



An  
Bord  
Pleanála

## Inspector's Report

### ABP-310336-21

#### Development

Permission for amendments to Reg. Refs. D15A/0121/ABP245755 and D17A/0951/ABP301502 for the omission of an approved lower level of basement car-parking (containing 59 No. parking spaces) and the reallocation of the remaining 60 No. spaces on the upper level

#### Location

Known as Flanagans, Deerpark Road (backing onto Wilson Road), Mount Merrion, Co. Dublin and, Union Café and Kennedy's Public House bounded by Deerpark Road, North Avenue and Wilson Road, Mount Merrion, Co. Dublin

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D21A/0202

#### Applicant(s)

Tomose Ltd and Blue Whisp Ltd

#### Type of Application

Planning Permission

#### Planning Authority Decision

Refuse Permission

<b>Type of Appeal</b>	First Party Appeal
<b>Appellant(s)</b>	Timose Ltd and Blue Whisp Ltd
<b>Observer(s)</b>	Dónall King Eoghan Mooney Paul and Deirdre Fogarty Zohar Lee and Jean O'Hanrahan
<b>Date of Site Inspection</b>	9 <sup>th</sup> February 2022
<b>Inspector</b>	Susan Clarke

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## 1.0 Site Location and Description

The site is bounded by Deerpark Road to the south, North Avenue to the east, Wilson Road to the north and a motor sales centre and large detached house to the west, and has a stated area of 0.75ha. It comprises two main sections: the former Flanagan's site (western section) and the Union Café/ Kennedy's Public House (eastern section). Both sections have been granted planning permission for redevelopment; construction of the western section (Flanagan's Site) is well advanced as is evident in the attached photographs. The Union Café is currently operating as a restaurant/public house on the eastern section.

The area is characterised by large detached and semi-detached dwellings connected by a network of relatively wide suburban link roads. Deerpark is located south of the site. The site is one of a number of commercial/neighbourhood uses that form a cluster at the eastern end of Deerpark Road. There is a parade of shops, cafes, restaurants on the southern side of the Deerpark Road, directly opposite the site and the motor centre. There is on-street parking on part of Deerpark Road, but double yellow lines along the southern side of the Union Café section of the site, which restricts parking.

Deerpark Road runs west to east between Mount Anneville Road (R112) and North Avenue. The latter two roads comprise main routes through the Mount Merrion area from north to south. To the west of the commercial units, Deerpark Road is residential in use with 2-storey detached and semi-detached houses. It runs parallel to and south of Wilson Road, which is a residential road with mainly detached houses, many of which are single-storey bungalows. The park, which contains a playground, is located directly opposite the appeal site but the remainder of the park extends along the entire block behind (south of) the houses and shops on Deerpark Road. There is a large church and community centre located to the south-east of the junction of Deerpark and North Avenue and a school (San Treasa). The Union Café section of the site currently provides surface car parking for approximately 80 No. cars. In addition, there are two large surface car parks (collectively accommodating c.165 No. spaces) located to the north and east of the Church.

I measure that the N11, which has a designated Quality Bus Corridor, is approximately 560m from the site (see the attached Map No. 1).<sup>1</sup> There are a number of bus routes servicing the area including Routes 145, 17, 155, 46A (from Greenfield Road, stop 2068 on the N11) and Route 47 from nearby stops (Deer Park, stop 2075 and Greenfield Road, stop 2074). The area is well served by footpaths for pedestrians.

## 2.0 Proposed Development

The proposed development consists of amendments to previously permitted DLRCC Reg. Ref. D15A/0121; ABP 245755 and DLRCC Reg. Ref. D17A/0951; ABP 301502 to omit the lower level basement (59 No. car parking spaces) from the latter permission on the Union Café section and to reconfigure the upper level basement car park to provide 60 No. car parking spaces.

The proposal would result in a total of 133 No. car parking spaces to service the two previously permitted schemes. It is proposed to provide a car parking ratio of one space per apartment (98 No. units) plus 10 No. visitor and short stay/car sharing spaces (total 108 No. spaces), with the balance (25 No. spaces) for use associated with the public house/restaurant.

Drawing No. 619.3 PP7R1, dated 25<sup>th</sup> May 2021, submitted with the First Party Appeal illustrates how the spaces will be designated. In summary, the breakdown is proposed as follows:

- 48 No. Flanagan's Residents
- 10 No. Short Stay/Visitor & Car Share Spaces
- 50 No. Union Café Residents
- 25 No. Restaurant/ Public House.

A pedestrian link with a lift and stairs will connect the split-level basement.

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<sup>1</sup> Source: Myplan.ie

## 3.0 Planning Authority Decision

### 3.1. Decision

A Notification of the Decision to Refuse Permission was issued on 29<sup>th</sup> April 2021 for one reason:

*The proposed development, resulting in the loss of 64 car parking spaces would result in a mixed-use development with a poorly designed car and cycle parking layout; one which is seriously deficient in car parking and which would result in an increase in illegal / inappropriate car parking on roads in the surrounding area, causing traffic hazard and endangering pedestrian safety by the obstruction of road users. In addition, the proposed development and resulting car parking overspill, would significantly detract from the area in terms of residential and visual amenity and therefore the proposed development is contrary to the proper planning and sustainable development of the area.*

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Report (29<sup>th</sup> April 2021)

The Report of the Planning Officer reflects the decision of the Planning Authority and noted the following:

- Concerns regarding the location of the Union Café site's parking spaces under the Flanagan's site with regards to any future subdivision of the site. If the sites were to be developed separately, or if the functional or operational link were to be severed, the Union site would have a significant shortfall in car parking spaces.
- Concerns in relation to the constrained nature and practicality of the lift/pedestrian link proposed, in terms of layout and location.
- The application proposed a total of 133 No. spaces which is below the 215 No. spaces required by the Development Plan (noting the maximum figure).
- A reduction of 41 No. spaces (including visitor) from the permitted scheme for the apartments across both sites is considered unacceptable as it would result

in overspill of parking to the surrounding areas. This is of concern noting that a total of 20 No. three bedroom apartments are permitted across both sites, which have the potential to have a higher level of car ownership.

- The proposed reduction in the number of spaces serving the pub and restaurant from 45 No. to 25 No. has the potential to significantly impact the surrounding neighbourhood in terms of parking overspill.
- The basement layout does not segregate the parking provision between the residential and commercial uses.
- Concerns regarding the practicality of the loading bay for the restaurant and pub in the basement under the Union Café, which has the potential to result in illegal parking/set down on the surrounding road network.

### 3.2.2. Other Technical Reports

**Transportation Planning** (27<sup>th</sup> April 2021): Recommends planning permission be refused as the proposed development would create potential for illegal/inappropriate parking on roads in the area causing a traffic hazard and obstruction and thereby affecting local amenity. The reduction in car parking numbers is unacceptable and not compliant with the applicable Development Plan standards. The proposal is not compliant with the Local Authority's policy with respect to Sheffield cycle parking and electrical vehicle charging points. However, suggests the attachment of conditions in the event planning permission is granted for the development.

**Environmental Health Officer** (15<sup>th</sup> April 2021): No comment in respect to the application.

**Drainage Planning** (14<sup>th</sup> April 2021): No objection subject to condition.

**Waste** (26<sup>th</sup> April 2021): Requests the preparation of a construction management plan and operational waste management plan.

### 3.3. Prescribed Bodies

None.

### 3.4. Third Party Observations

A number of Third Party Observations from local residents were made in respect of the application. The key points can be summarised as follows:

- The arguments used to support the development are not justified.
- Discrepancies and inaccuracies in the planning application documentation, including *inter alia* the number of proposed car parking spaces.
- The result of the development will be significant disruption to local residents, businesses, church and schools due to over-spill parking.
- Need to revise the current construction management plan.
- The logistics of use of parking by residents and impacts to residents of the Flanagan's site when the Union Café site construction is underway are not considered.
- The day-to-day requirement for Union Café residents to transit between both parking areas in the basement is complicated.
- Car parking spaces will be unassigned and difficult for residents of the Union Café site to navigate.
- By attempting to apply newer standards for parking requirements to already approved applications should mean the application should also be subject to other recent requirements e.g. the cost of social housing.
- Cars frequently illegally park and block access to homes and businesses in the area.
- The proposal will create a dangerous and unmanageable level of parking and traffic congestion in the area that is already overloaded.
- False designation of Mount Merrion by the Applicant as an 'urban' area and 'village centre' in order to avail of different car parking criteria. Mount Merrion is not a village, but a place name.
- It would be worth considering a reduction in the size of the pub/restaurant area if a reduction in car parking spaces must be achieved.



- The environment is becoming increasingly unsafe for vulnerable users including elderly, children and cyclists.
- Deerpark Road is operating as a single carriageway due to car parking on both sides.
- Since the commencement of works on the Union Café site, the real impact from a reduction in car parking in the area has been experienced.
- The narrow surrounding road network does not have the capacity to accommodate the proposed development.
- A new planning application for both sites should be submitted by the Applicant.
- The proposal is non-compliant with the Development Plan's car parking policy.

## 4.0 Planning History

### **Flanagan's Section**

**DLRCC Reg. Ref. D13A/0313; ABP 242455:** Planning permission refused in January 2014 for the construction of a two-storey convenience shop, basement car park and associated works for three reasons: (1) in the absence of a Retail Impact Assessment, that the proposal would not lead to the over-provision of retail facilities sufficient to undermine viability of existing businesses in the area, (2) the proposal would not comprise a sufficiently high quality of design, and (3) insufficient capacity within the surrounding road network to accommodate the traffic generated by the proposed development and failure to demonstrate that adequate levels of car parking have been provided within the curtilage of the site. The proposed development would, therefore, result in on-street parking and generate traffic turning movements that would tend to create serious traffic congestion, and would endanger public safety by reason of traffic hazard.

**DLRCC Reg. Ref. D15A/0121; ABP 245755:** Planning Permission granted in April 2016 for a mixed use, three to six storey, building (four office units and 48 No. apartments with basement car parking (92 No. spaces). Condition No. 4 required that prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, detailed plan and elevation drawings to include cross-sections of the proposed ramped entry treatment for pedestrian priority at the

new vehicular entrance to the proposed residential development on Deerpark Road. Furthermore, Condition No. 5 required prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, detailed plan drawings showing the omission of car space 'Number 29 (Apartments)' to allow clearance to the stairs and the lift via the 'hall', and relocation of bicycle spaces numbers 8-15 to either side within the omitted car space 'Number 29 (Apartments)'. As a result of these Conditions, the final car parking layout resulted in 73 No. spaces being provided.

### **Union Café Section**

**DLRCC Reg. Ref. D16A/0370; ABP 247083:** Planning permission refused in December 2016 for the construction of a 4 to 5 storey mixed use building with 46 residential units, 4 retail units, gym, cafe, restaurant, pub, car parking (185 No. spaces) and all associated site works, for the following reason: having regard to the site's prominent location and to the character of the area, it is considered that the proposed development, by reason of scale, siting, layout, bulk and height, would not comprise an appropriate design response and would relate poorly to its receiving environment; seriously detracting from the area in terms of visual amenity. Furthermore, the quantum and form of retail raises concerns with regard to traffic generation. The proposed development would, therefore, seriously injure the visual amenity of the area and would be contrary to the proper planning and sustainable development of the area.

**DLRCC Reg. Ref. D17A/0951; ABP 301502:** Planning permission granted in November 2018 for a two storey public house/restaurant, office accommodation, and two, three storey apartment buildings (25 No. apartments) with two levels of basement car parking (119 No. spaces) accessed from Wilson Road. Of the 119 No. car parking spaces, 74 No. were dedicated parking spaces for residential use (65 No. residents and 9 No. visitor spaces and the balance to serve the public house/restaurant and office).

## 5.0 Policy Context

### 5.1. Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, (DoHPLG, 2020)

These statutory guidelines update and revise the 2015 Sustainable Urban Housing: Design Standards for New Apartments Guidelines, and the 2018 Guidelines in relation to Shared Accommodation schemes. The objective is to build on the content of the 2015 apartment guidance and to update previous guidance in the context of greater evidence and knowledge of current and likely future housing demand in Ireland taking account of the Housing Agency National Statement on Housing Demand and Supply, the Government's action programme on housing and homelessness Rebuilding Ireland and Project Ireland 2040 and the National Planning Framework, published since the 2015 guidelines.

Section 2.4 of the Guidelines states that 'Intermediate Urban Locations' are "*generally suitable for smaller-scale (will vary subject to location), higher density development that may wholly comprise apartments, or alternatively, medium-high density residential development of any scale that includes apartments to some extent (will also vary, but broadly >45 dwellings per hectare net)*". This includes sites within walking distance (i.e. between 10-15 minutes or 1,000-1,500m) of high capacity urban public transport stops (such as DART, commuter rail or Luas) or within reasonable walking distance **(i.e. between 5-10 minutes or up to 1,000m) of high frequency (i.e. min 10 minute peak hour frequency) urban bus services or where such services can be provided.**

Section 4.21 of the Guidelines states in suburban/urban locations served by public transport or close to town centres or employment areas and particularly for housing schemes with more than 45 dwellings per hectare net (18 per acre), **planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard.**

Section 4.23 further states that for all types of location, where it is sought to eliminate or reduce car parking provision, it is necessary to ensure, where possible, the provision of an appropriate number of drop off, service, visitor parking spaces and parking for the mobility impaired. Provision is also to be made for alternative mobility solutions including facilities for car sharing club vehicles and cycle parking and secure

storage. It is also a requirement to demonstrate specific measures that enable car parking provision to be reduced or avoided.

## **5.2. Dun Laoghaire Rathdown County Development Plan 2016-2022**

The site is zoned in the County Development Plan 2016-2022 with Objective NC 'To protect, provide for and or improve mixed use neighbourhood centre facilities'. In such areas, developments such as offices less than 300 sq m, public houses, residential and restaurant are 'permitted in principle' (Table 8.3.6).

Table 8.2.4 of the Development Plan outlines that the maximum car parking standard for offices is 1 space per 50 sq m gross floor area to include parking for visitors and 1 space per 15 sq m gross floor area for cafes/restaurants.

Section 8.2.4.5 of the Development Plan states that reduced car parking standards for any development (residential and non-residential) may be acceptable dependant on:

- The location of the proposed development and specifically its proximity to Town Centres and District Centres and high density commercial/ business areas.
- The proximity of the proposed development to public transport.
- The precise nature and characteristics of the proposed development.
- Appropriate mix of land uses within and surrounding the proposed development.
- The availability of on-street parking controls in the immediate area.
- The implementation of a Travel Plan for the proposed development where a significant modal shift towards sustainable travel modes can be achieved.
- Other agreed special circumstances where it can be justified on sustainability grounds.

## **5.3. Natural Heritage Designations**

The closest EU designated sites are the coastal and littoral habitats in Dublin Bay (SAC's and SPA's), just under 2 km to the north-east.

## **5.4. EIA Screening**

The scale of the proposed development is well under the thresholds set out the 2000 Regulations (as amended) in Schedule 5, Part 2(10) dealing with urban developments

(500 dwelling units; 400 space carpark; 2 hectares extent), and I do not consider that any characteristics or locational aspects (Schedule 7) apply. I conclude that the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

## **6.0 The Appeal**

### **6.1. First-Party Appeal**

A First-Party Appeal was submitted to An Bord Pleanála on 26<sup>th</sup> May 2021 by the Applicant opposing the Local Authority's decision. The First Party Appeal included Drawing No. 619.3 PP7R1, dated 25<sup>th</sup> May 2021 illustrating how the spaces are proposed to be designated. In addition, the Applicant confirms that the proposal includes providing ducting and conduiting to allow the retrofitting of Electric Vehicle Charing to all spaces. Furthermore, barriers are proposed within the basement to separate the residential spaces from the public house/restaurant spaces.

The grounds of appeal can be summarised as follows:

- An overview of the sites' planning history is provided with a particular focus on previous traffic considerations by the Local Authority and An Bord Pleanála.
- The provision of one parking space per residential apartment is appropriate having regard to the location of the development within a neighbourhood centre.
- The site is 700m from what is commonly agreed is the best QBC in the city. 700m is below the 1000m generally agreed as the cutoff point for access to a corridor of public transport.
- The site is located 10 minutes from the bus stop (Routes 7B, 7D, 17, 46A, 46E, 47, 116, 112, 145 and 155), which should not be considered onerous.
- The proposed cycle parking provision complies with the Apartment Guidelines 2018 requirements.
- The reduction in car parking to serve the restaurant/bar from 45 No. to 25 No. is considered acceptable for the following reasons:

- 1) Residents of the permitted apartment and existing residential dwellings in the area will provide a steady supply of custom,
  - 2) Those who wish to drink will not be driving,
  - 3) Cycle parking is provided (13 No. spaces: 9 No. for customers and 4 No. for staff),
  - 4) The Local Authority can impose parking regulations, if necessary.
  - 5) The level of parking provided for the facility is appropriate in contrast to the over-provision of private car parking for a local pub/restaurant within a built-up urban area.
  - 6) Providing additional parking to cater for occasional surges in demand would not be consistent with national or local policy.
  - 7) The surrounding road network being located in a zoned 'neighbourhood centre' would be expected to accommodate the traffic and parking generated by the neighbouring uses. The permitted development (90% residential and 10% neighbourhood uses) has had the effect of limiting and constraining the amount of parking generated on the adjoining sites.
- The omission of the lower level basement will significantly improve residential amenity in the area during construction.
  - The proposed level of car parking is acceptable, when the gains in construction management are added, the grounds for granting permission are overwhelming.
  - The Development Plan's car parking standards are defined as 'maximum'.
  - The cost of building the underground basement are significant (€35k to €45k per space).
  - The Apartment Guidelines (Section 4.19) note that in larger scale and higher density developments, comprising wholly apartments in more central location that are well served by public transport, the default policy is for car parking provision to be wholly eliminated or substantially reduced. As the site is within an 8 minute walk of a CORE Bus Radial Corridor, the criteria is applicable.

- It is within DLRCC's gift to implement a paid/residential parking permit scheme on local streets, which would assist in the encouragement of non-car modes of travel for all local residences and businesses.

## **6.2. Planning Authority Response**

No response received.

## **6.3. Observations**

Four valid Observations were made to An Bord Pleanála in respect of the First Party Appeal from:

1. Paul and Deirdre Fogarty
2. Zohar Lee and Jean O'Hanrahan
3. Dónall King
4. Eoghan Mooney.

The Observations can be summarised as follows:

- There has been a 10% increase in traffic volume on Deerpark Road since 2016, with 68% of vehicles exceeding the speed limit.
- The on-street parking that would result from the proposal will considerably worsen the traffic situation on this road.
- The development is not consistent with the draft County Development Plan 2022-2028. Under the current County Development Plan the developer should be providing 213 spaces and 205 spaces under the draft County Development Plan.
- The Local Authority has correctly identified the pedestrian risk associated with the development.
- A whole new planning application should be made, as the proposal is fundamentally different to the permitted development.
- The narrow, residential roads are not designed to take significant traffic volumes.

- Cars associated with the development will park on Deerpark, Wilson and adjacent roads. Deerpark is dangerously congested with parked cars on both sides of the road, creating access difficulties for larger necessary traffic such as emergency services and bin lorries.
- Deerpark Road has a school, church, community centre, pre-school, shops, and playground, resulting in significant amount of child and elderly pedestrian traffic.
- The Church is private property and should not be considered as long-term parking availability.
- It appears this application is an attempt to bring two separate planning applications into one overarching application even though they relate to separate planning applications which share no commonality outside ownership.
- Traffic has increased at an exponential rate since the commencement of works on the site. This has increased further since the Covid restrictions lifted.
- Increased traffic impacts on the quality of residential life.
- The developer should be required to increase the number of spaces.

## 7.0 **Assessment**

Having examined the application details and all other documentation on file, including the Observations submitted to the Local Authority, the First-Party Appeal, and Observations submitted to the Board, inspection of the site, and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are as follows:

- Residential Car Parking
- Public House and Office Car Parking
- Electric Vehicle Charging
- Cycle Parking
- Appropriate Assessment.

Each of these issues is addressed in turn below.



### 7.1. Residential Car Parking

The site has permission for *inter alia* 98 No. apartments (48 No. units on the Flanagan's section and 50 No. units on the Union Café section) comprising a mix of 21 No. one-bed units, 57 No. two-bed units, and 20 No. three-bed units. The Local Authority's Planner's Report (dated 29<sup>th</sup> April 2021) includes a table (Page 11) providing an overview of the permitted and proposed car spaces in comparison to the relevant policy requirements. In summary, a total of 149 No. residential spaces were previously permitted on the site. Planning permission was granted for the units prior to the publication of the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities in 2018 (which were subsequently updated in 2020). As such, the applicable car parking standards at the time of granting permission were those outlined in the current County Development Plan (2016-2022).

As outlined above, the Apartment Guidelines state that in suburban/urban locations served by public transport, planning authorities must consider a reduced overall car parking standard and apply an appropriate maximum car parking standard. The Applicant proposes to provide a car parking ratio of one space per apartment (98 No. units) plus 10 No. visitor and short stay/car sharing spaces (i.e. a total of 108 No. residential spaces). I note that the application is accompanied by a Preliminary Travel Plan, with the objective to reduce car use and the need for car use at the site by increasing the attractiveness and practicality of other modes of transport. In addition, the scheme includes mobility spaces and visitor/car sharing spaces and cycling facilities. Should the Board be minded to grant permission for the development, I recommend that a condition be attached to the decision to ensure that a management company be responsible for the implementation of a mobility management plan for the site. Whilst I note the comments raised in the Observations that some of the future residents may desire more than one car parking space, in my opinion, provision of additional car parking is contrary to the implementation of sustainable travel practices. Having regard to the provisions of the Apartment Guidelines and the site's accessible location (being in close proximity to the N11 QBC and served by a number of bus routes) and the site's Neighbourhood Centre land use zoning, I consider the reduction in residential car parking to be acceptable and in accordance with the principles of sustainable development.

All parking for the apartments is located in the basement as per the permitted schemes. Pedestrian access to the car parking spaces on the Flanagan's section of the site will be facilitated via a lift and stair core in the centre of the split-level basement. This is due to the difference in levels across the site. The proposal provides secure car parking for all future residents. I consider that this proposal will not significantly reduce the residential amenity for future residents, and therefore, in my view is acceptable.

Furthermore, as illustrated on Drawing No. 619.3 PP7R1, dated 25<sup>th</sup> May 2021, submitted with the First Party Appeal, two barriers will be installed in the basement within the Union Café section of the site to restrict public use of these residential car parking spaces.

As there are numerous examples of shared car parking arrangements, particularly in urban locations, between multiple sites throughout the country, I do not consider the potential future separation of the site into separate owners to be a central consideration in this appeal; should permission be granted for the development, the designation of car parking spaces will be governed by this permission (unless subsequently amended by way of another future permission).

## **7.2. Office and Public House/Restaurant Car Parking**

In terms of car parking for the permitted office space (282 sq m) and public house/restaurant (1,166 sq m), planning permission was granted for 48 No. spaces collectively (3 No. for the office space and 45 No. for the public house/restaurant). The Applicant now proposes to omit the three office spaces and reduce the total number of spaces for the public house/restaurant to 25 No. spaces. Under the County Development Plan car parking standards, the 'maximum' permissible number of spaces would be 68 No for both uses. Having regard to the small floor space associated with the permitted office space, I consider that it is unlikely to attract significant traffic volumes and as such, in my view, the omission of the three designated car parking spaces is acceptable and unlikely to cause any significant traffic congestion or parking issues for the area. I consider that the crux of the issue is whether or not the reduction in car parking associated with the public house/restaurant will result in overspill parking in the area. The Applicant's justification for the reduced car parking is outlined in Section 6.1 above. With the exception of the point that the

proposal will provide overwhelming gains in construction management of the site (I do not consider this to be a sufficient justification for the proposal having regard to the scale of development already permitted on the site), I concur with the arguments made by the Applicant.

Whilst I note the concerns raised by local residents in relation to car parking and road safety in the area, I did not witness excessive traffic volumes or any illegal parking in the area at the time of my site visit, which was carried out midweek in the afternoon, while construction was ongoing on the Flanagan's section of the site. There was a number of vacant spaces at the surface car park on the Union Café section of the site. In addition, there were vacant on-street spaces on Deerpark Road and Wilson Road. Furthermore, the two surface car parks located next to the Church were largely vacant. Notwithstanding this, as is evident from the attached photograph (No. 7), Deerpark Road is reduced to a single lane when cars parallel park on both sides of the road. As stated earlier, parking is restricted by double yellow lines on the southern side of the Union Café section of the site. However, there are no other parking control measures in the area. In my opinion, the traffic and car parking situation is representative of many neighbourhood areas that have land uses such as a church, school, playground and park, community centre, small retail units, residential units, etc, in close proximity to one another.

The Applicant states that it is likely that the public/house restaurant will serve the local residential population, who are within walking distance of the site. As stated above, I consider that the area is served by a good network of wide footpaths and as such, I do not consider the proposal will result in an increased risk for pedestrian safety. Furthermore, there is a bus stop on North Road directly beside the site and the permitted facility will be within walking distance of the QBC on the N11. I highlight that the Board granted permission for the redevelopment of the site in the first instance, partially on the grounds of its proximity to a bus corridor (Ref. 245755). Due to the width of the roads in the surrounding area, the residential nature of the wider area and low traffic speeds, I consider that the area has acceptable cycling conditions, notwithstanding a lack of cyclist tracks.

In my view, the greatest risk of car parking overspill will occur when there are a number of events taking place at the same time on the various surrounding sites e.g. the church, school, community centre, etc. However, I consider that the occurrence of

such instances to be relatively low. Furthermore, I concur with the previous Inspector's comments in relation to the assessment of car parking for the Union Café section of the site, that *"it would be unreasonable and contrary to national and local policy to insist on a very large level of parking provision to deal with all possible eventualities"*. I reiterate that a Preliminary Travel Plan was submitted with the application, which states that managers of the properties will implement normal practices with regard to information to be displayed internally and on websites regarding local transportation options available locally.

Having regard to the foregoing, I consider that the development proposal generally complies with the Development Plan's criteria for reduced car parking (Section 8.2.4.5). I do not consider that the reduction in car parking will adversely impact on the residential amenity of existing residents or future residents on the site. In conclusion, it is my considered opinion that the reduction in car parking spaces on the site is acceptable and will not cause a traffic hazard or excessive overspill car parking nor will it represent a pedestrian hazard, having regard to the accessibility of public transport, including the site's proximity to the N11 QBC, and good pedestrian and cycling facilities in the area.

### **7.3. Electric Charing Points**

The First Party Appeal states that the proposal is to provide ducting and conduiting to allow the retrofitting of electric charging to all spaces. The Applicant argues that contrary to the Development Plan's policy (Section 8.2.4.12) that 10% of spaces be equipped with one fully functional electrical charging point, it is considered more appropriate to facilitate the retrofitting of spaces, based on demand following occupation, rather than being provided from the outset. I do not consider this to be a sufficient justification, but rather contrary to the promotion of sustainable energy efficient travel and therefore recommend that if the Board is minded to grant permission for the proposed development, that a condition be attached requiring compliance with the Development Plan in this respect.

### **7.4. Cycle Parking**

As stated by the Local Authority's Transportation Office and Planning Officer the provision of permitted and proposed cycle parking is unclear on the site. The First Party Appeal states that *"a total of 149 No. cycle spaces are provided in accordance*

*with the requirements*". However, no information is provided in terms of their location or type (e.g. Sheffield spaces or tiered spaces).

If the Board is minded to grant permission for the proposed development, I recommend that a condition be attached to the permission requiring that the quantum of cycle parking for the residential units be provided in accordance with the Apartment Guidelines. In terms of the type of parking, I note that the Apartment Guidelines 2020 state that cycle storage facilities shall be provided in a dedicated facility of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. The Guidelines make no reference to Sheffield or stacked spaces. I highlight that the Board has previously granted permission for basement tiered/stacked bicycle parking in a number of residential and student accommodation developments (Refs. 364346, 305993, 301522 and 348233) and therefore, I consider such style of parking to be acceptable on this site.

In terms of the cycle parking provision for the office and public house/restaurant, I recommend that parking be provided in accordance with Dun Laoghaire-Rathdown County Council's Standards for Cycle parking and Associated Cycle Facilities for New Developments (January 2018).

I recommend that the cycle parking details be agreed in writing with Local Authority, prior to the commencement of the development, should the Board grant permission for the development.

#### **7.5. Appropriate Assessment**

The appeal site is approximately 1.8 km from Booterstown Marsh and the coastline of Dublin Bay. This is where the closest Natura 2000 sites are located – the South Dublin Bay and River Tolka Estuary SPA (site code 004024) and the South Dublin Bay SAC, site code 000210. Both are coastal, tidal and littoral areas designated for their importance for a variety of habitats and birdlife characteristic of these areas. There is an extensive built up area between the site and the designated habitats. There are no watercourses close to the site and no indication of historic watercourses in the vicinity. I would therefore consider that there are no pathways for pollution or other impacts that could have an adverse effect on the conservation objectives of any Natura 2000 site. I therefore conclude that on the basis of the information on the file, which I

consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on European Site No. 004024, or any other European site, in view of the site's Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

## 8.0 Recommendation

I recommend that planning permission be granted, subject to the conditions outlined below.

## 9.0 Reasons and Considerations

Having regard to the 'Neighbourhood Centre' zoning objective pertaining to the site in the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the policies and provisions contained in the Sustainable Urban Housing design standards for New Apartments – Guidelines for Planning Authorities, 2020, and the site's proximity to public transport and the N11/Stillorgan Road Quality Bus Corridor, it is considered that the proposed development, subject to compliance with the conditions set out below will promote the principles of sustainable travel and would not create serious traffic congestion, endanger public safety by reason of traffic hazard, or reduce the residential amenity of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## 10.0 Conditions

1.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the plans and particulars submitted to An Bord Pleanála on 26 <sup>th</sup> May 2021, 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 the commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.
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	Reason: In the interest of clarity.
2.	<p>The development shall be carried out and completed in accordance with the conditions attached to the permission granted under An Bord Pleanála appeal reference number PL 06D.245755 (planning register reference number D15A/0121), and appeal reference number PL06D.301502 (planning register reference number D17A/0951), except as may otherwise be required in order to comply with the following conditions.</p> <p>Reason: In the interest of clarity and the proper planning and sustainable development of the area.</p>
3.	<p>Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling by residents and staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by a management company for the site. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
4.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard, shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The management company shall be responsible for the implementation of the mobility management plan.</p> <p>Reason: To ensure the satisfactory completion and maintenance of this development.</p>

5.	<p>Details of the following shall be agreed in writing with the Local Authority prior to the commencement of the development:</p> <ul style="list-style-type: none"> <li>a) Bicycle parking for the permitted 98 No. residential units shall be provided in accordance with the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities, (DoHPLG, 2020). Note that stacked/tier parking is considered acceptable.</li> <li>b) Bicycle parking for the permitted office and public house/restaurant shall be provided in accordance with the Dun Laoghaire-Rathdown County Council's Standards for Cycle parking and Associated Cycle Facilities for New Developments (January 2018) unless otherwise agreed with the Local Authority.</li> </ul> <p>Reason: To provide safe and convenient facilities for cyclists in accordance with the applicable guidelines.</p>
6.	<p>A minimum of 10% of the communal car parking spaces should be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, the developer shall submit such proposals to be 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>
7.	<p>A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.</p>



	Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/measures and off-site disposal of construction/demolition waste.</p> <p>Reason: In the interests of public safety.</p>
9.	<p>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, including potential contaminated soil, 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>

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Susan Clarke  
Planning Inspector

21<sup>st</sup> February 2022