation importance identified.

#### *Flood Risk*

A site specific flood risk assessment was submitted by way of further information. The site is within Flood Zone B in relation to both the River Dodder and Coastal flooding with risk of pluvial flooding under extreme events within pockets of the development site. As per the Composite Flood Zone Map of the Dublin City Development Plan Strategic Flood Risk Assessment the site lies within Flood Zone A (Defended Area). A conservative approach was adopted in the flood risk assessment with the development considered to be located within Flood Zone A. A justification test as required by Box 5.1 of the Flood Risk Management Guidelines is set out in section 4.2 of the report and I would concur with the conclusions reached in terms of compliance with the specified criterion. The site benefits from a flood defence scheme and there is no requirement for a freeboard allowance to be incorporated into the finished floor level of the development but that the finished floor level of the development be above the 1 in 100 year level. It is also noted that in a defended site compensatory storage is not required as the floodplain was removed through implementation of the flood defence scheme. As such, the proposed development will have no impact on flood risk elsewhere. In the unlikely event of failure of the existing flood defence mechanisms mitigation measures in the design stage are details in section 4.2.2.3.

## 7.5. Environmental Impact Assessment

7.5.1. The proposed development comprises 60 residential units on a 0.49 hectare site.

7.5.2. The development subject of this application falls within the class of development described in 10(b) Part 2, Schedule 5 of the Planning and Development Regulations, 2001, as amended. EIA is mandatory for developments comprising over 500 dwelling units or over 10 hectares in size or 2 hectares if the site is regarded as being within a business district.

7.5.3. The number of dwelling units proposed at 60 is well below the threshold of 500 dwelling units noted above. The site area at less than half a hectare is materially below the above applicable site area thresholds.

The proposal for 18 residential units is located within the area zoned Z1 and Z2 within which residential is permitted in principle. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development will not have an adverse impact in environmental terms on surrounding land uses. The proposed development would not give rise to waste, pollution or nuisances that differ from that arising from other housing in the neighbourhood. It would not give rise to a risk of major accidents or risks to human health. The site is not within a European site. The issues arising from proximity/connectivity to a European Site can be adequately dealt with under the Habitats Directive. The application is accompanied by a Planning Statement, Architectural Design Statement, Tree Survey, Civil Engineering Works Planning Statement, Stage 1 – Screening for AA, Shadow Analysis, Ecological Impact Assessment, Construction Traffic Management Plan and Flood Risk Assessment. These address the issues arising in terms of the sensitivities in the area.

7.5.4. Having regard to

- the nature and scale of the proposed development, which is below the threshold in respect of 10(b) of Part 2 of Schedule 5 of the Planning and Development Regulations 2001, as amended,
- the location of the site on lands zoned for residential purposes and the results of the strategic environmental assessment of the Dublin City Development Plan undertaken in accordance with the SEA Directive (2001/42/EC).

- the location of the site which is served by public infrastructure, and the existing pattern of residential development in the area.
- the location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended),
- 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),
- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have 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 and that, on preliminary examination, an environmental impact assessment report was not necessary.

## **7.6. Appropriate Assessment - Screening**

### *Compliance with Article 6(3) of the Habitats Directive*

The requirements of Article 6(3) as related to screening the need for appropriate assessment of a project under part XAB, section 177U of the Planning and Development Act 2000 (as amended) are considered fully in this section.

### *Background on the Application*

- 7.6.1. The application is accompanied by Stage 1 AA Screening Report prepared by McCutcheon Halley dated June 2020. It was prepared in line with current best practice guidance and provides a description of the proposed development and identifies European Sites within a possible zone of influence of the development.
- 7.6.2. The report concluded that the proposed development poses no risk of likely significant effects on Natura 2000 sites either alone or in combination with other plans and projects and, therefore, does not require progression to Stage 2 Appropriate Assessment
- 7.6.3. Having reviewed the documents and submissions I am satisfied that the information allows for a complete examination and identification of any potential significant

effects of the development, alone, or in combination with other plans and projects on European sites.

*Screening for Appropriate Assessment- Test of likely significant effects*

7.6.4. The project is not directly connected with or necessary to the management of a European Site and, therefore, it needs to be determined if the development is likely to have significant effects on a European site(s).

7.6.5. The proposed development is examined in relation to any possible interaction with European sites designated Special Conservation Areas (SAC) and Special Protection Areas (SPA) to assess whether it may give rise to significant effects on any European Site.

*Brief description of the development*

7.6.6. The applicant provides a description of the project in Section 4 of the screening report and is as described in section 2 above. In summary, the development comprises:

- Demolition of existing dwelling
- Construction of 18 dwellings with connection to the public sewerage and water supply schemes

7.6.7. The site location is described in section 3 of the screening report. It comprises of private garden space with mature trees.

7.6.8. Taking account of the characteristics of the proposed development in terms of its location and the scale of works, the following issues are considered for examination in terms of implications for likely significant effects on European sites:

Construction Phase:

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in downstream Natura 2000 sites.
- Disturbance / displacement impacts.

Operational Phase:

- Surface water run-off from the site that contains silt, sediments and/or other pollutants impacting water quality in the downstream Natura 2000 site.



- Foul effluent discharges impacting water quality in downstream Natura 2000 sites.
- Disturbance / displacement impacts.

*Submissions and Observations*

7.6.9. None received.

*European Sites*

7.6.10. The development site is not located in or immediately adjacent to a European site.

The following sites are noted

<b>Designated Site</b>	<b>Distance</b>
South Dublin Bay SAC (site code 000210)	600 metres to east
South Dublin Bay and River Tolka SPA (site code 004024)	2.6km east
North Dublin Bay SAC (site code 000206)	2.7km to north/northeast
North Bull Island SPA (site code 004006)	2.7km to north/northeast

Qualifying interests and conservation objectives for each of the sites are listed on the National Parks and Wildlife Services (NPWS) website ([www.npws.ie](http://www.npws.ie)), the overall aim being to maintain or restore the favourable conservation condition of the identified qualifying interests.

*7.6.11. Identification of Likely Effects*

- There is nothing unique or particularly challenging about the proposed urban development, either at construction phase or operational phase.
- There are no watercourses in the vicinity of the site.
- The site is to connect to the existing public sewer and water supply.
- The measures to be employed at construction stage 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.

- There is theoretically an indirect, hydrological pathway between the application site and the four named coastal sites via the public drainage system and the Ringsend WWTP, where wastewater from the proposed development would be treated. However, I am satisfied that the distances are such that any pollutants post treatment from the Ringsend WWTP would be minimal and would be diluted and dispersed and, therefore, there is no likelihood that pollutants arising from the proposed development either during construction or operation could reach the designated sites in sufficient concentrations to have any likely significant effects on the designated sites in view of their qualifying interests and conservation objectives.
- The site does not support habitats of ex-situ ecological value for qualifying interest species of the identified SPA's with no such qualifying interests recorded in the survey. In addition, the site is not of known historical importance for waterbirds. On the basis of the foregoing and the separation distance, the potential for significant impacts on waterbirds that are qualifying species of the SPAs due to disturbance / displacement can be screened out.

In combination effects are addressed in Section 6 of the screening report for AA. It takes into consideration a number of plans and projects in the vicinity. It concludes that there will not be any in combination effects on the European site discussed.

#### *Mitigation Measures*

- 7.6.12. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

#### **Screening Determination**

- 7.6.13. The proposed development was considered in light of the requirements of Section 177U of the Planning and Development Act 2000 as amended. Having carried out Screening for Appropriate Assessment of the project, it has been concluded that the project, individually or in combination with other plans or projects, would not be likely to give rise to significant effects on European Site Nos. 000210, 004024, 000206, 004006 or any other European site, in view of the sites' Conservation Objectives and Appropriate Assessment (and submission of a NIS) is not, therefore, required.

## 8.0 Recommendation

Having regard to the foregoing I recommend that permission for the above described development be granted for the following reasons and considerations subject to conditions.

## 9.0 Reasons and Considerations

Having regard to the location of the site, the Z1 and Z2 residential land use zoning and the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an appropriate form and scale of development at this location, would not seriously injure the visual amenities and character of the surrounding built environment or the residential amenities of adjoining properties and would be acceptable in terms of vehicular and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars submitted on the 18<sup>th</sup> day of October 2020, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity

2. The laneways to the rear of dwellings nos. 1 to 4 and nos. 5 to 16 as delineated on site plan drawing no. PL-101 Rev.A received by the planning authority on the 18<sup>th</sup> day of October 2020 shall be omitted and the space shall be incorporated into the rear garden areas of the said dwellings. A revised plan with the amended details delineated thereon shall be submitted to the planning authority for written agreement prior to commencement of development.

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

3. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed dwellings.

4. The proposed amendments to the access lane from Newbridge Avenue as delineated on drawing no. SRC-279-100 Rev.A received by the planning authority on the 18<sup>th</sup> day of October, 2020 shall be completed to the written satisfaction of the planning authority prior to commencement of development.

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

5. The development shall not be a gated development. The proposed entrance gates delineated on site plan drawing no.PL 101. Rev. A received by the planning authority on the 18<sup>th</sup> day of October, 2020 shall be omitted.

**Reason:** In the interest of the proper development of the area.

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

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

7. Drainage arrangements shall comply with the requirements of the planning authority for such works and services.

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

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

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

9. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Roof colour shall be blue-black, black, dark brown or slate grey in colour only (including ridge tiles).

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

10.
  - (a) Screen walls shall be provided to screen rear gardens from public view. Such walls shall be two metres in height above ground.
  - (b) All screen walls shall be constructed in concrete block and shall be capped and rendered on both sides in a finish that matches the external finishes of the dwellings.
  - (c) The rear boundary of dwelling numbers 5 to 16 shall be delineated by a two metre high block wall suitably capped and rendered.

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

11. The areas of open space shown on the lodged plans shall be reserved for such use. These areas shall be soiled, seeded, and landscaped in accordance with the Landscape Plan received by the planning authority on the 16<sup>th</sup> day of October 2020. This work shall be completed before any of the dwelling units are made available for occupation. These open space areas shall be maintained as public open space by the developer.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. 18 no. bicycle parking spaces shall be provided within the site. Details of the layout and marking demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. Electrical connections to the exterior of the houses to allow for the future provision of electric vehicle charging points shall be provided. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling unit.

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

15. 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.

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

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

17. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 09.00 to 14.00 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 the interests of public safety and residential amenity.

18. 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:

- (a) location of the site and material compound(s) including area(s) identified for the storage of construction refuse,
- (b) Details of site security fencing and hoardings,
- (c) Details of on-site car parking facilities for site workers during the course of construction,
- (d) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (e) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (f) Off site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil,
- (g) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

**Reason:** In the interest of amenities, public health and safety.

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



July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

20. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) The plan shall provide for screened bin stores, which shall accommodate not less than three standard-sized wheeled bins with the curtilage of each house plot.

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

21. (a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.
- (b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not

less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

- (c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

22. 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 96(4) and 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 97(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 for the area.

23. 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 within, the planning authority prior to commencement of development.

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

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

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

25. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

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**Pauline Fitzpatrick**  
**Senior Planning Inspector**

**January, 2022**