



An
Bord
Pleanála

Inspector's Report ABP 310904-21.

Development

Change of use of upper floor level of Core Credit Union from ancillary office and storage to residential use comprising 2 no. one bed units and the construction of a part 2-part 3 no. storey apartment building over undercroft comprising 5 no. units (2 no. one bed and 3 no. two bed units) and all associated site works.

Location

Core Credit Union, Lower Road,
Shankill, Dublin 18.

Planning Authority

Dún Laoghaire-Rathdown Co. Council.

Planning Authority Reg. Ref.

D21A/0392

Applicant

Core Credit Union

Type of Application

Permission

Planning Authority Decision

Refuse permission

Type of Appeal

First Party

Appellant

Core Credit Union

Observers

(1) Liam & Jacqueline Dingle

(2) Residents of Lower Road, Shankill

(3) Mary Boyle

Date of Site Inspection

28/12/2021

Inspector

Siobhan Carroll

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1.0 Site Location and Description

- 1.1. The appeal site is located at Lower Road, Shankill, Dublin 18. It lies at the corner of the junction of Lower Road and the R119 Dublin Road, Shankill which is the Main Street. Shankill Main Street features a variety of retail, commercial, entertainment and office uses. Lower Road Shankill contains a mix of residential and commercial properties.
- 1.2. The site has an area of circa 0.0779 hectares and contains a two-storey detached building with an area of 263sq m. It is occupied by the premises of Core Credit Union. The site has frontage of circa 11m onto Lower Road. There is a gated vehicular entrance which provides access to the car parking spaces to the north-west of the building.
- 1.3. The eastern site boundary that adjoins the R119 extends for approximately 52m. The roadside boundary is defined by a capped stone wall and there are mature trees at this boundary to the north of the building. To the north of the site there is a pair of semi-detached two-storey dwellings no. 1 & no. 2 Bridge Court. These dwellings are built below the road level of the R119 and are served by gated pedestrian accesses off the public footpath. They are served by vehicular entrances from the Lower Road to the west.
- 1.4. The building located on the opposite side of the R119 is the Bridge, which is a mixed use development containing apartments, offices and a supermarket.
- 1.5. Immediately to the west of the site is a single storey end of terrace cottage. The northern section of the western site boundary adjoins the rear garden of the second cottage within the terrace.

2.0 Proposed Development

- 2.1. Permission is sought for the change of use of upper floor level of Core Credit Union from ancillary office and storage to residential use comprising 2 no. one bed units and the construction of a part 2-part 3 no. storey apartment building over undercroft comprising 5 no. units (2 no. one bed and 3 no. two bed units) and all associated site works.

3.0 Planning Authority Decision

3.1. Decision

Permission was refused for the following reasons;

- (1) The proposed development, by reason of the massing, scale, design and proximity to the subject site boundaries, would adversely impact on the residential amenity of the adjacent properties by reason of overbearing appearance. The proposed development would detract from the existing visual and residential amenities of the area, would depreciate the value of property in the vicinity, and if permitted, would set an undesirable precedent for similar development in the area. Furthermore, having regard also to the proposed layout, the proposed development would not accord with the provisions of Policy UD1: Urban Design Principles of the Dún Laoghaire Rathdown County Council Development Plan 2016-2022 regarding legibility and permeability. The proposed development would, therefore, be contrary to the provisions of the Dún Laoghaire Rathdown County Council Development Plan 2016-2022, and to the proper planning and sustainable development of the area.
- (2) The proposed development, by reason of the typology and proportion of two-bedroom three-person apartment units proposed would exceed the 10% limit of provision for such units in any private residential development permissible under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020) regarding the mix/house type, and would thus be contrary to SPPR3 of the Guidelines. 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

- The report of the Planning Officer concluded that infill development within the envelop of the existing building is acceptable it was considered that the proposed apartment building due to its massing, scale and proximity to the site boundaries would adversely impact upon adjacent residential properties

by reason of overbearing impact. It was considered that the mix of apartment types proposed was not in accordance with the provisions of SPPR3 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020). It was also considered that the proposed layout of the development did not accord with the provisions of Policy UD1 of the Development Plan regarding Urban Design Principles. It was considered that due to the limitations of the scheme proposals for access through the scheme did not provide legibility and permeability. Permission was refused on that basis.

3.2.2. Other Technical Reports

Transportation Planning Department – Further information required in relation to visibility splays at the vehicular entrance, revised drawings accurately indicating the existing vehicular access, revised drawings which demonstrate proposed pedestrian access points are designed to accommodate users of all abilities, revised drawings which demonstrate provision of parking spaces which are suitable for use by disabled persons, revised drawings which demonstrate the provision of electric vehicle charge points in accordance with section 8.2.4.12 of the Development Plan and revised drawings and details which demonstrate that the design of proposed cycle parking is in accordance with DLRCC's 'Standards for Cycle Parking and associated Cycling Facilities for New Developments'.

Drainage Planning Department – Further information required in relation to proposals that limits the discharge rate for the site to Q_{bar} , demonstrate by calculation and by representation on a drawing that the proposed green roof is in accordance with the Council's Green Roof policy, show the sizes of existing and proposed sewers, provide details of drainage proposals for the undercroft car parking area with incidental runoff from this area draining to the foul sewer.

Municipal Services Department – Further information required in relation to lighting design within the scheme.

3.3. Prescribed Bodies

- none

3.4. Third Party Observations

- 3.4.1. The Planning Authority received 14 no. submission/observations in relation to the application. The main issues raised are similar to those set out in the observations to the appeal.

4.0 Planning History

- 4.1.1. There is an extensive planning history detailed in the report of the Planning Officer. The most recent planning history which refers to the appeal site is Reg. Ref. D02A/0134 & PL06D.129768.
- 4.1.2. **Reg. Ref. D02A/0134 & PL06D.129768** – Permission was refused for the construction of a two-storey office building on land adjoining St. Kevin’s Cottage Lower Road with frontage onto Dublin Road, Shankill, Co. Dublin. Permission was refused by the Board for four reasons. (1) It is considered that the proposed development would constitute over-development of this restricted site, by reason of its height, mass and proximity to site boundaries and its building line in relation to adjacent development, and would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity and be contrary to the proper planning and development of the area. (2) It is considered that the proposed development would give rise to overshadowing of adjoining dwellings to the north by reason of its height and proximity. The proposed development would, therefore, seriously injure the amenities, depreciate the value of dwellings in the vicinity and would, therefore, be contrary to the proper planning and development of the area. (3) Having regard to the lack of on-site car parking provision, it is considered that the proposed development would endanger public safety by reason of traffic hazard and obstruction of road users. The proposed development would, therefore, be contrary to the proper planning and development of the area. (4) The proposed development would contravene materially a condition attached to an existing permission for development namely, condition number 1 attached to the permission granted by the planning authority under planning register reference number D01A/0128.
- 4.1.3. **Reg. Ref. D01A/0128** – Permission was granted on the site at lands at St. Kevin’s Cottage Lower Road with frontage onto Dublin Road, Shankill, Co. Dublin for the development of two-storey office building and associated site works.

5.0 Policy Context

5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- 'Urban Development and Building Heights' Guidelines for Planning Authorities
 - 'Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas' (including the associated 'Urban Design Manual')
 - 'Design Manual for Urban Roads and Streets' (DMURS)
 - 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices')

- 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities

5.3. **Dún Laoghaire – Rathdown County Development Plan 2016-2022**

- 5.3.1. The site is zoned Objective 'NC' with a stated objective 'to protect, provide for and-or improve mixed-use neighbourhood centre facilities.'
- 5.3.2. Chapter 8 – Principles of Development
- 5.3.3. Section 8.1.1.1 – Policy UD1: Urban Design Principles
- 5.3.4. Section 8.2.3 – refers to Residential Development

5.4. **Natural Heritage Designations**

- 5.4.1. Rockabill to Dalkey Island SAC (Site Code 003000) is circa 2.8km to the north-east of the appeal site.
- 5.4.2. Dalkey Island SAC (Site Code 004172) is circa 4.8km to the north-east of the appeal site.
- 5.4.3. South Dublin Bay SAC (Site Code 000210) is 8.4km to the north of the development site.
- 5.4.4. South Dublin Bay and River Tolka Estuary SPA (Site Code 004024) is located 7.4km to the north of the development site.

5.5. **EIAR Screening**

- 5.5.1. An Environmental Impact Assessment Screening report was not submitted with the application.
- 5.5.2. 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.)

5.5.3. It is proposed to construct a mixed-use scheme comprising 1 no. commercial unit and 9 no. residential units with landscaping. The site is infill and greenfield in nature. It relates to a primary development area and is on serviced land. The number of dwellings proposed is well below the threshold of 500 dwelling units noted above. The site has an overall area of 0.0779 ha and is located within an existing built-up area of Shankill. The site area is therefore well below the applicable threshold of 10 ha. The site is an infill suburban site. The introduction of a residential development will not have a significant adverse impact in environmental terms on the surrounding land uses. It is noted the site is not designated for the protection of the landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any European Site (as discussed in section 7.5). 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.

5.5.4. 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 within the existing urban area, which is served by public infrastructure, and the existing pattern of 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,
- 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), and

- The criteria set out in Schedule 7 of the Planning and Development Regulations 2001 (as amended),

I have concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment and that on preliminary examination an environmental impact assessment report 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

A first party appeal was submitted by Thornton O'Connor Town Planning on behalf of the applicant Core Credit Union. The issues raised are as follows;

- In response to the first reason for refusal it is the professional opinion of Thornton O'Connor Town Planning that the change of use of the upper level of the existing Credit Union to provide residential units and the provision of a three-storey over undercroft residential building to the rear is appropriate to the site and that the proposed development can be appropriately assimilated into the surrounding context in Shankill Village.
- The location of 'The Bridge' a part 3 – part 4 storey mixed use development located opposite the site on the eastern side of the Dublin Road is noted. It is stated that this demonstrates that greater heights can be accommodated in the area.
- It is acknowledged that the height of the proposed new residential block is greater than the adjacent low-rise dwellings to the north and west of the site. However, it is stated in the appeal that it is submitted that the low rise dwellings should not dictate the future form of development in the area. The central location of the site in Shankill Village and the proximity to public transport and services and facilities is noted.

- It is stated that the submitted photomontages indicate that the proposed development will not have an overbearing appearance when viewed from the surrounding area and neighbouring dwellings. It is submitted that the Verified View Images prepared by 3D Design Bureau demonstrate that the development cannot be considered overbearing. It is stated that the sensitive transition in massing and scale would be acceptable at the site and that it is required in order to ensure that the infill development provides for sustainable development at an appropriate density.
- It is submitted that the proposed new block to the rear is not a big building when the road levels are taken into consideration, that the scheme appears as three storeys in height rather than three storey over undercroft.
- It is stated that the scheme as designed responds to national planning policy as set out in the National Planning Framework-Project Ireland 2040 and the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) which encourages the densification of built up areas and consolidation of urban areas with a focus on building upwards rather than building outwards.
- It is submitted that the proposed development is in accordance with the objectives set out in the National Planning Framework. Section 2.2 of the NPF refers to 'Compact Growth'. It states, '*Making better use of under-utilised land and buildings, including 'infill' 'brownfield' and publicly owned sites and vacant and under-occupied buildings, with higher housing and jobs densities, better serviced by existing facilities and public transport.'*
- The appeal refers to the Urban Development and Building Height Guidelines for Planning Authorities (December 2018) (Building Height Guidelines) which sets out that, '*Increasing prevailing building heights....has a critical role to play in addressing the delivery of more compact growth in our urban areas, particularly our cities and large towns through enhancing both the scale and density of development and our planning process must actively address how this objective will be secured.'*

- It is acknowledged in the Building Height Guidelines that urban centres could have much better use of land facilitating well located and taller buildings which meet the highest architectural and planning standards.
- The Building Height Guidelines are intended to set a new and more responsive policy and regulatory framework for planning the growth and development of cities and towns upwards rather than outwards.
- The Building Height Guidelines note, *'In relation to the assessment of individual planning applications and appeals, it is Government policy that building heights must generally increase in appropriate urban locations. There is therefore a presumption in favour of buildings of increased height in our towns/city cores and in other urban locations with good public transport accessibility.'*
- Having regard to the location of the site within an existing urban area circa 700m from Shankill Dart Station and circa 180m from a bus stop it is considered that the site is suitable to provide development consisting of the refurbishment of the existing Credit Union building and the provision of a three-storey over undercroft building.
- It is referenced that the Building Height Guidelines note that the increasing prevailing building heights have a critical role to play in addressing the delivery of more compact growth in our urban areas particularly our cities and large towns through enhancing both the scale and density of development and it notes that the planning process must actively address how this objective will be achieved.
- In relation to the proposed development, it is noted that the height of the development does not require the Building Height Guidelines to support the heights proposed. Appendix 9 of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 sets out a broad strategy for building heights in the County. Section 4 of the Strategy details the policy in relation to building heights, it states, *'This maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered. The factors that may allow for this are known as 'Upward or*

Downward Modifier'. The presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be on floor or possibly two'.

- The Planning Authority in their assessment of the proposal considered that 'Downward Modifier' no. 1 applied which states, *'Residential living conditions through overlooking, overshadowing or excessive bulk and scale'*
- The first party disagree with that assertion due to the fact that the scheme has been designed which provides maximum heights of 3 no. storeys over undercroft and that the undercroft is not visible from the Dublin Road due to change in level. The project Architects Krüger-Lyons took architectural cues from the building height of the adjacent scheme 'The Bridge' located on the opposite side of the Dublin Road. It is submitted that the proposed development provides an appropriate transition in height at this location and that it would positively contribute to the streetscape by creating a prominent 'gateway' at the northern end of Shankill Main Street.
- The appeal includes a number of photographs of existing developments in Shankill where greater heights are located close to lower density dwellings.
- It is submitted that neighbouring dwellings to the site will not be subject to overlooking as the scheme has been designed having regard of the need to protect surrounding amenity.
- It is submitted that all elevations of the proposed building have been designed to ensure that there is no direct overlooking to neighbouring properties. The western elevation of the proposed development is situated between 2.4m and 3.6m from the boundary. This boundary abuts the rear garden of properties that front onto Lower Road. Decorative screening and high level windows have been proposed to this elevation to ensure no overlooking will occur of these properties. No balconies are proposed to the western façade of the scheme. No directly opposing windows are proposed between the southern elevation and the new building and the existing single storey dwelling fronting onto Lower Road. No windows are provided to the north elevation close to the neighbouring dwelling to the north. The balconies to the north and east elevations include screening to ensure that any potential for overlooking to

neighbouring properties would be addressed. The roof garden has been designed to ensure there would be no direct overlooking of neighbouring properties.

- It is submitted that the proposed layout is in accordance with Policy UD1: Urban Design Principles of the Dún Laoghaire – Rathdown County Development Plan 2016-2022 regarding legibility and permeability.
- The Planning Authority in their assessment of the scheme raised concern in relation to the design in respect of Policy UD1 of the Development Plan. Policy UD1 states *'It is Council policy to ensure that all development is of high quality design that assists in promoting a 'sense of place'. The Council will promote the guidance principles set out in the 'Urban Design Manual-A Best Practice Guide' (2009), and in the 'Design Manual for Urban Roads and Streets' (2013) and will seek to ensure that development proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.'*
- Policy UD1 refers to permeability and states, *'A successful place is easy to get to and move through. Places should connect to their surroundings. A successful place provides the optimum amount of choice on how to make a journey and takes into account all forms of movement (pedestrian, cycle, public transport and car). Where possible, connections should emphasise and promote sustainable forms of transport over individual car use. A successful place also makes clear connections from new development areas to existing roads and facilities giving users greater choice of route when planning and making journeys. Permeability must be considered early in any planning or development process as streets are, or at least become, the most permanent element of any built environment.'*
- It is submitted that the proposed development will be easy to access and will be legible in this streetscape. Under Option no. 2 of the Scheme a disabled parking space is provided in lieu of 2 no. regular spaces. The applicant would be amenable to the attachment of a condition requiring that the scheme be

development in accordance with the Option 2 drawings if this is deemed more suitable by the Board.

- It is submitted that clear connections are provided from the development to the surrounding area. Option no. 2 of the Scheme submitted with the appeal includes a ramp access from the Dublin Road to the apartment core to address the concerns of the Planning Authority. A ramp access and a stepped access from Dublin Road and a vehicular access and pedestrian access from the Lower Road would provide a variety of choice for future residents.
- It is considered that the development will be a positive and legible insertion into the streetscape at this infill site in the centre of Shankill Village.
- In response to refusal reason no. 2 which states the proposed scheme would exceed the 10% limit for the provision of 2 bedroom, 3 person units under the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines (2020) and would thus be contrary to Special Planning Policy Requirement 3 (SPPR3) of these Guidelines, the first party highlights that Special Planning Policy Requirement 2 applies to the subject development.
- Special Planning Policy Requirement 2 states, *'For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. – Where up to 9 residential units are proposed, notwithstanding SPPR1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprising studio-type units, – Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR1, shall apply from the 10th residential unit to the 40th, – For schemes of 50 or more units, SPPR1 shall apply to the entire development.'*
- The proposed development provides less than 9 no. residential units (7 no. in total) therefore it is clear that SPPR2 applies and that there is no restriction on dwelling mix. Any dwelling mix is permitted according to SPPR2 once there are less than 50% studios. It is noted that no studios are proposed within the scheme.
- It is the professional opinion of Thornton O'Connor Town Planning that the intention of the 10% restriction is to avoid the predominance of smaller 2

bedroom units in larger residential schemes. SPPR2 allows the applicant to provide 100% 1 no. bedroom units and therefore it is considered that the same principle applies to the provision of 2 bedroom, 3 person units in the proposed scheme of 7 no. units as it relates to a small, infill and refurbishment development.

- If the Board do not agree with this and consider that the 10% restriction on 2 bedroom, 3 person units applies to the scheme the applicant is amenable to the attachment of a condition that the smaller single bedroom should be used as a study. Option 2 submitted with the appeal includes this alternative unit layout.
- The appeal includes a response from the applicant's Consultant Engineers in relation to the matters raised in the reports from the Transportation and Drainage Departments of the Council.
- In conclusion, it is submitted that the proposed development accords with National and Local level planning policy and is in accordance with the proper planning and sustainable development of the area.

6.2. Planning Authority Response

- The reasoning on which the Planning Authority's decision was based was as per the plans and particulars submitted with the application on the 4th of May 2021.
- The Planning Authority considers that the comprehensive planning report deals fully with all the issues raised in the appeal and justifies its decision.

6.3. Observations

Observations to the appeal have been submitted by (1) Residents of Lower Road (2) Mary Boyle. The issues raised are as follows;

(1) Liam and Jacqueline Dingle

- The Observers are the owner occupiers of Hawthorn Cottage. Their property shares a boundary wall with the credit union. They note that the surface water and foul drainage layout drawing no. S22-P001 are not up to

date and indicate old plans of the neighbouring properties. Their property Hawthorn Cottage was extended under Reg. Ref. D08B/0303 and built circa ten years ago.

- It is submitted that the proposed development would be out of character with the surrounding development. The design of the Credit Union building including the gable front reflects the gable end of the former post office building and village stores.
- It is considered that the proposed new building specifically the height would be out of character and would have an overbearing impact upon the neighbouring two-storey dwellings at the Bridge in Shankill. It is submitted that the proposed development would be out of character with the single storey cottages at Lower Road.
- It is considered that the proposed new building would cause overshadowing of their property Hawthorn Cottage.
- It is considered that the number of car parking spaces proposed to serve the new building is inadequate. The Credit Union building at Shankill is the head offices for Ballybrack, Dalkey, Sallynoggin, Glasthule, Dun Laoghaire, Monkstown farm and Foxrock. The existing Credit Union building generally has 4-5 cars parked. The proposed change of use would reduce the office car parking spaces from 6 to 2 spaces. It is considered that the insufficient car parking would be available to serve the overall development.
- Concern is expressed that the proposed development will generate additional traffic onto a busy location at Lower Road which is close to the junction with the R119.
- Concern is expressed in relation to the access arrangements for service vehicles and emergency service vehicles.
- Concern is expressed regarding the potential impact of the proposed communal space at third floor that the area would cause overlooking of their property and that there would be noise generated and additional light would be visible from their property.

- The Observers have concerns that the opaque glass currently located in the top floor windows of the Credit Union building will be replaced with clear glass as the upper floor is proposed to be converted into two apartments.

(2) Residents of Lower Road, Shankill

- The Residents of Lower Road, Shankill support the decision of the Council to refuse permission for the proposed development.
- It is considered that the proposed development is out of character with the surrounding development in terms of height.
- The proposed development would result in the removal the existing trees which are located along the roadside boundary. It is considered that the proposed development would be excessive in terms of height and that it would have an overbearing impact upon the neighbouring properties in particular the single storey cottages located on Lower Road.
- It is considered that the proposed development would result in overlooking of neighbouring properties. The proposed new building would obscure the gable of the Credit Union building which matches the gable end of the old post office building at the southern end of the Village. The proximity of the new building and its height would create a tunnelling effect as one enters the village over the bridge. The proposed changes to the streetscape would result in a loss of the character of the Village.
- Concern is expressed that inadequate car parking has been proposed to serve the scheme.
- Concern is expressed in relation to the suitability of the existing vehicular entrance to serve the scheme.
- Due to issues with access the Observers raised concerns regarding how the development will be served by emergency vehicles.
- It is considered that the additional traffic generated by the proposed development would cause road congestion and negatively impact pedestrians.

(3) Mary Boyle

- The Observer wishes that the boundary wall of the Core Credit Union with the Main Road is noted. The wall is constructed with granite and was built in the mid 1800's as part of the Bray-Harcourt Street rail line.
- The road and embankment were raised to facilitate the bridge over the railway from the junction with Lower Road towards the roundabout at St. Anne's Church. It is stated that the wall, embankment and bridge represent a significant part of the history of the village and therefore must be protected.
- The Observer also refers to beech hedge on the Core Credit Union property which has grown into a row of beech trees which potentially could damage the structure of the wall and embankment.

7.0 Assessment

The main issues in this appeal are those raised in the grounds of appeal and it is considered that no other substantive issues arise. Appropriate Assessment also needs to be addressed. The issues can be dealt with under the following headings:

- Design and visual impact
- Residential amenity
- Access and traffic
- Appropriate Assessment

7.1. Design and visual impact

- 7.1.1. The proposal comprises the change of use of upper floor level of Core Credit Union from ancillary office and storage to residential use comprising 2 no. one bed units. It is also proposed to construct a part 2-part 3 no. storey apartment building over undercroft. The proposed apartment building contains 5 no. units comprising 2 no. one bed and 3 no. two bed units. The subject site is located in the centre of Shankill and is zoned Objective 'NC' with a stated objective 'to protect, provide for and-or

improve mixed-use neighbourhood centre facilities.’ The residential development is permitted in principle within neighbourhood centre zoned sites.

- 7.1.2. The Planning Authority in their assessment of the proposed scheme had concerns in relation to the proposed design specifically in relation to the visual impact. The observations to the appeal also raised the matter of the design of the scheme and it was argued in those submissions that the development would be out of character with the surrounding development.
- 7.1.3. The first party have cited the provisions of the National Planning Framework-Project Ireland 2040 and the Urban Development and Building Heights Guidelines for Planning Authorities (December 2018) which encourages the densification of built up areas and consolidation of urban areas with a focus on building upwards rather than building outwards.
- 7.1.4. In response to these matters the first party appeal states that the proposed development can be appropriately assimilated into the surrounding context in Shankill Village. The first party cited the existing development in the vicinity of the site, specifically the location of ‘The Bridge’ which is a part three-storey and part four-storey mixed use building which is located opposite the appeal site on the eastern side of the Dublin Road. They argue that this existing development demonstrates that greater heights can be accommodated in the area.
- 7.1.5. The Planning Authority in their assessment of the proposed development had concerns in relation to the proximity of the single storey cottages on Lower Road to the appeal site and the proposed height of the new apartment building which is a part two-storey and part three-storey building over undercroft. In response to this the first party do acknowledge that the height of the proposed apartment building is greater than the adjacent low-rise dwellings to the north and west of the site, however they state that the existing low rise dwellings should not dictate the future form of development in the area. The first party cite the central location of the site within Shankill Village and the proximity to public transport, services and facilities.
- 7.1.6. I note that there is a variety of building heights in the vicinity of the site with three and four storeys located within the Bridge development to the east of the site and the single storey cottages to the south-west of the appeal site. I note that the appeal includes verified view montages which have been prepared by 3D Design Bureau.

Views towards the site have been provided from four vantage points to the north-east, south-east, south-west and north-west of the site. The first party submit that these verified view montages indicate that the proposed development will not have an overbearing appearance when viewed from the surrounding area and neighbouring dwellings. Having inspected the site and surrounding area and reviewed the submitted verified view montages I am satisfied that the proposed new building would assimilate well into the streetscape and would not appear overbearing or out of character. Having regard to the proximity of the existing part three-storey, part four-storey apartment building along the opposite section of the R119 I consider that the subject building which appears as three-storey at road level would be acceptable in this context.

- 7.1.7. Returning the matter of the visual impact of the proposed development, I note the proposed apartment building has a contemporary design. The roadside eastern elevation extends for 18m. There is reasonable variation proposed in the elevational treatment which addresses the street with the main windows and balconies facing the road. The external finish proposed features predominately a brick finish with painted rendered walls to the balconies with timber balustrades. I note that the finish to the apartment building 'the Bridge' features predominately brick with wooden framed windows and doors. I am satisfied that the proposed apartment building which is similar in terms of height and design will integrate into the area in a similar manner to the existing apartment scheme opposite the site. Accordingly, I consider that the proposed development would be acceptable in terms of impact on the character and visual amenity of the streetscape.
- 7.1.8. The first refusal reason issued by the Planning Authority also referred to the proposed layout of the scheme and stated that it would not accord with the provisions of Policy UD1: Urban Design Principles of the Dún Laoghaire Rathdown County Council Development Plan 2016-2022 regarding legibility and permeability.
- 7.1.9. In response to this matter the first stated that the proposed development will be easy to access and will be legible in this streetscape. Regarding the issue of access, the first party state that under Option no. 2 of the Scheme a disabled parking space is provided in lieu of 2 no. regular spaces. This is indicated on the Site Layout Plan submitted with the appeal on the 21/7/2021. The applicant would be amenable to the attachment of a condition requiring that the scheme be development in accordance

with the Option 2 drawings if this is deemed more suitable by the Board. I consider this revision in the car parking provision will serve to improve universal access of the overall development. Accordingly, I consider this revision should be included should the Board decide to grant permission for the scheme.

- 7.1.10. In respect of the design of the scheme and its permeability, the first party state that clear connections are provided from the development to the surrounding area. Under Option no. 2 of the Scheme submitted with the appeal and as indicated on the Proposed Ground and First floor Plans, a ramp access from the Dublin Road to the apartment core and a ramp access and a stepped access from Dublin Road is proposed. I consider these revisions to the scheme satisfactorily address the concerns of the Planning Authority in respect of access and permeability within the scheme.
- 7.1.11. The second reason for refusal issued by the Planning Authority stated that the proposed development, by reason of the typology and proportion of two-bedroom three-person apartment units proposed would exceed the 10% limit of provision for such units in any private residential development permissible under the Sustainable Urban Housing: Design Standards for New Apartments Guidelines (2020) regarding the mix/house type, and would thus be contrary to SPPR3 of the Guidelines.
- 7.1.12. In response to the matter the first party state that SPPR 2 of the Guidelines applies to the subject development. SPPR2 states, *'For all building refurbishment schemes on sites of any size, or urban infill schemes on sites of up to 0.25ha. – Where up to 9 residential units are proposed, notwithstanding SPPR1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprising studio-type units, – Where between 10 to 49 residential units are proposed, the flexible dwelling mix provision for the first 9 units may be carried forward and the parameters set out in SPPR1, shall apply from the 10th residential unit to the 40th, – For schemes of 50 or more units, SPPR1 shall apply to the entire development.'*
- 7.1.13. The proposed scheme provides 7 no. residential units i.e., less than 9 no. residential specified in SPPR2. The first party submit that given the urban infill nature of the scheme and the number of units proposed that the provisions of SPPR2 apply and that there is no restriction on dwelling mix. Under SPPR2 any dwelling mix is

permitted once there are less than 50% studios. There are no studios proposed within the scheme. Accordingly, having regard to the provisions of SPPR2 I am satisfied that they apply to the subject site and the proposed dwelling mix of 4 no. one bedroom units and 3 no. two bedroom units is acceptable.

7.2. Residential amenity

- 7.2.1. The first reason for refusal issued by the Planning Authority considered that the proposed development, by reason of the massing, scale, design and proximity to the subject site boundaries, would adversely impact on the residential amenity of the adjacent properties by reason of overbearing appearance.
- 7.2.2. In relation to the proposed new building on site it is part 2-part 3 no. storey apartment building over undercroft. The proposed three-storey over undercroft section of the building is located adjacent to the existing building on the site the two-storey Credit Union offices. The part two-storey over undercroft section of the building is proposed to the north-western side of the building. In relation to proximity to site boundaries and neighbouring properties, the proposed new apartment building would be located a minimum distance of 1.67m from the northern site boundary. A separation distance of 2.6m is provided between the closest point of the new building and the gable of the neighbouring two-storey dwelling to the north. This is the closest dwelling to the proposed apartment building. The neighbouring properties to the west of the site along Lower Road comprise single storey cottages. The front of these properties are located close to the road and while I note that the second property within the terrace has been extended to the rear this extension does not extend beyond the northern gable of the existing Credit Union building. From a review of the plans of the permitted extension to this property under Reg. Ref. D08B/0303 I would note that the corner of the proposed apartment building would be located over 15m from the extension to the cottage.
- 7.2.3. Accordingly, in relation to potential overbearing impact of the proposed building upon properties to the south and west, I am satisfied that an adequate separation distance have been provided. In relation to the neighbouring dwelling to the north of the site while this is located a much closer distance from the northern elevation of the proposed apartment building, I note that the proposed apartment building is marginally inset back from the rear building line of this dwelling and that this section

of the building is two-storey over undercroft. Therefore, having regard to the siting and design of the apartment building adjacent to the northern site boundary, I do not consider that it would have any undue overbearing impact upon the neighbouring dwelling to the north.

- 7.2.4. In relation to the issue of potential overshadowing of neighbouring properties, while I note that no shadow diagrams have been submitted as part of the application, having regard to the siting and design of the proposed apartment building specifically the separation distance between the building and the closest dwellings to the south and south-west I am satisfied that there would be no undue shadowing onto these dwellings. Some new shadowing of the rear garden of the adjacent property to the south-west could occur in the afternoon and evenings however given the village centre location of the property some limited additional shadowing is considered acceptable. In relation to the matter of shadowing of the neighbouring dwelling to the north, given its location to the north I am satisfied that shadowing would not occur in the afternoon and evenings and given the village centre location of the property some limited additional shadowing is considered acceptable.
- 7.2.5. In relation to the matter of potential overlooking, I note that the west elevation of the apartment building features minimal fenestration. Two high level windows are located in the west elevation. In relation to the northern elevation, I note that the windows are proposed to the centre and road ward side of the building, this design ensures that there will be no overlooking of the rear garden of the neighbouring dwelling to the north. Regarding the proposed public amenity space to the roof, I note that decorative timber screens with 1.2m high glass is proposed to prevent any undue overlooking from this open space. In relation to the south elevation of the building, I note that six windows are proposed, having regard to the separation distance of circa 17m to the rear of the closest neighbouring dwelling to the south, I am satisfied that there would be no undue overlooking.
- 7.2.6. Accordingly, having reviewed the proposed site layout of the scheme relative to the existing surrounding properties, I consider having regard to the proposed siting of the and design of the proposed apartment building and the relative separation distances to the existing dwellings to the north, west and south of the site that the proposed scheme would not result in any undue overlooking of residential properties.

Loss of Daylight/Sunlight/Overshadowing

- 7.2.7. The provisions of BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011) are relevant in the assessment of this development. Neither document is specifically referenced in the Dún Laoghaire Rathdown Development Plan 2016 – 2022.
- 7.2.8. The Section 28 Ministerial Guidelines on Urban Development and Building Heights 2018 refer to both BS 8206-2:2008 (British Standard Light for Buildings- Code of practice for daylighting) and BRE 209 – Site Layout Planning for Daylight and Sunlight – A guide to good practice (2011). While I note and acknowledge the publication of the updated British Standard (BS EN 17037:2018 ‘Daylight in buildings’), which replaced the 2008 BS in May 2019 (in the UK), I am satisfied that this document/UK updated guidance does not have a material bearing on the outcome of the assessment and that the more relevant guidance documents remain those referenced in the Urban Development & Building Heights Guidelines.
- 7.2.9. No Sunlight Analysis was submitted as part of the planning documentation by the applicants. The proposed development consists of a total of 7 no. apartments. All of the proposed 7 no. apartments are dual aspect with floor to ceiling heights of 2.75m within the 5 no. apartments in the proposed apartment building and floor to ceiling heights of 2.65m are proposed to the two apartment units at first floor level in the existing building. There is nothing apparent in the documents and drawings submitted that would highlight any issue here. Therefore, while there is no documentary evidence to demonstrate compliance with BRE209 requirements, based on the planning documentation submitted, I am satisfied that this is not a material or likely potential impact/deficit in information.

7.3. Access, traffic and parking

- 7.3.1. The proposal entails the provision of a total of 7 no. apartments. Two apartments are proposed within the existing building and 5 no. apartments are proposed in the new building. Vehicular access to the proposed surface car parking spaces and the undercroft car parking spaces is via the existing vehicular access off Lower Road.

The observers has raised concern regarding the additional vehicular traffic the scheme would generate and lack of car parking within the development.

- 7.3.2. Regarding the matter of traffic generation, in terms of overall scale and intensity of the proposed development it is relatively modest in scale. The proposed scheme would provide 7 no. apartment units on the site with the reduction in the existing office space with the proposed change of use of the upper floor of the existing Credit Union building. The nature of the traffic associated is residential which is not out of character with the existing type of traffic that frequents the road network in the vicinity of the site. Having inspected the site and road network in the vicinity I would consider that such is of sufficient capacity to deal with level of traffic likely to be generated by the proposed development.
- 7.3.3. 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' advise for accessible urban locations where apartments are proposed and that are well served by public transport, the default policy is for car parking provision to be minimised, substantially reduced or wholly eliminated in certain circumstances. Suitable locations for such a reduction in car parking includes locations which are within 10 minutes walking distance of DART, commuter rail or Luas stops or within 5 minutes walking distance of high frequency (min 10 minute peak hour frequency) bus services.
- 7.3.4. Car parking standards are set out under Table 8.2.3 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 sets out the car parking standards for residential schemes. Generally, 1 space per one bed unit, 1.5 spaces per two bed unit and 2 spaces per three bed unit are required. The proposed scheme comprises 4 no. one bed units and 3 no. two bed units.
- 7.3.5. Accordingly, a total of 8.5 no. car parking spaces would be required to serve the residential units in accordance with Table 8.2.3 of the Development Plan. A total of 11 no. car parking spaces are proposed. As detailed in the Operational Traffic Report prepared by Stephen Reid Consulting and submitted with the application it is proposed that two of the car parking spaces will be allocated to Credit Union Staff and the remaining 9 no. spaces will be for the proposed residential development. The car parking proposed for the residential units is in accordance with the development plan standards. The ground floor of the existing Credit Union building

has a gross floor area of 135sq m. As per Table 8.2.4 of the Dún Laoghaire Rathdown Development Plan 2016 – 2022 which sets out the car parking standards for non-residential development offices require 1 car parking space per 50sq m of gross floor area. Two spaces are proposed for the Credit Union office which has an area of 135sq m therefore would provide for two staff members but there would be no visitor car parking provided. The site layout submitted with the appeal Option 2 indicates one disabled car parking space to serve the Credit Union building. It would be appropriate that the scheme is served by a disabled car parking space in lieu of two car parking spaces to serve the Credit Union.

7.3.6. Shankill Village is served by the no. 145, no. 155, no. 84/a and no. 45a bus routes. The site located circa 900m from Shankill Dart Station which is circa 12 minutes walking distance. Therefore, having regard to the village centre location of the site I am satisfied that the site is well served by public transport and that a shortfall of car parking to serve the Credit Union offices would be acceptable in this context.

7.3.7. A total of 10 no. bicycle parking spaces contained within bicycle stands in the undercroft car park are also proposed. This in excess of the requirements set out in the 'Standards for Cycle Parking and associated Cycling Facilities for New Development' which requires one long stay bicycle parking space per dwelling unit and 1 visitor space per 5 units. I also note that as detailed in the Operational Traffic Report that it is proposed to fit out the scheme with car parking spaces with power supply points to allow for EV charging. Section 8.2.4.12 of the Development Plan refers to electrically operated vehicles. It requires that for residential developments a minimum of one car parking space per ten residential units should be equipped with one fully functional Electric Vehicle Charging Point. Should the Board decide to grant permission, I would recommend the attachment of a condition specifying that all residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points with a minimum 10% of spaces to be fitted with functional electric vehicle charging points.

7.4. **Other issues**

Surface water drainage proposals

- 7.4.1. The report of the Drainage Planning Department in respect of the proposed scheme required further information in relation to the number of matters. In response to this Brunner Consulting Engineers prepared a submission which is included with the appeal. The Drainage Planning Department required that the applicant submit a proposal that limits the discharge rate for the site to Q_{bar} or 2l/s/ha. In response to the matter the Consulting Engineers confirmed that the equivalent discharge allowance of 2l/s/ha for the site is 0.16l/s and that it is not achievable with an orifice size with a minimum diameter of 50mm as required by the Council. Therefore, the attenuation volume required for a 1 in 30 year storm event restricted to 1.6 litres per second is 4.9m³. They proposed an oversized drain of 600mmØ to attenuate peak flows. The second matter that the Drainage Planning Department sought further information on referred to the proposed green roof, they required that details be submitted to demonstrate that the proposed design is in accordance with the Council's Green Roof policy such that the minimum coverage requirement of 60% is achieved. In relation to this matter Brunner Consulting Engineers noted that Section 3.1 of Appendix 16 of the Development Plan which provides guidance on the provision of green roofs states that 'A Green roof proposal is a requirement for all roof areas greater than 300 square metres. Brunner Consulting Engineers noted that the total roof area for the proposed development is 261sq m and therefore is not subject to this green roof requirement of 60%. It is confirmed in the response that 87m² of green roof has been proposed to the roof of the apartment building to reduce peak stormwater flows.
- 7.4.2. Brunner Consulting Engineers have provided a revised drawing S33-P-002 which indicates the existing and proposed sizes of sewers. Drawing S33-P-002 also indicates the drainage proposals for the undercroft car parking area with incidental runoff from the area being directed to the foul drainage system.
- 7.4.3. Accordingly, I consider that the issues raised by the Drainage Planning Department have been satisfactorily addressed.

7.5. **Appropriate Assessment**

Stage 1 Screening

7.5.1. The appeal site is not in or immediately adjacent to any Natura 2000 site, so the proposed development would not have any direct effect on any Natura 2000 site. The European site South Dublin Bay SAC (000210) is 8.4km to the north of the development site. South Dublin Bay and River Tolka Estuary SPA (004024) is located 7.4km to the north of the development site. The European site Rockabill to Dalkey Island SAC (003000) is located 2.8km to the east of the development site and Dalkey Island SPA (004172) is located 4.8km to the north-east of the development site.

7.5.2. The qualifying interests/special conservation interests of the designated sites, are summarised as follows:

South Dublin Bay SAC	South Dublin Bay & River Tolka Est. SPA
Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]	Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Bar-tailed Godwit [A157] Redshank [A162] Dunlin [A149] Black-headed Gull [A179] Roseate Tern [A192] Common Tern [A193] Arctic Tern [A194] Wetlands & Waterbirds [A999]

Rockabill to Dalkey Island SAC	Dalkey Island SPA
Reefs [1170] Harbour porpoise (<i>Phocoena phocoena</i>) [1351]	Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194]

- 7.5.3. The Conservation Objectives for South Dublin Bay SAC (000210) are to maintain the favourable conservation condition of Mudflats and sandflats not covered by seawater at low tide in South Dublin Bay SAC. The Conservation Objectives for South Dublin Bay and River Tolka Estuary SPA (004024) are to maintain the favourable conservation condition of each qualifying bird species in the Natura 2000 site.
- 7.5.4. The Conservation Objectives for Rockabill to Dalkey Island SAC (003000) is to maintain the favourable conservation condition of Reefs in the SAC, which is defined by a list of attributes and targets and to maintain the favourable conservation condition of Harbour porpoise in the SAC, which is defined by a list of attributes and targets. The Conservation Objective for Dalkey Island SPA (004172) is to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for this SPA.
- 7.5.5. The subject site is an infill site, and it is proposed to change the use of a section of the floor area of the existing building on the site. The proposed attenuation measures would reduce variations in the runoff from the site. There is no potential, therefore, for the proposed development to alter the volume or characteristics of the flows into or from the surface water sewerage system that could conceivably have a significant effect on any Natura 2000 site. The foul effluent from the proposed development would drain to the wastewater treatment system for Dublin. The scale of the proposed development relative to the rest of the area served by that system means that the impact on the flows from that system would be negligible and would not have the potential to have any significant effect on any Natura 2000 site.
- 7.5.6. There is no identified “source-pathway” to connect the appeal site with South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, Rockabill to Dalkey Island SAC and Dalkey Island SPA or any other European Designated Site
- 7.5.7. It is reasonable to 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. (000210), European Site No. (004024), European Site No. (003000) and European Site No. (004172) 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

8.1. I recommend that planning permission is granted for the proposed development in accordance with the following reasons and considerations:

9.0 Reasons and Considerations

9.1.1. Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016–2022, and in particular the objectives of this Plan that seek to promote infill residential development and increased residential densities, and having regard to the pattern of existing development in the area and the design, scale and layout of the proposed development, 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 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, as amended by the further plans and particulars received by An Bord Pleanála on the 21st day of July 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 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. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

3. 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.

Reason: In the interest of public health.

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

Reason: In the interest of visual amenity.

5. A minimum of 10% of all car parking spaces shall be provided with EV charging stations/points, and ducting shall be provided for all remaining car parking spaces to facilitate 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 development shall submit such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

6. 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.

7. Site development and building works shall be carried only 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.

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

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

Reason: In the interests of amenity and public safety.

9. Proposals for an estate name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning

authority prior to commencement of development. Thereafter, all estate signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

11. 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.

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.

12. 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.

Siobhan Carroll
Planning Inspector

30th December 2021