



An
Bord
Pleanála

Inspector's Report ABP-309329-21

Development

The demolition of 3 no. existing commercial structures and construction of 2 no. independent buildings consisting of (1) A four-storey building to street (Monkstown Farm) containing: (i) access & car parking, all at ground floor, (ii) APT 1 – 1 no. 1 bed apartment with private terrace to street; APT 2 – 1 no. 1 bed apartment with private terrace to rear elevation; all at first floor level; (iii) APT 3 – 1 no. 2 bed duplex apartment with private terrace to the street; at first & second floor levels; (iv) APT 4 – 1 no. 3 bed duplex apartment with private terraces to the rear & street elevations; APT 5 – 1 no. 2 bed duplex apartment with private terraces to the street & rear elevations; all at second and third floor level (2) A two-storey building to the south-western (rear) boundary of site, containing; (i) APT 6 – 1 no. 2 bed apartment with terraces at ground and first floor. Development to include for vehicular

access off Monkstown Farm with 5 no. car parking spaces, 25 (inc. 5 visitors) bicycle spaces, bin storage, storage units and communal landscaped garden area, all to the ground floor; rooflights, green roofs, PV panels to roof and all associated site and landscaping works.

Location	3 Matthew Terrace, Monkstown Farm, Dún Laoghaire, Co. Dublin.
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0839
Applicant(s)	Niamh Ward
Type of Application	Permission
Planning Authority Decision	Refusal
Type of Appeal	First Party v. Decision
Appellant(s)	Niamh Ward
Observer(s)	None.
Date of Site Inspection	27 th April, 2021
Inspector	Robert Speer

1.0 Site Location and Description

- 1.1. The proposed development site is located at 3 Matthew Terrace, Monkstown Farm, Dún Laoghaire, Co. Dublin, approximately 1.4km southwest of Dún Laoghaire town centre, in an area characterised by a variety of residential development, including low density suburban housing and several more modern infill apartment schemes, interspersed with lower-quality commercial units. The more northerly extent of Monkstown Farm extending southeast from its junction with Monkstown Avenue as far as Lanesville Terrace is almost exclusively residential (and dominated by a series of three-storey apartment blocks), with the exception of the appeal site (presently in use as motor repair workshop / garage with associated car sales) and an adjacent casino / snooker hall while a commercial unit at the corner of Monkstown Farm / Lanesville Terrace has been granted permission under ABP Ref. No. ABP-304759-19 for conversion to a studio apartment. On travelling beyond the junction with Lanesville Terrace onwards to Oliver Plunkett Road, there is a gradual increase in commercial activity along Monkstown Farm, although the units / uses in question are generally of a lesser quality / lower order with the primary concentration of retail activity further southeast in the vicinity of the junctions with Oliver Plunkett Terrace and Oliver Plunkett Villas.
- 1.2. The site itself has a stated site area of 0.0422 hectares, is broadly rectangular in shape, and occupies a position within the streetscape between a three-storey apartment block that forms part of 'Monkstown Manor' to the northwest and the Monkstown Casino / Snooker Club to the southeast. To the rear of the site, it adjoins the private rear garden areas of several residential properties situated along Lanesville & Lanesville Terrace to the southwest and southeast respectively with further two-storey accommodation within Monkstown Manor bounding the property to the northwest.

2.0 Proposed Development

- 2.1. The proposed development consists of the following:
- The demolition of 3 No. commercial structures presently in use as motor repair workshop / garage with associated car sales.

- The construction of 2 No. independent apartment buildings providing a total of 6 No. apartment units as follows:
 - 1) A four-storey building fronting onto Monkstown Farm with vehicular access and undercroft car parking at ground floor level and 5 No. apartments overhead (comprising 2 No. one-bedroom units, 2 No. two-bedroom duplex units, and 1 No. three-bedroom duplex unit).
 - 2) A two-storey building to the south-western (rear) boundary of the site accommodating 1 No. two-bedroom apartment.
- Associated site development works, including vehicular access off Monkstown Farm to 5 No. off-street car parking spaces, bicycle parking, bin storage, storage units, a communal landscaped garden area, roof-mounted PV panels, and landscaping works.

3.0 Planning Authority Decision

3.1. Decision

- 3.1.1. On 6th January, 2021 the Planning Authority issued a notification of a decision to refuse permission for the proposed development for the following single reason:
- The ground floor front façade of the proposal fronting Monkstown Farm is currently dominated by the proposed car parking entrance and undercroft car parking area which results in a dead frontage to Monkstown Farm. The interface of the proposed development at ground floor level is undesirable and would set a poor precedent for similar development on other 'NC' zoned lands. The proposal does not comply with Policy RET9 (Non-Retail Uses) of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, which seeks to control the provision of non-retail uses at ground floor level within the shopping parades of Mixed-Use Neighbourhood Centres which is necessary to protect the retail viability of the centre and to maintain the visual character of the streets. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

3.2. Planning Authority Reports

3.2.1. Planning Reports

States that while residential development is 'permitted in principle' on lands zoned as 'NC: To protect, provide for and / or improve mixed-use neighbourhood centre facilities', regard must be had to Policy RET9 of the Development Plan which seeks to control the provision of non-retail uses at ground level in the principal shopping streets of major town & district centres as well as within the shopping parades of mixed-use neighbourhood centres. In this regard, although cognisant of the surrounding pattern of development, including other examples of residential development on 'NC' zoned lands in the vicinity of the site, the Planning Authority is of the opinion that the proposal would give rise to 'dead frontage' along Monkstown Farm and would be contrary to Policy RET9 of the Plan.

The report proceeds to state that the overall scale and design of the development is broadly acceptable and will not unreasonably compromise the residential amenity of neighbouring properties by reason of overlooking, overshadowing or by being visually overbearing. It also reiterates the concerns of the Transportation Planning Dept. with respect to the shortfall in car parking etc.

By way of conclusion, the report acknowledges the challenging characteristics of the site and the difficulty in providing an active ground floor commercial frontage while accommodating vehicular access. It also suggests that an optimal solution (if possible) would be the amalgamation of the site with the adjacent property to the immediate southeast which could potentially allow for the provision of an active ground floor use across the frontage of the combined sites with vehicular access to a basement level car park. The report then states that the interface of the development at ground floor level with Monkstown Farm is undesirable and would set an undesirable precedent for similar development on other 'NC' zoned lands before reiterating that the proposal does not comply with Policy RET9 and recommending a refusal of permission.

3.2.2. Other Technical Reports:

Environmental Health Officer: Recommends that further information be sought in respect of the following:

- A Demolition Management Plan
- A Construction Management Plan
- Evidence of compliance with Sections 4.8 & 4.9 of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities*' with respect to:
 - o Sufficient communal storage area to satisfy the three-bin system for the collection of mixed dry recyclables, organic waste and residual waste.
 - o Provision in the layout for sufficient access for waste collection, proximity of, or ease of access to, waste storage areas from individual apartments, including access by disabled persons.

Municipal Services Dept., Drainage Planning: Recommends that further information be sought as regards the surface water attenuation tank and the green roof proposals.

Transportation Planning: Analyses the car parking arrangements and states that the application site is not a suitable location for minimum car parking provision by reference to Paragraphs 4.19 – 4.20: '*Central and / or Accessible Urban Locations*' of the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'. It is further stated that the proximity of good public transport links has been overestimated. However, it is accepted that the site would qualify as an '*Intermediate Urban Location*' pursuant to Para. 4.21 of the Guidelines and that a reduced parking standard of 1 No. space per one-bedroom unit and 1.1 No. spaces per two / three-bedroom unit would be appropriate, although the proposed parking provision would nevertheless be deficient.

Further concerns are raised as regards the adequacy of the vehicular access arrangements to / from the proposed car parking, the need to provide for electric vehicle charging points, bicycle parking, and the provision of a Construction Management Plan.

The report subsequently recommends that further information be sought in respect of a number of items, including the aforementioned items.

3.3. Prescribed Bodies

Irish Water: No objection, subject to conditions.

3.4. Third Party Observations

3.4.1. A single submission was received from an interested third party and the principal grounds of objection / areas of concern raised therein can be summarised as follows:

- The four-storey height of the proposed construction will set an unwelcome precedent for similar development.
- When taken in conjunction other replacement development recently constructed along Monkstown Farm, the proposal will exacerbate the increasingly oppressive nature of the wider streetscape.
- The two-storey construction to the rear of the site will abut the boundary shared with the gardens of No. 15 / 16 Lanesville and thus assurances are required that the intervening wall will be preserved in its existing condition.

4.0 Planning History

4.1. On Site:

4.1.1. PA Ref. No. D20A/0175. Was refused on 22nd June, 2020 refusing Niamh Ward permission for the demolition of 3 no. existing commercial structures and the construction of 2 no. independent buildings, consisting of; (1) A four storey building to street (Monkstown Farm) containing; (i) a small commercial unit and parking; both at ground floor. (ii) APT 1 - 1 no. 2 bed apartment with private terraces to street; APT 2 - 1 no. 1 bed apartment with private terrace to rear elevation; all at first floor level. (iii) APT 3 - 1 no. 2 bed duplex apartment with private terraces to the street and rear elevations; APT 4 - 1 no. 2 bed duplex apartment with private terraces to the rear elevation; Apt 5 - 1 no. 2 bed duplex apartment with private terraces to the street; all at second and third floor level. (2) A two-storey building to the south-western (rear) boundary of site, containing; (i) APT 6 - 1 no. 2 bed apartment with terraces at ground and first floor. Development to include for vehicular access off Monkstown Farm with 3 no. car parking spaces, 20 no. bicycle spaces, bin storage, storage units and communal landscaped garden area, all to the ground floor; Rooflights, green roofs, PV panels to roof and all associated site and landscaping works.

- The proposed development, by reason of its scale and proximity to site boundaries would result in a form of overdevelopment of the site that is overbearing, thereby adversely impacting on the residential and visual amenities of the area and if permitted, would set an undesirable precedent for similar development in the area. The proposed development would not accord with the provisions of Section 8.2.3.3 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 regarding apartment development.
- The proposed development has an insufficient number of car parking spaces to serve the proposed development potentially resulting in nearby on-street parking. The proposed development would endanger public safety by reason of traffic hazard or obstruction of road users, and would set a precedent for other relevant development, would adversely affect the use of Monkstown Farm and/or the surrounding local road network by road users, as per Clause 7 of the FOURTH SCHEDULE (Reasons for the Refusal of Permission which Exclude Compensation) of the Planning and Development Act, 2000. Therefore, the proposed development would be contrary to the proper planning and sustainable development of the area and would establish an undesirable future precedent.

4.1.2. PA Ref. No. D11A/0143. Was granted on 23rd June, 2011 permitting Paul Smith permission for the retention of a garage workshop portacabin (office), toilet facilities and storage container for use in connection with a motor vehicle repair facility.

4.1.3. PA Ref. No. D00A/0958 / ABP Ref. No. PL06D.123025. Was refused on appeal on 7th August, 2001 refusing Anthony Flynn permission for the erection of a two / three-storey apartment building over basement car parking consisting of 4 No. two bedroom and 3 No. one bedroom units.

- It is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users including pedestrians by the provision of undercroft parking directly onto the public footpath along Monkstown Farm adjoining the proposed vehicular entrance/exit to the proposed underground car parking.
- It is considered that the proposed development, by reason of design which provides for undercroft car parking at ground floor level to the front of the

proposed structure, would render its appearance inconsistent with the character of the streetscape of the area and detract from its visual amenity. The proposed development would, therefore, be contrary to the proper planning and development of the area.

4.2. On Adjacent Sites:

None available.

4.3. Other Relevant Files:

- 4.3.1. PA Ref. No. D20A/0046. Was granted on 18th June, 2020 permitting Alison Cruz permission for a change of use from fast food takeaway to a one-bedroom dwelling with minor elevational alterations and associated site works at 25 Monkstown Farm, Dún Laoghaire, Co. Dublin.
- 4.3.2. PA Ref. No. D20A/0025 / ABP Ref. No. ABP-307616-20. Was granted on appeal on 19th October, 2020 permitting Victor Boyhan permission for the demolition of a motor repair workshop and related outhouses and for the construction of a private two-storey house incorporating a new domestic garage for one private car at 7B Lanesville Avenue, Monkstown Avenue, Monkstown, Co. Dublin.
- 4.3.3. PA Ref. No. D19A/0798 / ABP Ref. No. ABP-307468-20. Was granted on appeal on 20th October, 2020 permitting Southern Oak Developments Ltd. permission for the demolition of existing two-storey building known as Monkstown Manor and associated structures on site and the construction of 1 No. three to four-storey building comprising of 1 No. ground floor commercial unit and 30 No. apartment units (12 No. one bedroom units and 18 No. two bedroom units with associated balconies/terraces), the provision of a new vehicular entrance onto Monkstown Grove, undercroft car parking for 11 No. car parking spaces and 22 No. surface level car parking spaces along Monkstown Grove, 3 No. motorcycle spaces, 48 No. bicycle parking spaces, an Electricity Supply Board substation, plant room and refuse storage areas at ground floor level, new pedestrian access onto Monkstown Grove and Monkstown Farm, landscaping, including provision of a roof terrace, boundary treatment, drainage and all associated site and infrastructure works necessary to facilitate the development. All on lands comprising former Monkstown Mansions, former Tyre Centre and rear of Carrickbrennan Credit Union, at

Monkstown Farm and Monkstown Grove, Blackrock, Co. Dublin. Further public notices were received by the planning authority on the 20th day of March, 2020.

- 4.3.4. PA Ref. No. D19A/0338. Was granted on 14th August, 2019 permitting Andrew Hickey permission for the demolition of a single storey commercial building and the construction of a three-storey two-bedroom dwelling with balconies and roof lights. Other works as part of the development include new car park space, private open space, landscaping, boundary treatments and all associated works to facilitate the development. All at 12/13 Monkstown Farm, Dún Laoghaire, Co. Dublin (a corner site with Baile Uí Liachain, Dún Laoghaire, Co. Dublin).
- 4.3.5. PA Ref. No. D19A/0239 / ABP Ref. No. ABP-304759-19. Was granted on appeal on 29th October, 2019 permitting Stephen Rooney permission for the change of use of existing ground floor vacant commercial unit to a residential studio apartment. The proposed change of use includes the following: (i) alterations to the fenestration treatment to front, side and rear elevations at ground floor including relocating the existing front entrance door; (ii) provision of private amenity space for the proposed studio apartment in the existing rear garden of 3 Lanesville Grove; (iii) alterations to the existing stairs serving the current two-bed unit on the first and second floor of Number 3 Lanesville Grove; (iv) alterations to the internal layout of the ground floor of Number 3 Lanesville Grove to accommodate the provision of the studio apartment and all necessary ancillary works to facilitate the development, all at 3 Lanesville Grove, Monkstown Farm, Monkstown, Co. Dublin.
- 4.3.6. PA Ref. No. D17A/0926 / ABP Ref. No. ABP-300674-18. Was refused on appeal on 18th July, 2018 refusing Booteek Development Limited permission for the demolition of the existing single storey commercial building and the construction of a three-storey contemporary style building comprising: 2 No. two-bedroom three-storey townhouses each with; (i) ground floor work/live unit (30m² - Class 2 use); (ii) terrace areas at roof level to facilitate private garden space and; (iii) rooflights. Other works as part of the development include: landscaping; boundary treatments; and all associated works to facilitate the development at 12/13 Monkstown Farm, Dún Laoghaire, Co. Dublin.

- It is considered that the layout and design of the proposed development would produce a substandard form of development on this site. The proposed

development would be incongruous in terms of its design, scale and height and visually disruptive and discordant, would be out of character with the streetscape, would have an overbearing impact on the dwellings in the vicinity, would seriously injure the amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

- It is the policy of the planning authority as set out in the Dún Laoghaire Rathdown County Development Plan 2016 – 2022, that residential development is provided with adequate private open space in the interest of residential amenity. The proposed development is deficient in the quantum, location and quality of private open space and would be contrary to section 8.2.8.4 (i) Private Open Space for Houses, as set out in the Development Plan, would seriously injure the residential amenity of future residents and the amenities of property in the vicinity and would, therefore, be contrary to the proper planning and sustainable development of the area.

4.3.7. PA Ref. No. D14A/0610 / ABP Ref. No. PL06D.244221. Was granted on appeal on 1st April, 2015 permitting Mellerusk Limited permission for the construction of 4 No. terraced two-storey dwellings each with roof lights, new boundary walls, 4 No. separate vehicular entrances off Lanesville and all necessary landscaping, drainage and ancillary works to facilitate the development, all at the car park to the rear of The Farmhouse Inn, Lanesville, Monkstown Farm, Monkstown, Co. Dublin.

5.0 Policy and Context

5.1. National and Regional Policy

5.1.1. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' provide detailed guidance and policy requirements in respect of the design of new apartment developments. Where specific planning policy requirements are stated in the document these are to take precedence over any conflicting policies and objectives of development plans, local area plans and strategic development zone planning schemes. Furthermore, these Guidelines apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease. They also apply to

housing developments that include apartments that are built specifically for rental purposes, whether as 'build to rent' or as 'shared accommodation'. Unless stated otherwise, they apply to both private and public schemes. These updated guidelines aim to uphold proper standards for apartment design to meet the accommodation needs of a variety of household types. They also seek to ensure that, through the application of a nationally consistent approach, new apartment developments will be affordable to construct and that supply will be forthcoming to meet the housing needs of citizens.

5.1.2. The '*Urban Development and Building Heights, Guidelines for Planning Authorities, 2018*' are intended to set out national planning policy guidance on building heights in relation to urban areas, as defined by the census, building from the strategic policy framework set out in Project Ireland 2040 and the National Planning Framework. They aim to put into practice key National Policy Objectives contained in the NPF in order to move away from unsustainable "business as usual" development patterns and towards a more compact and sustainable model of urban development. Greatly increased levels of residential development in urban centres and significant increases in the building height and overall density of development are not only to be facilitated, but are to be actively sought out and brought forward by the planning processes and particularly so at local authority and An Bord Pleanála levels. In this regard, the Guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels.

5.1.3. The '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' note that, in general, increased densities should be encouraged on residentially zoned lands and that the provision of additional dwellings within inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, has the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. Such developments can be provided either by infill or by sub-division. In respect of infill residential development, potential sites may range from small gap infill, unused or derelict land and backland areas, up to larger residual sites or sites assembled from a multiplicity of ownerships. In

residential areas whose character is established by their density or architectural form, a balance has to be struck between the reasonable protection of the amenities and the privacy of adjoining dwellings, the protection of established character, and the need to provide residential infill.

5.2. Development Plan

5.2.1. *Dún Laoghaire Rathdown County Development Plan, 2016-2022:*

Land Use Zoning:

The proposed development site is located in an area zoned as 'NC' with the stated land use zoning objective '*To protect, provide for and / or improve mixed-use neighbourhood centre facilities*'.

Other Relevant Sections / Policies:

Chapter 2: Sustainable Communities Strategy:

Section 2.1: Residential Development:

Policy RES3: Residential Density:

It is Council policy 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. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009)
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009)
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007)
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013)
- 'National Climate Change Adaptation Framework

- Building Resilience to Climate Change' (DoECLG, 2013).

Policy RES4: Existing Housing Stock and Densification:

It is Council policy to improve and conserve the housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

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.

Chapter 3: Enterprise and Employment Strategy:

Section 3.2: Retail and Major Town Centres:

Policy RET6: Neighbourhood Centres:

It is Council policy to encourage the provision of an appropriate mix, range and type of uses - including retail and retail services - in areas zoned objective 'NC' subject to the protection of the residential amenities of the surrounding area.

Policy RET9: Non-Retail Uses:

It is Council policy to control the provision of non-retail uses at ground floor level in the principal shopping streets of Major Town Centres and District Centres and also within the shopping parades of Mixed-Use Neighbourhood Centres.

Chapter 8: Principles of Development:

Section 8.1: Urban Design

Policy UD6: Building Height Strategy:

It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.

Section 8.2: *Development Management:*

Section 8.2.3: *Residential Development:*

Section 8.2.3.3: *Apartment Development*

Section 8.2.3.4: *Additional Accommodation in Existing Built-up Areas: (vii) Infill:*

New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.

Section 8.2.3.5: *Residential Development – General Requirements*

5.3. Natural Heritage Designations

5.3.1. The following natural heritage designations are located in the general vicinity of the proposed development site:

- The South Dublin Bay Proposed Natural Heritage Area (Site Code: 000210), approximately 1.1km north of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 1.1km north of the site.
- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 1.1km north of the site.
- The Dalkey Coastal Zone and Killiney Hill Proposed Natural Heritage Area (Site Code: 001206), approximately 1.9km northeast of the site.

5.4. Preliminary Examination Screening for Environmental Impact Assessment:

5.4.1. An Environmental Impact Assessment Screening report was not submitted with the application.

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

- Construction of more than 500 dwelling units,

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

5.4.3. It is proposed to demolish three existing commercial structures and to construct two independent buildings accommodating a total of 6 No. apartment units. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.0422 hectares and is located within an existing built-up area but not in a business district. The site area is therefore well below the applicable threshold of 10 ha. The site surrounds are characterised by a variety of residential development, including low density suburban housing and several more modern infill apartment schemes, interspersed with lower-quality commercial units. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site and there is no hydrological connection present such as would give rise to significant impact on nearby watercourses. 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 proposed development would use the public water and drainage services of Irish Water and Dún Laoghaire Rathdown County Council, upon which its effects would be marginal.

5.4.4. Having regard to: -

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001, as amended,
- The location of the site on lands that are zoned as ‘NC’ with the stated land use zoning objective ‘*To protect, provide for and / or improve mixed-use neighbourhood centre facilities*’ where residential development is ‘*Permitted in Principle*’ under the provisions of the Dún Laoghaire Rathdown County Development Plan, and the results of the strategic environmental assessment

of the Dún Laoghaire Rathdown County Development Plan, undertaken in accordance with the SEA Directive (2001/42/EC),

- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001, as amended, and the mitigation measures proposed to ensure no connectivity to any sensitive location, and
- 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);

5.4.5. 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 for the proposed development is not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

- The proposed development site is located on lands zoned as ‘NC’ with the stated land use zoning objective ‘*To protect, provide for and / or improve mixed-use neighbourhood centre facilities*’ whereupon ‘*Residential*’ development is ‘*Permitted in Principle*’ in accordance with Table 8.3.6 of the Development Plan. Therefore, the submitted proposal is appropriate to the site.
- With respect to the previous refusal of PA Ref. No. D00A/0958 / ABP Ref. No. PL06D.123025 on site (a two / three-storey over-basement apartment scheme), it should be noted that the character of the streetscape has changed

significantly during the intervening period with a number of major redevelopment proposals having been permitted, including on lands adjacent to the application site, while the immediate site surrounds are presently blighted by a large number of vacant commercial properties.

- The matters raised in the refusal of PA Ref. No. D20A/0175 have informed the design and layout of the proposed development (as have the pre-planning consultations carried out in respect of that application). In this regard, the Board's attention is drawn to the key differences between the subject proposal and PA Ref. No. D20A/0175 as set out below:

Element	PA Ref. No. D20A/0175	PA Ref. No. D20A/0839
<i>Residential Units</i>	6 No. (1 No. one-bed & 5 No. two-bed)	6 No. (2 No. one-bed, 3 No. two-bed & 1 No. three-bed)
<i>Commercial Units</i>	1	0
<i>Car Parking</i>	3	5
<i>Bicycle Parking</i>	20	25

The key changes are that the commercial unit has been omitted which allows for increased parking on site thereby addressing one of the two reasons for the refusal of PA Ref. No. D20A/0175 while the number of bicycle parking spaces has also been increased. In addition, the apartment mix has been changed to provide for 2 No. one-bed, 3 No. two-bed & 1 No. three-bed units.

- Notwithstanding that the option of including a small commercial unit in lieu of additional car parking was discussed during pre-planning consultations in respect of PA Ref. No. D20A/0175, that application was refused permission due to a lack of parking. In contrast, the subject proposal, which includes for additional parking, has been refused permission because of the absence of a commercial unit. Accordingly, it is simply not possible to satisfy all of the competing requirements of the Development Plan and, therefore, it was decided to provide a justification for the omission of the retail / commercial unit based on local precedent.

The local centre of retail uses and other services at the south-eastern end of Monkstown Farm, in conjunction with other retail uses / services on Glenageary Road, has drawn business away from the northern end of Monkstown Farm resulting in empty shopfronts along this part of the street, including a series of vacant units to the immediate southeast of the application site (several of which have been granted permission in the last two years for a change of use from commercial to residential under the current Development Plan i.e. PA Ref. Nos. D19A/0239 (ABP Ref. No. PL06D.304759), D20A/0046 & D19A/0338).

- With respect to PA Ref. No. D19A/0239 / ABP Ref. No. ABP-304759-19 (which concerns the unit shown in Image 9.2 of the grounds of appeal), permission was initially refused by the Planning Authority on the basis that a change of use from commercial to residential would be in contravention of the 'NC' land use zoning objective and Policy RET9 of the Development Plan, however, that decision was overturned on appeal for the following reasons:

'Having regard to the site's location on serviced urban lands and the policy and objective provisions in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in respect of residential development, to the nature, scale and design of the proposed development and to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. Furthermore, the Board considered that, the proposed change of use would be in accordance with the zoning objectives for the area, as set out in the Development Plan, and would not materially contravene the Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area'.

- While the unit shown in Image 9.3 of the appeal is now occupied, it is used as a commercial bakery / kitchen preparation area with the operation carried out behind perforated shutters meaning the unit provides no active presence / frontage onto Monkstown Farm.

- Permission was granted under PA Ref. No. D20A/0046 for the change of use of the single-storey takeaway shown in Image 9.4 to use as a one-bedroom dwelling yet the subject proposal for a residential development absent of a commercial use was refused permission (with permission having already been refused on site for an application that included a commercial unit). Moreover, the reasons and considerations for the granting of PA Ref. No. D20A/0046 make no reference to the loss of an existing commercial premises being of any concern to the Council.
- The unit shown in Image 9.6 would appear to have been recently occupied as a commercial premises, however, permission has been granted (under PA Ref. No. D19A/0338) for its demolition and replacement with a two-bedroom dwelling notwithstanding that this would result in the loss of a commercial property on lands zoned as 'Neighbourhood Centre'.
- Given the mix of forms and scales present, there is no coherent development pattern along Monkstown Farm. Accordingly, by virtue of three recent planning decisions to permit the change of use of 3 No. commercial premises along the same road to residential use, there is no logic to the refusal of the subject application.
- Monkstown Farm is already served by a range of services in the local centre and the 3 No. sites approved for a change of use from commercial to residential are all located between the appeal site and the local neighbourhood centre.
- The initial reason for refusal refers to the ground floor front façade of the proposal as comprising 'dead frontage' due to the dominance of the entrance to the car park and the undercroft parking area, however, it is reiterated that permission was previously refused for PA Ref. No. D20A/0175 despite the inclusion of a retail unit.
- There is clear evidence of no demand for a ground floor retail unit of the sort previously proposed under PA Ref. No. D20A/0175.
- In order to address any concerns regarding the extent of the ground floor car park, sizeable balconies are proposed onto Monkstown Farm to provide for an active presence onto the street. These will add a layer of depth to the building

and will make for a more interesting streetscape while also providing for passive surveillance of the street itself.

- The proposed development will fit neatly into the existing streetscape without any significant impact on the amenities of adjoining properties. In addition, the rooftop PV panels will not be visible due to their recessed positioning (which was a cause for concern in the assessment of PA Ref. No. D20A/0175).
- If necessary, the applicant is amenable to altering the design / finish of the ground floor façade by way of condition (for agreement with the Planning Authority).
- The assessment by the case planner seems to be based on a hypothetical set of circumstances over which neither the Planning Authority nor the applicant has any control and is completely contrary to the three changes of use permitted in the vicinity in the recent past.
- The issue of car parking (which formed part of the basis for the refusal of PA Ref. No. D20A.0175) is comprehensively addressed in the Planning Report provided with the application that sets out why the provision of 5 No. car parking spaces is appropriate e.g. given the proximity of public transport.
- The car parking standards for apartments as set out in Table 8.2.3: '*Residential Land Use*' of the Development Plan are not minimum requirements and are stated to be dependent on design & location. In this regard, there are several examples in Dún Laoghaire Rathdown where the provision of parking is well below the requirements of Table 8.2.3 and where much reduced parking standards have been permitted:

- *Shanganagh Strategic Housing Development (ABP Ref. No. ABP-306583-20)*:

The approval of 597 No. apartments served by 385 No. parking spaces equates to a ratio of 0.64 No. spaces per unit. If the Planning Authority is concerned about overflow parking from 6 No. apartments at Monkstown Farm, it is questionable how it could then have sought permission for a development with a shortfall of more than 200 No. spaces by its own standards.

- *Dún Laoghaire Co-Living (ABP Ref. No. ABP-304249-19):*

The Board granted permission for 208 No. co-living spaces with 7 No. parking spaces. In that instance, the Council had no objection to the proposal, subject to conditions, while the reporting inspector stated that *'The proposed parking provision is considered acceptable with regard to the location of the site in close proximity to public transport, employment and local services and to SPPR 9(iv) of the Apartment Guidelines, i.e. a default policy of minimal car parking provision'.*

- *Leopardstown Strategic Housing Development (ABP Ref. No. ABP-307415-20):*

Permission was granted for this development which included for 200 No. apartments and only 171 No. parking spaces.

- *Deansgrange Strategic Housing Development (ABP Ref. No. ABP-307332-20):*

The Board granted permission for 151 No. apartments, a restaurant / café, and 5 No. commercial units to be served by 99 No. parking spaces. This equates to 0.65 No. spaces per residential unit (less than the 0.83 No. spaces to be provided per unit in the subject proposal).

Each of the foregoing examples shows that in instances where a site is served by a high frequency bus route or is proximate to good bus connections to LUAS and DART services, the Board has permitted developments with parking ratios both similar to and lower than the subject application (with support from differing planning authorities). Therefore, it is queried how the Planning Authority can state that Table 8.2.3 of the Development Plan refers to 'minimum' parking standards when it has taken the opposite approach in the assessment of other planning applications. It must be recognised that parking is now given a lower priority than in the past when apartments were designed around parking standards.

- Based on data derived from the Census 2016 figures, 12.92% of the respondent households in Dún Laoghaire Rathdown do not have a car and, therefore, it is entirely plausible that at least one or possibly more of the

proposed units will not own or have use of a car and thus will not require a parking space.

- Item Nos. 3 - 6 inclusive of the further information recommended by the Transportation Planning Dept., including the requirement to provide for electric vehicle charging, can be addressed by way of condition.
- The 'Autoturn' analysis provided with the grounds of appeal demonstrates that each of the parking spaces is capable of being accessed / egressed when all the other spaces are occupied.
- The proposed development is consistent with the wider aims and strategic objectives of the National Planning Framework.
- The appeal site has good connectivity in terms of public transport with high and moderate frequency bus links to Dún Laoghaire, Dublin City Centre, major retail & employment centres, and by bus and foot to DART and LUAS stations.
- While the parking provision proposed is below the maximum standards set out in the Development Plan, a balance has to be struck between the competing development management standards. A higher density is more appropriate than a development restricted by parking requirements. There are multiple examples of local developments with an abundance of car parking where people can choose to live. There are also lots of people who do not drive / do not wish to drive.
- The refusal of the proposal on the basis that it would represent a loss of potential commercial floorspace is entirely contradictory to the grants of permission issued for the change of use of commercial buildings to residential on similarly zoned '*Neighbourhood Centre*' lands since 2019.

6.2. Planning Authority Response

- States that the grounds of appeal do not raise any new matter which, in the opinion of the Planning Authority, would justify a change of attitude to the proposed development.

6.3. Observations

None.

6.4. Further Responses

None.

7.0 Assessment

7.1. From my reading of the file, inspection of the site and assessment of the relevant policy provisions, I conclude that the key issues relevant to the appeal are:

- The principle of the proposed development
- Overall design and layout
- Traffic considerations
- Appropriate assessment

These are assessed as follows:

7.2. The Principle of the Proposed Development:

7.2.1. From a review of the available information, it is apparent that while the proposed development site is zoned as 'NC' with the stated land use zoning objective '*To protect, provide for and / or improve mixed-use neighbourhood centre facilities*' and that 'residential' development is '*Permitted in Principle*' in accordance with Table 8.3.6 of the Dún Laoghaire Rathdown County Development Plan, 2016-2022, the primary issue requiring consideration is the compatibility of the proposal in light of Policy RET9: '*Non-Retail Uses*' which aims '*to control the provision of non-retail uses at ground floor level in the principal shopping streets of Major Town Centres and District Centres and also within the shopping parades of Mixed-Use Neighbourhood Centres*'. The rationale for this policy is set out in the report of the case planner which states that it is necessary to protect the retail vitality of centres and to maintain the visual character of streets which would be adversely affected by the impact of "dead frontages". In this respect, the Planning Authority has determined that the ground floor front façade of the subject proposal would be dominated by the proposed car park entrance and the undercroft car parking thereby resulting in an

unacceptable expanse of 'dead frontage' along Monkstown Farm which would be contrary to Policy RET9 while also setting an undesirable precedent for further such development elsewhere on the 'NC' zoned lands.

7.2.2. Although the proposed development site forms part of a larger landbank zoned as 'Neighbourhood Centre' which extends to include much of Monkstown Farm and neighbouring streets (e.g. Lanesville & Lanesville Terrace), it is of relevance to note that there is considerable variation in the broader pattern of development in the area with the more northerly extent of the Monkstown Farm 'NC' lands (between the junction with Monkstown Avenue and as far as Lanesville Terrace) being almost exclusively residential, with the exception of the appeal site (presently in use as a motor repair workshop / garage) and an adjacent casino / snooker hall. It is only on travelling beyond Lanesville Terrace towards Oliver Plunkett Road that there is a gradual increase in commercial activity along Monkstown Farm (although the units / uses in question are generally of a lesser quality / lower order) while the primary concentration of retail / commercial activity, including local convenience shopping ('Centra'), a pharmacy, doctor's surgery, hairdresser, and 2 No. fast-food takeaways, is located further southeast in the vicinity of the junctions with Oliver Plunkett Terrace and Oliver Plunkett Villas.

7.2.3. Given that the surrounding pattern of development in the immediate vicinity of the appeal site is more comparable to the predominantly residential areas along Lanesville & Lanesville Terrace, there would seem to be a strong case to suggest that the site is not located along the 'shopping parade' of the mixed-use neighbourhood centre and thus Policy RET9 with its restrictions on non-retail uses at ground floor level does not apply in this instance. This would find support by reference to the planning history of the surrounding area with permission having been granted by either the Planning Authority or the Board on appeal for developments which involved the replacement of an existing / permitted commercial property with a residential use at ground floor level on those corner plots at the junction of Lanesville Terrace with Monkstown Farm (i.e. PA Ref. Nos. D19A/0338 & D19A/0239 / ABP Ref. No. ABP-304759-19). In addition, the development recently approved on appeal under PA Ref. No. D19A/0798 / ABP Ref. No. ABP-307468-20 further southeast only provides for a single ground floor retail / commercial unit alongside Monkstown Farm with the majority of the street frontage having been

allocated to residential use. Further examples of non-retail use (i.e. residential) having been permitted at ground floor level include PA Ref. No. D14A/0610 / ABP Ref. No. PL06D.244221 & PA Ref. No. D20A/0025 / ABP Ref. No. ABP-307616-20 (both of which involved / facilitated the loss of a commercial use or part thereof), although I would accept that while both these instances are zoned as 'Neighbourhood Centre' they are not situated along Monkstown Farm.

- 7.2.4. While I would acknowledge that the case could be made that the design of the subject proposal with its undercroft car parking and vehicular access will result in a street frontage that is even less 'active' than a residential use, and although it would be preferable if a more active or engaging street-front use were to be provided, having regard to the surrounding pattern of development, parallels can be drawn between the overall design and appearance of the proposed street frontage and the gated access arrangements serving neighbouring apartment schemes along Monkstown Farm. Accordingly, I am satisfied that the proposal will not unduly detract from the visual amenity or streetscape of this part of Monkstown Farm nor will it undermine the redevelopment of the wider neighbourhood centre.
- 7.2.5. Therefore, having regard to the site context, including its location at a remove from the principal concentration of shopping activity etc. within the neighbourhood centre, and the existing and permitted pattern of development in the site surrounds (noting that this could be construed as indicative of a lack of take up in the occupancy of lower order commercial units), it is my opinion that the proposed development would not be contrary to Policy RET9, would not have a negative impact on the vitality, appearance or character of the wider streetscape, and would accord with the 'Neighbourhood Centre' land use zoning objective.

7.3. Overall Design and Layout:

7.3.1. *Proposed Housing Density:*

A key objective of the National Planning Framework: 'Project Ireland 2040' is the achievement of more compact and sustainable urban growth and in this regard greatly increased levels of residential development in urban centres and significant increases in building heights and the overall density of development are not only to be facilitated but actively sought out and brought forward by the planning process and particularly so at local authority and An Bord Pleanála levels. Moreover, at least

half of the future housing growth of the main cities is to be delivered within their existing built-up areas with a focus on reusing previously developed 'brownfield' land, building up infill sites, and either reusing or redeveloping existing sites and buildings, in well serviced urban locations, particularly those served by good public transport and supporting services, including employment opportunities.

7.3.2. With a view to achieving the objectives of the NPF, the '*Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities, 2009*' encourage more sustainable urban development through the avoidance of excessive suburbanisation and the promotion of higher densities in appropriate locations such as along public transport corridors and within the inner suburban areas of towns or cities, proximate to existing or due to be improved public transport corridors, where there is the potential to revitalise areas by utilising the capacity of existing social and physical infrastructure. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' also state that intermediate urban locations (e.g. sites within principal town or suburban centres or those well served by urban public transport) will generally be considered suitable for smaller-scale higher density developments that may wholly comprise apartments.

7.3.3. Having considered the foregoing, I am cognisant that the proposed development site is located in a mixed-use inner suburban area characterised by a variety of residential development and lower order commercial / retail uses on lands zoned as '*NC: Neighbourhood Centre*' where public services, including public transport links, and other amenities are locally available. Monkstown Farm itself is served by an approximately half-hourly bus service (Dublin Bus Route No. 63 / 63a) between Kiltiernan and Dún Laoghaire DART station while Monkstown Avenue (with the nearest bus stop being approximately 300m away) is served by the No. 4 route which operates every 12 minutes between Monkstown, the City Centre and Harristown. To the southeast (with the nearest bus stop being within an approximate 800m walking distance of the site), there are very frequent bus services along Kill Avenue, including the Nos. 46A & 75 routes. In addition, the Salthill and Monkstown Train (DART) Station is also within an approximate 1,500m walking distance of the appeal site.

7.3.4. The proposed development provides for 6 No. apartments on a site area of 0.0422 hectares which equates to a density of 142 No. units per hectare, and while this

would appear high, it has been achieved through an efficient site layout that satisfies the necessary development management standards. Cognisance should also be taken of the limited scale of the development and the restricted nature of this infill site.

- 7.3.5. Therefore, having considered the available information, with particular reference to the site location within an inner suburban 'neighbourhood centre' and its proximity to local amenities, including public transport services, given the context of this infill site, I am satisfied that the density of the development proposed accords with the requirements of the Development Plan and national guidance, subject to appropriate design and adherence to relevant amenity standards.

7.3.6. *Overall Design & Building Height:*

It is evident from a review of the existing and permitted pattern of development along Monkstown Farm (and beyond) that the surrounding area has / is undergoing a degree of rejuvenation / revitalisation through the redevelopment of previously underutilised 'brownfield' sites. For example, the more northerly extent of Monkstown Farm extending southeast from its junction with Monkstown Avenue as far as the appeal site is dominated by a series of three-storey apartment blocks while there are multiple instances of further infill developments, including several three-storey mixed-use schemes, having been constructed between the subject site and Oliver Plunkett Road (with the primary concentration of retail / commercial activity located further southeast in the vicinity of the junctions with Oliver Plunkett Terrace and Oliver Plunkett Villas). The recent grant of permission issued in respect of PA Ref. No. D19A/0798 / ABP Ref. No. ABP-307468-20, which approved the construction of a three to four-storey building (comprising 1 No. ground floor commercial unit and 30 No. apartment units) on those lands alongside Carrickbrennan Credit Union to the southeast, also provides an example of the continued trend towards a higher density format of development and increased building height along this section of Monkstown Farm.

- 7.3.7. The subject proposal includes for the construction of a four-storey apartment building (with undercroft car parking) across the full width of the application site thereby partly infilling an existing gap in the street frontage onto Monkstown Farm. It will maintain the building line established by the adjacent three-storey apartment development

(‘Monkstown Manor’) to the immediate northwest and thus will provide for a continuation and strengthening of the wider streetscape. In this respect, the subject proposal may serve to encourage the redevelopment of the adjacent lands occupied by the Monkstown Casino / Snooker Club. The construction will extend to a parapet height of 11.812m over ground level and although it will be one-storey higher than the neighbouring apartment scheme, the uppermost floor of the accommodation (and the PV panels atop same) will be set back behind the front building line thereby reducing its visual impact / prominence. In terms of overall elevational treatment and external finishes, the proposed development will integrate satisfactorily with the surrounding area while the use of selected brickwork and glazed balustrades is in keeping with the broader palette of materials / finishes utilised elsewhere along Monkstown Farm and beyond as part of more contemporary redevelopments.

7.3.8. In specific reference to the concerns of the Planning Authority as regards the visual impact of the ‘dead frontage’ arising from the proposed vehicular entrance and undercroft car parking, while I would acknowledge that it would be preferable if a more active or engaging street-front use were to be provided, in my opinion, the restricted size, width and configuration of the application site (particularly when compared to the plots occupied by the apartment schemes to the northwest), the need to satisfy other development management standards (e.g. communal open space provision), and the desire to provide some level of off-street car parking for future residents, all serve to limit the design options open to the applicant. This would seem to find support given the difficulties identified in the grounds of appeal as regards balancing the Planning Authority’s desire for an active retail / commercial use at ground floor level with the ‘competing’ requirements of the Development Plan e.g. the provision of adequate car parking.

7.3.9. Notwithstanding the appropriateness or desirability of siting a more active retail / commercial use at street level along the site frontage, I am unconvinced that the visual impact of the subject proposal would warrant a refusal of permission. In this regard, I would suggest that greater cognisance should be taken of the specifics of the site and, in particular, to those instances of comparable gated accesses serving the basement and / or surface level parking located to the rear of neighbouring apartment schemes along Monkstown Farm. Indeed, it is my opinion that parallels may be drawn between the overall design and appearance of the proposed ground-

level street frontage and that of the gated access arrangement & boundary treatment serving the adjacent 'Monkstown Manor' apartment scheme. More broadly speaking, I would reiterate my earlier comments that this section of Monkstown Farm is predominantly residential in character and therefore the merits of introducing a more active retail / commercial street frontage at this location may not be conducive to the amenity of neighbouring properties. In addition, the wider benefits arising from the enhancement of this section of the streetscape consequent on the proposed development should also be taken into consideration.

- 7.3.10. While I would accept that the co-ordinated redevelopment of the subject site in conjunction with those lands occupied by the adjacent snooker hall / casino would likely allow for a more cohesive approach to the overall regeneration of this part of Monkstown Farm (potentially facilitating the provision of a basement level parking thereby avoiding the need for an undercroft car park along the street frontage), those lands are not within the applicant's control and thus the submitted proposal must be assessed on its merits. However, it should be noted that any grant of permission would not necessarily undermine a coordinated redevelopment of the two sites should this prove feasible.
- 7.3.11. Accordingly, having considered the foregoing, I am satisfied that the overall design and treatment of the proposed development, including its street-level frontage, is acceptable and will make a positive contribution to the surrounding streetscape and the redevelopment of the wider 'neighbourhood centre' landbank.
- 7.3.12. In relation to building height, the policy approach set out in Section 4 of the '*Building Height Strategy*' contained in Appendix 9 of the Development Plan states that the appropriate vehicle for identifying specific sites with the potential to accommodate increased building heights at a number of key centres in the county is by way of statutory (and non-statutory) local plans. It also illustrates the extensive area of the county covered by either an explicit or implicit building height policy, extant or planned, and introduces a new generic 'Building Height Policy' (Section 4.8) for those residual areas of the County not covered by any existing policy or plan based height criteria.
- 7.3.13. In the absence of any specific policy provision pertaining to building height as regards the subject site, it is appropriate to revert to Section 4.8: '*Policy for Residual*

Suburban Areas not included within Cumulative Areas of Control’ which states that apartment schemes of up to a maximum 3-4 storeys in height may be permitted at appropriate locations provided they have no detrimental effect on existing character and residential amenity. Moreover, although a general recommended height of two storeys will apply within these ‘residual’ areas, it is acknowledged that there will be situations where minor modifications up or down in building height could be considered (i.e. ‘upward’ or ‘downward modifiers’), although the presumption will be that any such increase or decrease will normally be in the region of one, or possibly two, floors. Section 4.8.1 of the Building Height Strategy proceeds to detail a range of criteria against which ‘*Upward Modifiers*’ will be assessed, including potential urban design benefits, planning gains such as the significant improvement of the public realm, the civic, social or cultural importance of the development in question, and the extent to which the development would contribute to the promotion of higher densities in areas of exceptional public transport accessibility.

- 7.3.14. In a broader context, the ‘*Urban Development and Building Height, Guidelines for Planning Authorities, 2018*’ advocate a move away from unsustainable “business as usual” development patterns towards a more compact and sustainable model of urban development and refer to the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, including suburban areas. Indeed, there is to be a presumption in favour of buildings of increased height in town / city cores and in other urban locations with good public transport accessibility. Specific Planning Policy Requirement 4 also refers to the need to ensure a greater mix of building heights and typologies in planning for the future development of suburban locations and the avoidance of mono-type building typologies.
- 7.3.15. Accordingly, having regard to the foregoing, and noting the specifics of the site context, including its designation as part of a ‘Neighbourhood Centre’, the existing and permitted pattern of development in the surrounding area, and the availability of local transport links, it is my opinion that this is an appropriate location in principle for the four-storey construction proposed and that it would be acceptable from an urban design perspective given its positive contribution in terms of strengthening the streetscape along Monkstown Farm.

7.3.16. *Compliance with the Design Standards for New Apartments:*

It is necessary to consider the detailed design of the proposed apartment units having regard to the requirements of both local planning policy and the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*'. In this respect it is of particular relevance to note that where specific planning policy requirements are stated in the Guidelines, these are to take precedence over any conflicting policies or objectives contained in the development plan. Therefore, in accordance with Section 3.0 of the Guidelines I propose to assess the subject scheme as regards compliance with the relevant planning policy requirements set out in the Guidelines in relation to the following:

- Apartment mix within apartment schemes
- Apartment floor areas
- Dual aspect ratios
- Floor to ceiling height
- Apartments to stair / lift core ratios
- Storage spaces
- Amenity spaces
- Aggregate floor areas / dimensions for certain rooms

7.3.17. *Apartment Mix within Apartment Schemes:*

The proposed development provides for the construction of 2 No. one-bedroom units, 3 No. two-bedroom units, and 1 No. three-bedroom unit. In this respect, I am satisfied that the proposal achieves a suitable mix of unit sizes / types in accordance with Specific Planning Policy Requirement Nos. 1 & 2 of the Guidelines.

7.3.18. *Apartment Floor Areas:*

It is a specific planning policy requirement of the Guidelines that the minimum apartment floor areas previously specified in the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2007*' continue to apply as follows:

- 1 bedroom apartment Minimum 45m²

- 2 bedroom (3 person) apartment Minimum 63m²
- 2 bedroom (4 person) apartment Minimum 73m²
- 3 bedroom apartment Minimum 90m²

7.3.19. In this respect I would advise the Board that each of the proposed apartments has a stated floor area which is either equal to or exceeds the minimum requirements of the Guidelines.

7.3.20. Dual Aspect Ratios:

The amount of sunlight reaching an apartment significantly affects the amenity of its occupants and therefore it is a specific planning policy requirement that in more central and accessible and some intermediate locations (i.e. on sites near to city or town centres, close to high quality public transport or in SDZ areas), or where it is necessary to ensure good street frontage and subject to high quality design, the minimum number of dual aspect apartments to be provided in any single apartment scheme will be 33% whereas in suburban or intermediate locations the foregoing requirement is increased to 50%. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 hectares, planning authorities are permitted to exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects.

7.3.21. Notwithstanding that the subject proposal involves the redevelopment of an urban infill site of less than 0.25 hectares (it has a stated site area of 0.0422 hectares), given that 50% of the apartment units (i.e. Apt. Nos. 4, 5 & 6) will be dual aspect, it is clear that the proposal accords with Specific Planning Policy Requirement 4 of the Guidelines.

7.3.22. Floor to Ceiling Height:

The Guidelines state that floor-to-ceiling height affects the internal amenities of apartments (in terms of sunlight / daylight, storage space, and ventilation) and that this is of most significance at ground level where the potential for overshadowing is greatest, although it is also noted that ground level floor to ceiling height will also influence the future adaptability of individual apartments for potential alternative uses, depending on location. Whilst it is acknowledged that the Building Regulations

suggest a minimum floor to ceiling height of 2.4m, the Guidelines also state that from a planning and amenity perspective, applicants and their designers may consider the potential for increasing the minimum apartment floor-to-ceiling height to 2.7m where height restrictions would not otherwise necessitate a reduction in the number of floors. In relation to ground floors, it is a specific planning policy requirement (SPPR5) that ground level apartment floor to ceiling heights are a minimum of 2.7m and increased in certain circumstances, particularly where necessary to facilitate a future change of use to a commercial use. For building refurbishment schemes on sites of any size or urban infill schemes on sites of up to 0.25 hectares, planning authorities are permitted to exercise discretion on a case-by-case basis, subject to overall design quality.

7.3.23. From a review of the submitted drawings, while it is regrettable that the floor-to-ceiling heights for each of the proposed apartments are not clearly dimensioned, it would appear that the residential accommodation proposed at first, second and third floor levels of the four-storey apartment building (noting that no accommodation is to be provided at ground floor level) satisfies the minimum floor to ceiling height of 2.4m as required by the Building Regulations. With respect to the free-standing two-storey building to the rear of the site which will accommodate Apartment No. 6, while I am cognisant that the ground floor to ceiling height of this unit would appear to be 2.4m and thus is less than the 2.7m minimum requirement, I am inclined to suggest that the minimum floor to ceiling height specified for ground level apartments by SPPR5 could be interpreted as relating solely to apartment units the accommodation of which is limited to ground floor level only i.e. it is not intended to be applied to duplex / apartment units which extend over multiple floor levels. Given that Apt. No. 6 comprises a two-storey, self-contained block, the case could be made that the additional ground floor to ceiling height sought by the guidelines would not be warranted from a planning and amenity perspective, particularly as the location of this unit to the rear of the site and behind the proposed four-storey block / street frontage would also reduce the likelihood of its future adaptation for commercial use. In any event, I am satisfied that it would be appropriate in this instance to exercise some level of discretion pursuant to SPP5 given that the proposal involves the redevelopment of an urban infill site of less than 0.25 hectares and is otherwise of an

acceptable design quality. Therefore, I am of the opinion that the proposed development accords with the provision of SPPR5.

7.3.24. *Apartments to Stair / Lift Core Ratios:*

Given the design & scale of the development proposed, the proposal satisfies the requirements of the Guidelines in this regard.

7.3.25. *Internal Storage:*

The Guidelines state that apartment developments should include adequate provision for general storage and utility requirements in order to accommodate household functions such as clothes washing and the storage of bulky personal or household items. In this regard I would refer the Board to the minimum requirements for storage areas set out in Appendix 1 of the Guidelines as follows:

- One-bedroom apartment: 3m²
- Two-bedroom (3 No. person) apartment: 5m²
- Two-bedroom (4 No. person) apartment: 6m²
- Three-bedroom apartment: 9m²

7.3.26. Notably, this storage provision is to be in addition to kitchen presses and bedroom furniture (although it may be partly provided within these rooms provided it is in addition to the minimum aggregate living/dining/kitchen or bedroom floor areas). The Guidelines also state that no individual storage room within an apartment should exceed 3.5m².

7.3.27. From a review of the available information, including the floor plans and the details of floor areas provided thereon, although two individual storage areas within Apartment Nos. 5 & 6 exceed 3.5m² (at 5m² & 4m² respectively) while there is also a minor deficiency of 1m² in the total internal storage provision for Apt. No. 6 (which is addressed when taken in conjunction with the additional ground level storage space referenced below), in my opinion, these aspects are of little consequence in broader terms and I am satisfied that the proposal generally complies with the requirements of the Guidelines (while noting the discretion in storage requirements afforded in respect of urban infill schemes on sites of up to 0.25 hectares).

7.3.28. Additional Storage:

Section 3.32 of the Guidelines states that apartment schemes should provide for the storage of bulky items outside of individual units (i.e. at ground or basement level) given that secure, ground floor storage space allocated to individual apartments and located close to the entrance to the apartment block or building is particularly useful as it may be used for equipment such as bicycles, children's outdoor toys or buggies. However, whilst planning authorities are to be encouraged to seek the provision of such space in addition to the minimum apartment storage requirements, this would not appear to be mandatory, particularly as storage requirements may be relaxed in part, on a case-by-case basis (and subject to overall design quality), for building refurbishment schemes on sites of any size and for urban infill schemes on sites of up to 0.25ha.

- 7.3.29. Although the proposal only includes for additional ground level storage for the specific use of Apt Nos. 3, 5 & 6, provision has been made for a communal refuse / bin storage area and shared bicycle parking stands at ground level. This is considered satisfactory.

7.3.30. Amenity Spaces:

Private Amenity Space:

It is a policy requirement of the Guidelines that adequate private amenity space be provided in the form of gardens or patios / terraces for ground floor apartments and balconies at upper levels. In this respect I would advise the Board that a one-bedroom apartment is required to be provided with a minimum amenity area of 5m² while two-bedroom (3 No. persons) & two-bedroom (4 No. persons) apartments are to be provided with 6m² and 7m² of private amenity space respectively. Three-bedroom apartments necessitate the provision of 9m² of private amenity space. Consideration must also be given to certain qualitative criteria including the privacy and security of the space in question in addition to the need to optimise solar orientation and to minimise the potential for overshadowing and overlooking.

- 7.3.31. From a review of the submitted plans and particulars, it would appear that the private open space provision for each of the apartments is either equal to or in excess of the minimum requirements of the Guidelines.

7.3.32. Communal Amenity Space:

The Guidelines state that the provision and proper future maintenance of well-designed communal amenity space is critical in meeting the amenity needs of residents, with a particular emphasis being placed on the importance of accessible, secure and usable outdoor space for families with young children and for less mobile older people, and in this respect the minimum requirements set out in Appendix 1 of the guidance are as follows:

- | | |
|---|-----------------|
| - One-bedroom apartment: | 5m ² |
| - Two-bedroom (3 No. person) apartment: | 6m ² |
| - Two-bedroom (4 No. person) apartment: | 7m ² |
| - Three-bedroom apartment: | 9m ² |

7.3.33. Accordingly, the proposed development will necessitate the provision of 39m² of communal open space in order to satisfy the minimum requirements of the Guidelines (based on 2 No. one-bedroom, 1 No. two-bedroom (3 person), 2 No. two-bedroom (4 person) & 1 No. three-bedroom units). However, in accordance with Section 8.2.8.2: '*Public / Communal Open Space -Quantity*' of the Development Plan (which specifies that 15-20m² of open space is to be provided per person 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) the proposed development would require the provision of 220m² of public open space calculated as follows:

1 No. three-bedroom @ 3.5 persons per unit x 20m ² =	70m ²
5 No. one / two @ 1.5 persons per unit x 20m ² =	150m ²
Total:	220m²

7.3.34. It is further stated in the Plan that a lower quantity of open space (below 20m² per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site (with any such schemes potentially subject to additional financial contributions) while an absolute default minimum of 10% of the overall site area is required to be reserved for use as public open and/or communal space for all residential developments irrespective of the occupancy parameters.

- 7.3.35. The proposed development includes for the provision of 77m² of amenity space in the form of a shared courtyard positioned between the two apartment blocks which will benefit from passive surveillance and will only be accessible to residents of the scheme itself.
- 7.3.36. On the basis of the foregoing, it is apparent that while the communal open space proposed amounts to almost twice the minimum quantitative requirement specified by the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*', it will be substantially less than that required by the Development Plan. Clearly, there is a significant disparity between the open space requirements set by the local development plan and those recommended by national guidance, however, in this particular instance it is my opinion that a balance must be struck between the wider design merits of the proposal, including the provision of adequate open space, and the desirability of achieving the appropriate redevelopment of this brownfield site in line with local planning policy and the wider strategic objectives of the National Planning Framework. Therefore, given the restricted nature of this urban infill site, I am satisfied that the overall scale and density of the proposal is appropriate and that the provision of communal open space as per the development plan would be disproportionate and unduly onerous in the circumstances, particularly as the proposal accords with national guidance.
- 7.3.37. Accordingly, I am satisfied that the quantitative and qualitative provision of the open space proposed will provide for a sufficiently high level of amenity and that the concerns of the Planning Authority with respect to its final design / finish can be addressed by way of condition.
- 7.3.38. In the event the Board does not agree with the foregoing analysis, consideration should be given to the omission of the two-storey apartment block to the rear of the site which would have the effect of reducing the demand / requirement for open space while simultaneously allowing for the expansion of the shared courtyard.
- 7.3.39. *Aggregate Floor Areas / Dimensions for Certain Rooms:*

Having reviewed the submitted particulars, while there are a number of shortfalls in the accommodation proposed with respect to the size / dimensions of certain bedrooms and living / dining / kitchen areas within some of the apartment units when

compared to the minimum floor areas and standards set out in Appendix 1 of the *‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020’*, these deficiencies are minor and would seem to be permissible in light of the allowance whereby a variation of up to 5% can be applied to room areas and widths subject to overall compliance with the required minimum overall apartment floor areas.

7.3.40. Overall Design of the Proposed Apartment Scheme:

On the basis of the foregoing, it is my opinion that the design of the submitted proposal generally accords with the minimum requirements of the *‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020’* and provides for a satisfactory level of residential amenity for the future occupants of the proposed units.

7.3.41. Residential Amenity of Existing Properties:

Having reviewed the available information, and in light of the site context, including its location in a built-up urban area, in my opinion, the overall design, scale, form and positioning of the proposed development will not give rise to any significant detrimental impact on the residential amenity of neighbouring property by reason of overlooking, overshadowing, loss of daylight / sunlight, or overbearing appearance.

7.3.42. In support of the foregoing, I would advise the Board that in light of the rear garden depths (c. 16.8m) serving the housing along Lanesville to the immediate rear (southwest) of the appeal site, the separation distances between those properties and the rear elevations of the two & four storey elements of the proposed development, and the absence of any fenestration within the rear elevation of the two-storey block encompassing Apt No. 6, there is no potential for undue overlooking of neighbouring properties to the immediate southwest. Similarly, due to the obscure glazing proposed to the first floor windows within the south-eastern elevation of Apt No. 6, the complete absence of any fenestration within the gable elevation of the four-storey apartment block, the recessing of certain terrace areas, and the use of 1.8m high glazed screening to the ends of open balcony / terrace areas, the proposal will not result in the unacceptable overlooking of those properties to the southeast. With respect to the existing housing backing onto the northern side of Monkstown Farm, it should be noted that the proposed development will maintain the existing

building line established by the neighbouring apartment scheme ('Monkstown Manor') while the single-storey construction of those dwellings in addition to the intervening high stone wall erected along Monkstown Farm will serve to preserve the amenity of those properties. In terms of the potential for overlooking between the proposed apartment blocks, the use of a timber pergola / screening along the edge of the balcony area serving Apt. No.6 will mitigate any such concerns.

7.3.43. In relation to the potential for neighbouring properties to experience overshadowing or a loss of sunlight / daylight consequent on the proposed development, Section 3.2 of the '*Urban Development and Building Height Guidelines, 2018*' states that the form, massing and height of proposed developments should be carefully modulated so as to maximise access to natural daylight, ventilation and views, and to minimise overshadowing and loss of light. The Guidelines state that appropriate and reasonable regard should be taken of quantitative performance approaches to daylight provision outlined in guides like the BRE '*Site Layout Planning for Daylight and Sunlight*' (2nd edition) or BS 8206-2: 2008 – '*Lighting for Buildings – Part 2: Code of Practice for Daylighting*'. The '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' also state that regard should be had to foregoing publications.

7.3.44. Having reviewed the available information, including the comparative existing & proposed 'Solar Study' / shadow projection diagrams submitted with the grounds of appeal, and in light of the site context within a built-up urban area (noting the urban design merits in strengthening the existing streetscape), including its relationship with neighbouring properties, it is my opinion that the overall scale, design, positioning and orientation of the proposed development, with particular reference to the separation of same from adjacent dwellings, will not give rise to any significant detrimental impact on the residential amenity of neighbouring properties by reason of overshadowing or a loss of sunlight / daylight.

7.4. Traffic Considerations:

7.4.1. The issue of car parking has previously given rise to difficulties as regards the redevelopment of the subject site (i.e. PA Ref. No. D20A/0175) and similar concerns have been raised in the Planning Authority's assessment of the subject proposal. In this respect, the report of the Transportation Planning Dept. has asserted that the

availability of public transport in the area has been overstated and that while a relaxation in the parking standards set out in the Development Plan would be appropriate given the site's 'Intermediate Urban Location' as per the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*', there would nevertheless be a shortfall of 1 No. parking space on site.

- 7.4.2. The proposed development provides for the construction of 6 No. apartments (comprising 2 No. one-bedroom units, 3 No. two-bedroom units, and 1 No. three-bedroom unit) and thus the parking requirement can be calculated by reference to Table 8.2.3: '*Residential Land Use - Car Parking Standards*' of the Development Plan as follows:

- 2 No. one-bedroom units @ 1 space per 1-bed unit =	2 No. spaces
- 3 No. two-bedroom units @ 1.5 spaces per 2-bed unit =	4.5 No. spaces
- 1 No. three-bedroom unit @ 2 spaces per 3-bed unit+ =	2 No. spaces
Total:	<u>8.5 No. spaces</u>

- 7.4.3. However, it should be noted that some flexibility in the above standards is seemingly permitted dependent on design and location. Furthermore, although the car parking standards set out in Table 8.2.3 are generally to be regarded as 'standard' parking provision (including both resident and visitor parking), Section 8.2.4.5 of the Plan does in fact refer to these standards as equating to a '*maximum number of car parking spaces*' which may be subject to reduction / relaxation.
- 7.4.4. The submitted proposal includes for the provision of 5 No. car parking spaces (including 1 No. disabled space) within an undercroft car park and therefore does not comply with the standards set out in Table 8.2.3 of the Development Plan or the reduced parking requirement amenable to the Transportation Planning Dept. of the Local Authority.
- 7.4.5. In my opinion, given the restricted size, configuration and nature of the application site, and its location in an established and expanding neighbourhood centre, difficulties are likely to arise in achieving an acceptable balance between the efficient and effective redevelopment of the subject lands and the need to ensure the provision of adequate off-street car parking whilst satisfying other planning

requirements. On the basis that it has already been established that the proposed development is acceptable in both principle and design (noting its positive contribution to the rejuvenation of the surrounding area through the redevelopment of an otherwise underutilised infill site), I would draw the Board's attention to Section 8.2.4.5 of the Development Plan which lists a series of factors to be taken into consideration in determining whether the application of a reduced parking standard would be appropriate e.g. the location of the development and its proximity to town / district centres or high density commercial / business areas; the proximity of public transport; the precise nature and characteristics of the proposed development; and the mix of land uses within and surrounding the proposed development. It is of further relevance to note that the '*Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020*' also advocate for a reduced car parking standard in '*Intermediate Urban Locations*' served by public transport or close to town centres / employment areas while Section 4.27 of the guidance states that car parking provision for urban infill schemes on sites of up to 0.25 hectares may be relaxed in part or whole, on a case-by-case basis, subject to overall design quality and location.

7.4.6. Having regard to the limited scale, design and nature of the proposed development, the established use and planning history of the site, the site location on lands zoned as '*NC: Neighbourhood Centre*' where public services, including public transport links, and other amenities are locally available, and the further improvements planned to public transport services in the wider area (e.g. the advancement of the National Transport Authority's 'BusConnects' programme,), I am satisfied that a relaxation in the applicable parking standard would be appropriate in this instance and that the provision of the 5 No. parking spaces proposed would be sufficient to serve the needs of the development.

7.4.7. Should the Board disagree with the foregoing, it may wish to consider the omission of Apartment No. 6 to the rear of the site which would have the effect of allowing 1 No. parking space to be allocated for use by each of the five remaining apartments.

7.5. Appropriate Assessment:

7.5.1. Having regard to the nature and scale of the development under consideration, the site location within an existing built-up area outside of any protected site, the nature

of the receiving environment, the availability of public services, and the proximity of the lands in question to the nearest European site, it is my opinion that no appropriate assessment issues arise and that the development would not be likely to have a significant effect, either individually or in combination with other plans or projects, on any Natura 2000 site.

8.0 Recommendation

- 8.1. Having regard to the foregoing, I recommend that the decision of the Planning Authority be overturned in this instance and that permission be granted for the proposed development for the reasons and considerations, and subject to the conditions, set out below:

9.0 Reasons and Considerations

- 9.1. Having regard to the land use zoning of the site as 'NC - Neighbourhood Centre' and the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, the infill nature of the site location in an established urban area within walking distance of local services, including public transport links, the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2020', the scale, design and density of the proposed development, and to the nature and pattern of development in the vicinity, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior

to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

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

Reason: In the interest of visual amenity.

3. 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.

4. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

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

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

7.

- a) The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, and the junction with the

public road shall be in accordance with the Design Manual for Urban Roads and Streets (DMURS).

- b) All parking spaces within the undercroft area shall make provision for electric vehicle charging.

Reason: In the interests of amenity, traffic and pedestrian safety and sustainable transport.

- 8. A comprehensive landscaping scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

This scheme shall include the following:

- a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
- b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
- c) details of proposed street furniture, including bollards, lighting fixtures and seating.

The landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual and residential amenity.

- 9. Proposals for an apartment name and numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. 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(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.

- 10. A plan containing details for the management of waste for the apartment blocks, 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

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

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

12. 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.

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

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

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

14. 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.

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

Reason: To ensure the satisfactory completion of the development.

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

An Bord Pleanála to determine the proper application of the terms of the Scheme.

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

Robert Speer
Planning Inspector

20th August, 2021