



An
Bord
Pleanála

Addendum Inspector's Report

ABP-309931-21

Development	Demolition of existing buildings on site and construction of 72 no. apartments, communal amenity building, communal open space areas, parking spaces, vehicular, pedestrian and servicing access from Foster's Avenue, utilities, and all associated site works
Location	24, 26, 28, Fosters Avenue, Mount Merrion, Blackrock, Co Dublin
Planning Authority	Dún Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D20A/0670
Applicant(s)	Strand Court Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission with Conditions
Type of Appeal	First Party vs Conditions Third Party vs Decision

Appellant(s)

First Party: Strand Court Limited

Third Party:

1. Colm and Dominique Carey
2. Jean Cooper
3. David Montgomery and Elizabeth Browne
4. Alex and Dolores Wadkin
5. Declan Hayes and Elma Anna O'Reilly
6. Desmond and Elizabeth O'Reilly
7. Conal and Nuala Hooper
8. Noel and Niamh Sheridan
9. Robert Hussey
10. Elizabeth and Joseph Connolly
11. Cormac and Dianne Commins
12. Nico Petris
13. Francis J Moran (on behalf of the Mount Merrion Residents Association)

Observer(s)

None

Date of Site Inspection

28th January 2022

Inspector

Phillippa Joyce

1.0 Introduction

- 1.1. This is an Addendum Report prepared following a Board Direction dated 13th September 2022 to the applicant seeking Further Information (FI) under section 132 of the Planning and Development Act 2000, as amended (2000 Act). The Board sought FI as follows:

‘The Board noted that Section 12.3.3.1 Residential Size and Mix, and Table 12.1 of Chapter 12 Development Management of the Dún Laoghaire Rathdown County Development Plan 2022-2028 (which came into effect on the 21st day of April 2022) requires a minimum of 20% of 3 bedroom + units for proposed developments with 50+ units (such as the appeal case)....

Please submit revised proposals supported by revised plans, elevations, and any necessary updated supporting information/ reports which provides for 20% 3-bed-units within the footprint and massing/ bulk envelope of the development’.

- 1.2. The applicant submitted a FI response to the Board on the 10th October 2022. On receipt, the applicant’s FI response was circulated to appellants and the planning authority, and responses requested by the Board under section 131 of the 2000 Act. The FI response was considered significant and, on request from the Board, public notices were published and erected.
- 1.3. This Addendum Report considers the applicant’s FI response and the further submissions received from appellants and the planning authority in relation to same. This report should be read in conjunction with my original Inspector’s Report, dated 9th June 2022, which outlines all other relevant information, AA and EIA screening determinations, and assessment.

2.0 Applicant Response

- 2.1. The applicant’s FI response comprises the following:
- Planning Report;
 - Including Appendix 2: Consistency with Chapter 12 Development Management Standards 2022 CDP;
 - Addendum Daylight and Sunlight Assessment;

- Housing Quality Assessment (HQA) for Block A;
- Architect A3 report with the revisions identified for each block (floor plan and corresponding elevation); and
- Revised plans, elevations and cross sections;
 - 4 no. floor plans of each block (ground to third floor, no revisions proposed at basement floor level),
 - 4 no. contiguous elevations (main northern, southern, eastern, and western site boundary elevations), and
 - 4 no. contiguous sectional elevations through the site, indicating the remaining elevations of the proposed blocks, and the existing adjacent dwellings as relevant.

3.0 Further Responses

3.1. Third Party Submissions

- 3.1.1. Section 131 submissions were received on the applicant's FI response from six appellants (see Appendix A of this report for named parties). No new third party submissions were received following the publication of the significant FI public notices.
- 3.1.2. A number of issues raised in the submissions are reiterations of issues raised previously (application invalid due to redline boundary, under provision of car parking, proposal excessive in scale, height, and massing, causes a range of negative impacts of overshadowing, overlooking, and overbearance). The main issues raised in relation to the revised plans and particulars can be summarised as follows:
- Residential Amenity:
 - Converting 2 bedroom units into 3 bedroom units results in inadequate living space for the occupants;
 - Larger 3 bedroom units are going to be rented to students due to the proximity to UCD;

- Revised 3 bedroom units likely to be rented to 6 adults as opposed to families;
- Change of 2 bedroom units to 3 bedroom units increases the intensity of residential uses and associated negative impacts on the adjacent area;
- More people living in the apartments means more use of terraces and balconies and the outside spaces which will generate noise and nuisance to neighbours;
- No additional parking for the larger units being provided and as there is already a significant parking deficit residents will use streets in the local area;
- No new daylight/ sunlight assessment included for the revised proposal indicating the impact on 32 Foster's Avenue;
- New Daylight and Sunlight Assessment report submitted for the revised proposal is not in compliance with BRE Guide 2009 2022 edition and IS EN 17037:2018
- Daylight and Sunlight Assessment fails to comply with Section 12.3.4.2 of the CDP, applicable requirements of the Building Height Guidelines and the Apartment Guidelines, and the Board has insufficient information to undertake an EIA Screening; and
- Daylight/ sunlight assessment para 5.2 finds that only 72.1% of the proposed development complies with the appropriate regulations which must be inadequate.
- Procedural Items:
 - Lack of public participation about revised changes;
 - Should be readvertised so all people can be involved;
 - Site inspected and notice found to be white in colour and not yellow;
 - Board's request is for materially different type of development that goes beyond a request for further information, and is ultra vires;

- Board has no jurisdiction under section 37(2)(b) of the Planning and Development Act 2000 to consider a material contravention as no decision has been made by the planning authority in the first instance;
- Contextual drawings are misleading as not showing details of adjacent buildings; and
- Misleading photographic type illustration not accurately portraying the existing buildings and seeks to minimise the visual impact of the proposal.

3.2. Planning Authority Response

- 3.2.1. A response was received from the planning authority welcoming the section 132 request for revised plans and particulars to comply with the requirements of Table 12.1 of the 2022 CDP. The planning authority considers that the revised scheme with a unit mix comprising 9 1 bedroom units (13%), 45 2 bedroom units (66%), and 14 3 bedroom units (21%) complies with the required unit mix.
- 3.2.2. The planning authority highlights that it has only received a HQA for Block A and as such it is not possible to comment on the performance of the revised units against the relevant criteria.

3.3. Prescribed Bodies Responses

None.

3.4. Further Responses

- 3.4.1. On assessment of the applicant's FI response, I noted the omission of HQAs for Block B and Block C (as had the planning authority). Under section 132, the applicant was requested to provide the outstanding HQAs to allow the continued assessment of the appeal case. The applicant submitted the HQAs for Block B and Block C on the 13th April 2023, which in turn were circulated to the appellants and the planning authority. Section 131 requests were received from two of the previous six appellants.
- 3.4.2. No new relevant items were raised in respect of the submitted HQAs.
- 3.4.3. No response was received from the planning authority.

4.0 Assessment

4.1. The following assessment focuses on the revisions made to the proposal in response to the Board's section 132 request, the extent to which these comply with the relevant policy and achieve the required standards, and the extent to which the proposal is in accordance with the proper planning and sustainable development of the area.

4.2. Proposed Revisions

4.2.1. The applicant has submitted revised plans and particulars of the scheme indicating 11 2 bedroom units redesigned as 3 bedroom units. These 11 apartments are located throughout the scheme, on different floor levels in each of the three blocks. For clarity for the Board, I confirm these 11 apartments correspond with the largest 2 bedroom units that I had identified in my original Inspector Report as being most suitable for redesign as 3 bedroom apartments. The plans indicate all of the 3 bedroom units now proposed, a total of 14 units, including the initial 3 3 bedroom apartments.

4.2.2. Also for clarity, I highlight to the Board that the ground floor plan submitted for Block C includes Unit C.0104. The reinstatement of this unit, following its omission by Condition 3 in the planning authority's grant of permission, formed part of the grounds of the applicant's first party appeal. As outlined in my original Inspector's Report, I agree with the applicant's position and recommended the reinstatement of this unit to the Board, whereby the total number of units in the proposal is 68 apartments.

4.2.3. For ease of reference the key information for the apartments as revised in the applicant's FI response is outlined in Table 1 as follows:

Table 1: 11 Apartments revised in section 132 FI response

No.s	Floor Level	Unit ref	Proposed Type	Proposed Bedspaces	Revised Type	Revised Bedspaces	Revised Area sqm
Block A							
1	Ground floor	A.GF02	AT 2C	4	AT 3C	5	95.5 sqm
2	First floor	A.0102	AT 2C	4	AT 3C	5	95.5 sqm

3	Second floor	A.0202	AT 2C	4	AT 3C	5	95.5 sqm
4	Third floor	A.0303	2PA	4	AT 3PA	6	143.4sqm
Block B							
5	First floor	B.0102	AT 2G	4	AT 3G	5	109.8 sqm
6	Second floor	B.0202	AT 2G	4	AT 3G	5	109.8 sqm
7	Third floor	B.0301	2PC	4	AT 3PF	5	117.7 sqm
8	Third floor	B.0306	2PB	4	AT 3PE	6	127.7 sqm
Block C							
9	Ground floor	C.GF02	AT 2G	4	AT 3G	5	109.8 sqm
10	First floor	C.0102	AT 2G	4	AT 3G	5	109.8 sqm
11	Second floor	C.0202	AT 2G	4	AT 3G	5	109.8 sqm

4.2.4. I note there are slight discrepancies in the floor area measurements (between the previous and the revised HQAs, and the associated plans), however I find these to be minor in nature, arising from inclusion of additional private open space areas, and/ or not of material consequence as the HQAs confirm the revised apartments satisfy the applicable standards and requirements of the 2022 CDP and Apartment Guidelines.

4.2.5. In terms of residential unit mix, the mix of apartments in the scheme as initially proposed by the applicant in the first party appeal (as assessed in my original Inspector's Report) and in the proposal as revised in the applicant's FI response are presented in Table 2 as follows:

Table 2: Unit Mix as revised in section 132 FI response

Unit Type	1 bedroom	2 bedroom	3 bedroom	Total
Proposed Mix	9 + 56 = 65		3	68
Proposed Mix %	14% + 82% = 96%		4%	100%

Revised Mix	9 + 45 = 54	14	68
Revised Mix %	14% + 66% = 80%	20%	100%
Amendment	- 11 units	+ 11 units	68

4.2.6. Having reviewed the plans and particulars submitted in the applicant’s FI response, I am satisfied that the information submitted is within the scope of the Board’s FI request. That being, the revisions made to the proposal achieve a residential unit mix of 20% 3 bedroom apartments and 80% 1 and 2 bedroom apartments, involve amendments to floor plans with corresponding amendments to fenestration and balconies on the blocks’ elevations to achieve the necessary apartment standards, and are within the footprint and massing/ bulk envelope of the development. I confirm that the principal dimensions of the blocks remain the same as originally proposed.

4.3. Compliance with Applicable Policy and Required Standards

4.3.1. The applicable policy context for assessing the revised apartments in terms of qualitative and quantitative standards is determined at local level by the 2022 CDP and at national level by the Apartment Guidelines. The 2022 CDP policy context remains as I outlined in detail in my original Inspector’s Report (see section 7.7 Residential Amenity of Proposed Properties of that report). In the interim between my original Inspector’s Report and this assessment of the applicant’s FI response, an updated version of the Apartment Guidelines was issued in December 2022. Of relevance to this assessment, is the broader reference to in the updated guidelines to guidance documents for daylight and sunlight assessments. Importantly, I highlight that the mandatory qualitative and quantitative standards (SPPRs) remain the same.

Apartment Unit Mix

4.3.2. In its revised format, the proposal comprises 80% 1 and 2 bedroom units and 20% 3 bedroom units thereby achieving the minimum residential mix requirements for schemes in excess of 50 apartments. The revised proposal now complies with CDP Policy Objective PHP 27 and in turn Section 12.3.3.1 Residential Size and Mix, and Table 12.1.

Apartment Unit Standards

4.3.3. I have reviewed the applicant's revised plans and particulars, the HQAs for the apartments within the three blocks, and considered Table A1 in Appendix 2 of the applicant's Planning Report. I confirm to the Board that the revised 11 3 bedroom apartments (and all the remaining apartments within the scheme) comply with the range of applicable 2022 CDP and Apartment Guidelines in terms of qualitative requirements and quantitative standards (floor areas, bedspaces, aspect, floor to ceiling height, units to a core, room measurements, storage, private open space).

Daylight and Sunlight

4.3.4. The applicant has submitted an Addendum Daylight and Sunlight Assessment for the revised proposal. As is highlighted by the author of the Addendum report (and as I confirmed above), the revisions have not altered the principal dimensions of the blocks so a new assessment of the impact of the revised proposal on the adjacent properties is not required (i.e. the degree of impact remains the same as initially proposed and assessed in my original Inspector's Report). The Addendum report therefore focuses on daylight and sunlight standards for apartments in the revised scheme.

4.3.5. In terms of methodology used and guidance documents relied upon, the Addendum report (dated October 2022) outlines a change in the industry guidance documents during the processing of the appeal case. In short, the BRE Guide 209 'Site Layout Planning for Daylight and Sunlight' (2011) and BS 8206-2: 2008 'Lighting for Buildings – Part 2: Code of Practice for Daylighting', have been updated/ superseded by 'A New European Standard for Daylighting in Buildings' IS EN17037:2018, the UK National Annex BS EN17037:2019 and the associated BRE Guide 209 2022 Edition (June 2022). As I stated above, since the applicant submitted the FI response, an updated version of the Apartment Guidelines was issued in December 2022. The 2022 version of the Apartment Guidelines refers to the more recent guides IS EN17037:2018, BS EN17037:2019, and BRE Guide 209: 2022.

4.3.6. With regard to daylight provision, the initial Daylight and Sunlight Assessment (dated February 2021) relied on BRE Guide 209: 2011 which used Average Daylight Factor (ADF) as a method for calculating the amount of daylight occurring within a habitable room. In the interests of consistency, the Addendum Report undertakes an assessment of daylight for the revised scheme using the ADF method from the BRE Guide 209: 2011. In addition, the Addendum report also assesses the revised

scheme with regard to the daylight and sunlight requirements of the new guidance documents, IS EN17037:2018 (illuminance method with targets), BS EN17037:2019 (also illuminance method with targets) with more qualitative guidance provided from BRE Guide 209: 2022 (provides for an alternative daily factor method). With regard to sunlight provision, the BS EN17037:2019 and BRE Guide 209: 2022 recommend a target range based on hours of direct sunlight (a minimum of 1.5hrs to a high of greater than 4 hrs) in at least one habitable room (preferably the main room) on a cloudless day on a date between 1st February to the 21st March. Within the illuminance method for daylight and the minimum direct hours for sunlight, allowance is made for the inclusion and exclusion of tree cover in the calculations (with caution specified for the former due to geometry assumptions in the models).

4.3.7. I have reviewed the Addendum report and the various daylight analysis of the revised scheme. In respect of the ADF method used in the BRE Guide 209: 2011 guide, all habitable rooms in each apartment, on each floor, in each block meet the minimum recommended ADF targets of 1% for a bedroom and 2% for a living/ kitchen room, with many meeting and exceeding the 5% optimum (i.e. indicative of a well daylit space). Of the illuminance method of determining daylight as recommended in IS EN17037:2018 and BS EN17037:2019, 95.5% (no tree cover) of habitable rooms in the apartments achieve the target illuminance, which is indicative of the rooms being bright well daylit spaces. Of the alternative daily factor method in BS EN17037:2019 and BRE Guide 209: 2022, of the 210 habitable rooms tested, 99.5% (no tree cover) achieve the recommended target. Of the sunlight provision, as a starting point 43 of the 68 proposed apartments (63%) have a window within 90 degrees due south (highly favourable orientation), and overall, 53 apartments (77.9%, no tree cover) achieve the minimum 1.5hrs of direct sunlight on March 21st, which is indicative of a high standard for an urban site.

4.3.8. Appellants in their submissions state there are shortcomings in the applied methodology, however, I am satisfied that the methodology employed in the applicant's Addendum report complies with the requirements of the Apartment Guidelines, that the applicant has demonstrated the apartments in the revised scheme will achieve satisfactory levels of sunlight and daylight, and that future residents will be afforded with acceptable levels of residential amenity. I am also satisfied that the revised proposal complies with 2022 CDP section 12.3.4.2 in respect of qualitative and quantitative standards for habitable rooms whereby all

habitable rooms within new residential units shall have access to appropriate levels of natural daylight and ventilation in accordance with applicable guidance documents (BRE Guide 209: 2011 or any updated guidance is referenced).

4.4. Issues Raised by Appellants

- 4.4.1. Appellants in the further submissions made on the applicant's FI response raise a number of concerns regarding the proposal in general and as revised. The relevant issues focus on the residential amenity of the future residents, impact arising on adjacent residents, and on procedural items.
- 4.4.2. Of the residential amenity of future residents, several appellants are critical of the redesign of the 2 bedroom units to 3 bedroom units, stating future residents will not be provided with sufficient space and will be forced to use their private open space and/ or the scheme's public open space more. I do not concur with the criticisms noting that the redesigned apartments are all well within the minimum floor areas in the Apartment Guidelines (as reiterated in policy in the 2022 CDP), and are provided with sufficiently sized private, communal, and public open spaces. There are also criticisms that the Addendum Daylight and Sunlight Assessment overstates the scheme's extent of compliance with specific standards, which as I outlined above, I find to be satisfactory.
- 4.4.3. Of the impact of the revised proposal on the adjacent residents, appellants are critical of the intensification of the revised proposal with more people residing in the scheme causing more adverse impacts on adjacent properties due to, for example, noise and car parking demand. I calculate that the redesigned apartments result in an increase of 13 bedspaces/ persons within the proposal, which I consider to be a minor increase in intensity of residential use. In similarity with my findings in section 7.8 Residential Amenity of Adjacent Properties of my original Inspector's Report, I consider impacts on adjacent properties to be within acceptable parameters and to not cause undue injury to the amenity of adjacent residents once activities are subject to control, management, and conditions in the event of a grant of permission. Of the appellants' references to the 3 bedroom units being rented to 6 adults and to students as opposed to families, I note that the revised 3 bedroom units are 9 of the 11 revised units are 5 bedspaces in design, that the tenure is a matter beyond the scope of this application, which is for residential use in general and of a design which allows for a mix of typologies required to meet varying demographic needs.

4.4.4. Criticisms of procedural items relate to the scope of the Board's FI request, public participation, correct procedures, and misleading information being submitted in the applicant's FI response. Of the Board's request, the information sought was deemed necessary for the purpose of enabling it to determine the appeal thus being in accordance with section 132 of the 2000 Act. In accordance with section 131 of the 2000 Act, the Board invited appellants and the planning authority to respond to same, which several parties and the planning authority have. The applicant submitted the main FI response, and published notices as required, within the scope of the legislation thereby allowing new public participation in the case, of which I note no new submissions were received by the Board. Of appellants' criticisms that the photomontages of the proposed development and existing buildings are misleading due to an incorrect representation of scale, I have reviewed the architect's A3 report and agree that in one photomontage image (replicated a small number of times), 30 Foster's Avenue particularly appears to be represented as a single storey structure. However, in the interests of clarity, I have not found this image to be misleading as I have had regard instead to the Contiguous Elevations 01, and 03, and Contiguous Sectional Elevation 02 submitted in the applicant's FI response, to all other plans, particulars, and images assessed in my original Inspector's Report, and to my site inspection whereby I am aware of the nature and scale of the interface between the site and 30 Foster's Avenue.

4.4.5. In summary, I am satisfied that the process undertaken is in accordance with applicable legislative provisions, that the Board can rely on information received from and the process undertaken by the applicant, that the information submitted by the applicant is within the scope of the Board's FI request, and there is no procedural reason that would prohibit the Board from granting permission in the event it were minded to do so.

4.5. Proper Planning and Sustainable Development

4.5.1. As I concluded in my original Inspector Report, I considered the proposed development subject to amending conditions, to be in accordance with the proper planning and sustainable development of the area.

4.5.2. The amending conditions I recommended to the Board included the reinstatement of Unit C.0104 at ground floor level in Block C, the redesign of 11 2 bedroom apartments to 3 bedroom apartments (i.e. the subject of the Board's section 132 FI

request), and that certain windows in the eastern elevation of Block A and/ or the western elevation of Block B be of obscure glazing or high level in design.

4.5.3. Further, in the interim between my original Inspector's Report and this assessment of the applicant's FI response, the concurrent application ABP 308770-20 (PA Ref. D20A/0406) has been granted permission, and the time period for the NPWS granted Derogation Licence No.: DER/BAT 2020-93 has lapsed. Having regard to these changed circumstances, I have updated my recommended conditions accordingly.

4.5.4. In the interests of clarity for the Board, the applicant's FI response has no material consequence on the screening determinations for appropriate assessment and environmental impact assessment undertaken in my original Inspector Report assessment, and these remain valid.

5.0 Recommendation

5.1. I recommend that permission be granted for the following reasons and considerations, and subject to the conditions set out below.

6.0 Reasons and Considerations

6.1. Having regard to the provisions of the Dún Laoghaire Rathdown County Development Plan 2022-2028, to the 'A' Zoning Objective of the site, and to the nature and scale of the development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density at this infill urban location, would respect the existing character of the area, would not seriously injure the residential or visual amenities of property in the vicinity, would not cause serious pollution in respect of air, water, noise, vibration or disposal of waste, would not be prejudicial to public health, would not cause serious injury to biodiversity and the natural environment, and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

7.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further information plans and particulars submitted to the planning authority on the 19th day of February 2021, and by the further plans and particulars received by An Bord Pleanála on the 14th day of April 2021, 10th day of October 2022, and 13th day of April 2023 except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
2.	<p>Permission is hereby granted for 68 apartments in accordance with the plans and particulars received by An Bord Pleanála on the 10th October 2022 and the 13th day of April 2023.</p> <p>Reason: In the interests of clarity and the proper planning and sustainable development of the area.</p>
3.	<p>The proposed development shall be amended/ designed as follows:</p> <p>i) Any windows above ground floor level in the eastern elevation of Block A and/ or the western elevation of Block B that are less than 10m from the boundaries of the respective adjacent properties shall be fitted with permanent obscure glazing/ or be high level in design.</p> <p>Reason: To protect the amenities of adjacent properties.</p>
4.	<p>i) The mitigation measures and monitoring commitments outlined in the Ecological (Biodiversity) Appraisal, Bat Assessment, Arboricultural Assessment, Demolition Management Plan, Construction and Environmental Management Plan, Site Specific Flood Risk Assessment, and other plans and particulars submitted with the application and appeal, shall be carried out in full, except where otherwise required by conditions attached to this permission.</p>

	<p>ii) Prior to commencement of development, the developer shall:</p> <ul style="list-style-type: none"> a) submit a schedule of mitigation measures, monitoring commitments and details of a time schedule for implementation of same to the planning authority for its written agreement, b) engage the services of an appropriately qualified consultant with ecological and construction expertise as an environmental manager to ensure that the mitigation measures and monitoring commitments identified in the named reports and other plans and particulars are implemented and undertaken in full, and c) inform the planning authority in writing of the appointment and name of the consultant. <p>iii) Documentary evidence of the satisfactory completion of the mitigation measures and monitoring commitments shall be submitted to the planning authority for its written agreement.</p> <p>Reason: In the interests of wildlife and environmental protection.</p>
5.	<p>Prior to the commencement of development, the developer shall:</p> <ul style="list-style-type: none"> i) engage the services of a qualified arborist as an arboricultural consultant for the entire period of works, ii) inform the planning authority in writing of the appointment and name of the consultant, iii) submit to the planning authority for its written agreement, an updated Arboricultural Assessment prepared by the arboricultural consultant, iv) ensure the implementation of all recommendations in respect of tree removal, retention, protection, pruning, and other measures included in the relevant tree plans and particulars, v) ensure all such tree felling, surgery and remedial works are undertaken in accordance with the applicable BS standards, supervised by, and to the satisfaction of the arboricultural consultant, and vi) ensure that the arboricultural consultant:

	<p>a) undertakes a post-demolition tree survey with an assessment of the condition of the retained trees,</p> <p>b) authorises a completion certificate when permitted demolition works are completed in line with the recommendations of the relevant tree plans and particulars, and</p> <p>c) submits the completion certificate to the planning authority for its written agreement.</p> <p>Reason: In the interests of arboricultural and environmental protection.</p>
6.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service, and details of any such licence shall be submitted to the planning authority.</p> <p>The developer shall submit a revised/ updated Bat Assessment, Demolition Management Plan, and/ or Construction and Environmental Management Plan incorporating, as necessary, the details of any such licence to the planning authority for its written approval.</p> <p>Reason: In the interests of clarity and wildlife protection.</p>
7.	<p>The proposed development shall be managed in accordance with a Construction and Environmental Management Plan, incorporating applicable provisions of the Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>This plan shall provide inter alia: details and location of site offices, staff facilities, site compounds, on-site parking facilities, intended construction practice for the development including noise and dust management measures, a traffic management plan with details on access arrangements, storage locations (for plant, machinery, materials), timing and routing details for deliveries and disposal trips, measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network, and directional</p>

	<p>signage, an invasive species management plan, and off-site disposal of construction/ demolition waste and/ or by products.</p> <p>Reason: In the interests of amenity and public safety.</p>
8.	<p>Construction and demolition waste shall be managed in accordance with a Construction and Demolition Waste 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 demolition and site clearance 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.</p> <p>Reason: In the interest of sustainable waste management.</p>
9.	<p>Site development and construction works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the amenities of properties in the vicinity.</p>
10.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A scheme providing adequate measures for the future management and maintenance of the communal amenity building, open spaces, communal areas, entrances, roads, and footpaths shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>

11.	<p>Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.</p> <p>Reason: In the interest of urban legibility.</p>
12.	<p>Details of the materials, colours, and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development. In addition, details of a maintenance strategy for materials within the proposal shall also be submitted for the written agreement of the planning authority. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.</p> <p>Reason: In the interest of visual amenity.</p>
13.	<p>No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas, or equipment, unless authorised by a further grant of planning permission.</p> <p>Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
14.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces. The design of the lighting scheme shall be approved by the project's qualified Bat Specialist. The details of the lighting scheme, including written evidence indicating the Bat Specialist's approval, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/ installation of lighting. The agreed lighting system shall be fully implemented and operational before the proposed development is made available for occupation.</p> <p>Reason: In the interests of amenity and public safety, and wildlife protection.</p>

15.	<p>i) 87 car parking spaces (including two set down spaces) and four motorcycle spaces, and 171 bicycle parking spaces shall be provided within the scheme (surface and basement levels) for use by residents and visitors. Details of the layout, marking demarcation, management of, and security provisions for these spaces shall be agreed in writing with the planning authority prior to commencement of development, and</p> <p>ii) Prior to the occupation of the development, the developer shall submit a Mobility Management Plan, which shall be in line with the Mobility Management Plan (inclusive of mitigation measures) lodged with the application, to the planning authority for written agreement. This plan shall provide for incentives to encourage the use of public transport, cycling, walking, and carpooling by residents/ staff employed in the development, and to reduce and regulate the extent of parking. The Mobility Management Plan shall be implemented by the management company for the development with annual updates of same submitted to the planning authority for written approval.</p> <p>Reason: To ensure that adequate parking facilities are permanently available to serve the residential units, to prevent inappropriate commuter parking, and to encourage the use of sustainable modes of transport.</p>
16.	<p>i) A minimum of 10% of all car parking spaces shall be provided with functioning electric vehicle charging stations/ points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points/ stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/ points have not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.</p> <p>ii) Electric charging facilities shall be provided for motorbike and bicycle parking, and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.</p>

	<p>Reason: To provide for and/ or future proof the development such as would facilitate the use of electric vehicles.</p>
17.	<p>i) The areas of open space and boundary treatments shown on the lodged plans and particulars shall be landscaped in accordance with the Landscape Report and associated plans submitted with this application and appeal. This work shall be carried out within the first planting season following substantial completion of external construction works.</p> <p>ii) All planting shall be adequately protected from damage until established. Any plants which are removed, damaged, diseased or die within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>iii) The developer shall retain the services of a suitably qualified Landscape Architect throughout the duration of the site development works. The developer's Landscape Architect shall certify to the planning authority by letter their opinion on compliance with the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the proposed development.</p> <p>Reason: In the interest of visual and residential amenity, and to ensure the satisfactory development and maintenance of the open spaces.</p>
18.	<p>Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.</p> <p>Reason: In the interest of public health and surface water management.</p>
19.	<p>Prior to commencement of development, the developer shall enter into water and/ or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
20.	<p>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</p>

	<p>provision of broadband infrastructure within the proposed development.</p> <p>Reason: In the interests of visual and residential amenity.</p>
21.	<p>(a) A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
22.	<p>Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p> <p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
23.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in</p>

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

I confirm that this report represents my professional planning assessment, judgement and opinion on the matter assigned to me and that no person has influenced or sought to influence, directly or indirectly, the exercise of my professional judgement in an improper or inappropriate way.

Phillippa Joyce

Senior Planning Inspector

30th June 2023

Appendix: List of Appellants that made section 131 response(s) on the applicant's section 132 Further Information response(s):

1. Colm and Dominique Carey
2. Jean Cooper
3. Noel and Niamh Sheridan
4. Robert Hussey
5. Elizabeth and Joseph Connolly
6. Francis J Moran