



An
Bord
Pleanála

Inspector's Report ABP 311439-21

Development

Demolition of existing disused agricultural shed structure and the construction of a residential block 3 to 6 storeys consisting of 52 dwelling units.

Location

Site measuring 0.29ha, bounded by Kilmacud Road Upper to the north, Drummartin Link Road to the west, and Hazelbrook Apartments to the east and south, Dublin 14.

Planning Authority

Dun Laoghaire Rathdown County Council.

Planning Authority Reg. Ref.

D21A/0615.

Applicant(s)

Sorohan Builders Ltd.

Type of Application

Permission.

Planning Authority Decision

Refuse Permission.

Type of Appeal

First Party

Appellant(s)

Sorohan Builders Ltd.

Observer(s)

None.

Date of Site Inspection

09th March 2022.

Inspector

Brendan Coyne.

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1.0 Site Location and Description

- 1.1.1. The site, which has a stated area of 0.29 ha, is located on a prominent corner location on the southern side of the Kilmacud Road Upper (R826) on a junction with the Drummartin Link Road to the west, in Dublin 14. Adjoining lands to the south contain a 3-4 storey apartment development known as 'Hazelbrook' and an access road and car parking area serving Hazelbrook adjoins the eastern boundary. A detached dwelling known as 'Hillcrest' and a residential estate known as 'Stillorgan Gate' is located on the eastern side of the access road serving Hazelbrook. An estate known as 'Holywell' is located on adjacent land on the western side of the Drummartin Link Road.
- 1.1.2. The site is currently vacant and contains a large disused dilapidated agricultural shed and several portacabin structures. The remainder of the site is largely overgrown and contains mature trees and vegetation. The topography of the site falls from southwest to northeast by c. 2 metres. The site is currently accessed from a gated entrance along the Kilmacud Road Upper. The northern, eastern and southern boundaries of the site are defined with capped rendered block walls and the western boundary is defined with palisade fencing. A designated cycle lane runs along the northern and eastern boundaries along Kilmacud Road Upper and Drummartin Link Road, respectively.
- 1.1.3. The surrounding area is largely residential, with open space and sports and recreational facilities. Dundrum Town Centre is c. 1.5 km to the west and of Sandyford Business District is located c. 1.2 km to the south of the site. Dublin City Centre is located c. 8km to the north. The Kilmacud Luas station is located c. 400m to the south. Dublin Bus stops serving bus route Nos. 75 and 75A are located c. 155m to the west and c. 215m to the east along the Kilmacud Road Upper.

2.0 Proposed Development

2.1. Application as lodged to the Planning Authority on the 02nd July 2021.

Permission sought for the following (as described in public notices);

- Demolition of an existing disused agricultural shed and structure.

- Construction of a 3 to 6 storey residential block consisting of 52 no. dwelling units comprising;
 - 21 no. 1-bedroom apartments,
 - 30 no. 2-bedroom apartments (of which 5 no. apartments are own door accessed at ground floor level),
 - 1 no. 3-bedroom apartment.
- Covered undercroft parking area at ground floor level providing 26 no. parking spaces.
- Vehicular access from Kilmacud Road Upper.
- Private and semi-private open space to serve the proposed units, provided in the form of balconies, terraces, gardens, courtyards and roof terraces.
- Associated bin storage, open space, landscaping, cycle storage and infrastructural and site development works.

2.2. **Documentation submitted:** Along with the standard drawings and information, the application included the following:

- Housing Quality Assessment
- Architectural Design Statement
- Construction Management Plan
- Building Lifecycle Report
- Arborist Impact Statement and drawings
- Transportation Statement
- Infrastructure Design Report
- Dublin Eastern Bypass (DEBP) Corridor Protection Study – Development Control Measures Report.
- Sunlight, Daylight and Shadow Assessment and Verified Photomontages of the proposed apartment development.
- Letter received from Dun Laoghaire Rathdown County Council Housing Department demonstrating pre-application Part V compliance.

- Letter of consent from Dun Laoghaire Rathdown County Council Property Management Dept. relating to Council owned lands within the site application boundary.

2.3. Revised proposal as submitted on appeal to An Bord Pleanála on the 21st September 2021.

- Reduction in no. of units from 52 to 47 no. of apartments, comprising the following:
 - 15 no. 1-bedroom units (32%)
 - 28 no. 2-bedroom units (61%)
 - 4 no. 3-bedroom units (09%)
- Increase in no. of car parking spaces to 33 no. spaces and provision, incorporating 2 no. disabled car parking spaces.
- Revisions to open space.

2.3.1. Drawings and Documentation submitted includes;

- Revised Floor Plans, Roof Plan and Contextual Elevation Comparison Elevation Drawings
- Grounds of Appeal Statement
- Consulting Engineers Report and Drawings.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. Dun Laoghaire Rathdown County Council REFUSED permission for the proposed development. The reasons for refusal were as follows;

1. The quantum and quality of public and communal open space proposed does not comply with the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, resulting in substandard level of residential

amenity. The proposal is therefore, contrary to the proper planning and sustainable development of the area.

2. The number of car parking spaces proposed is not in accordance with the standards set in the Development Plan and is considered that if permitted would set an undesired precedent that would result in significant negative impacts on the road network and give rise to traffic hazards.

3.2. Planning Authority Reports

3.2.1. Planning Report

The planner's report is consistent with the decision of the planning authority and is summarised as follows:

3.2.1.1. *Principle of Development:*

- The site is zoned Objective A, which seeks 'to protect and/or improve residential amenity'.
- Under the zoning objective, the proposed residential development is permitted in principle, subject to compliance with relevant local, regional and national planning policy.
- Section 2.1 of the Dun Laoghaire Rathdown County Development Plan encourages the re-use of brownfield sites in areas already served by public transport and close to established social and community infrastructure.
- The National Planning Framework (NPF) promotes compact growth by targeting a greater proportion of future housing development within and close to the existing built-up areas and making better use of underutilised land serviced by existing facilities and public transport (Section 2.2).
- National Policy Objective 3b of the NPF is for the delivery of at least half (50%) of all new homes that are targeted in cities and their suburbs to be delivered within their existing built-up footprints.

- Regarding Dublin's Metropolitan Area, the NPF indicates a need to focus on underutilised land within the M50 and the delivery of a more compact urban form, facilitated through well-designed, higher-density development and ensuring that opportunities for infill development are realised.
- The delivery of housing on the subject site near the Kilmacud Luas stop would be consistent with the intended strategic outcomes of the NPF.
- The Sustainable Urban Housing: Guidelines for Planning Authorities (2009) emphasises the benefit of redeveloping brownfield sites, requiring 'more residential development.
- The subject site is considered an under-performing site that can accommodate residential development at appropriate densities.
- The extant permission P.A. Ref. D18A/1166 established the principle of residential development on the subject site.
- The site is not within an Architectural Conservation Area, and there are no Protected Structures on the site.

3.2.1.2. ***Density***

- Section 2.1.3.3 of the County Development Plan states, "as a general rule the minimum density for new residential developments (excluding lands on zoning objectives GB, G and B) shall be 35 units per hectare".
- Higher densities of 50 units per hectare are encouraged by the Planning Authority where a site is within a c. 1 km pedestrian catchment of a rail station and/or Luas line, and/or 500 metres of a Quality Bus Route, and/ or 1 km of a Town or District Centre.
- The site is located c. 550m to the north of the Kilmacud Luas Stop.
- The Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities 2009 seek to encourage increased densities in appropriate locations through more economical use of existing infrastructure and serviced land. Policy RES3 of the Development Plan has been framed having regard to the provisions of these guidelines.

- The new Apartment Guidelines and the NPF refer to the need to increase densities.
- The proposed development will deliver a residential density of c. 179 units per hectare (52 No. units/0.29 ha). This compares with the permitted density of 100 units per hectare (29 No. units/0.29 ha).
- The net density should be calculated excluding the area along the western boundary pertaining to the Strategic Road Reservation, which is estimated to be c. 0.03ha. This results in a site area of c. 0.26ha and a density of 200 units per hectare.
- The proposed density would be higher than the pattern of development in the area, including the high-density development of 176.4 units/hectare at Greenacres, as permitted under ABP- 304469 -19 and ABP-307683-20.
- The Planning Authority has some reservations regarding the proposed density as it could indicate overdevelopment.

3.2.1.3. ***Layout and Design***

- The proposed apartment block provides an active frontage onto Drummartin Link Road and Kilmacud Road Upper.
- The building height of the proposal at the corner junction of the Kilmacud Road Upper and Drummartin Link Road is six storeys, reducing to three storeys in part near the southern boundary.
- The proposal includes an under-croft parking area.
- The proposed building would be set back from the Kilmacud Road Upper and Drummartin Link Road, with an area of landscaping along Drummartin Link Road to allow for the Strategic Road Reservation.
- The proposed building maintains the building line of the neighbouring Hazelbrook Apartments to the south of the site.
- The proposed block is significantly forward of the building line to the east, established by the Stillorgan Gate estate and 'Hill Crest'. The road

alignment of Kilmacud Road Upper facilitates the position of the proposed development.

- The proposal provides two open space areas to the east and south of the site and a communal terrace at the first-floor level.
- Five units at ground floor level are 'own door units', facing directly onto Drummartin Link Road.
- The remainder of the units are accessed via two cores facing Kilmacud Road Upper and Drummartin Link Road.
- Due to the land reservation, the proposal is only accessible from Kilmacud Road Upper with no access from the Drummartin Link Road.
- Compared with the permitted scheme on the site, the northern edge of the footprint of the proposed building sits further north, towards Kilmacud Road Upper.
- The letter of consent from Dun Laoghaire Rathdown County Council Property Section is noted.
- Should permission be granted, subsequent disposal of Council lands would be required to facilitate the proposed development.

3.2.1.4. ***Building Height***

- The factors that allow for increased heights are known as 'Upward or Downward Modifiers'. The presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be one floor or possibly two.
- The Building Height Strategy notes, regarding infill developments, where developments are at a higher density and have a taller building height than the prevailing local context, that 'many of the examples of this form of development are located on prominent sites, or sites with frontage onto a wide road'.
- Upward modifiers are considered where development would promote higher densities in areas with exceptional public transport accessibility whilst retaining and enhancing high-quality residential environments.

- The proposal complies with two of the criteria listed to allow upward modifiers. The Kilmacud Luas Stop is c. 500m to the south. The built environment and topography of the site addressing a four-arm large junction allows for higher developments without damaging the appearance or character of the area.
- The overall six-storey height of the proposal accords with the Building Heights Strategy of the Development Plan 2016-2022.
- Regarding the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and its relevant Specific Planning Policy Requirements (SPPRs), it is recognised that building heights must generally be increased in appropriate locations.
- The height of the proposal ranges from three to six storeys.
- Higher elements are located on the north-western corner, stepping down to three storeys to the south and to five storeys, with an abrupt fall to two storeys to the east.
- Distances to adjoining buildings, in excess of 20m, reduce its impact on adjacent residential properties.
- The height of the proposed development is consistent with the Building Height Strategy of the Development Plan 2016-2022 and the Urban Development and Building Height Guidelines, 2018.

3.2.1.5. ***Visual Impact***

- The Hazelbrook Development to the south is three storeys with a four-storey element behind the parapet.
- The proposed development would be three storeys at the southern end of the apartment block, stepping up to five and six storeys as it gets closer to the northern boundary.
- On the eastern side along the Kilmacud Road Upper, the height transition is more abrupt, with the block being predominantly five and six storeys with an abrupt drop to two storeys on the eastern edge.

- Adjacent Stillorgan Gate estate and 'Hill Crest' are three and single-storey dwellings, respectively.
- The 30m distance between the proposal and 'Hill Crest' is sufficient to prevent any undue overbearing impact.
- The massing of the proposed development is broken down into different sections with projecting elements and setbacks, which break up the massing and the bulk of the proposal.
- A variation in proposed materials and colours prevents the proposal from appearing monolithic.
- External finishes include pressed metal cladding, a brick finish, glass balustrades and stone cladding.
- The external finishes are of a similar palette to those at Hazelbrook and would be visually acceptable.
- The provision of own door units along Drummartin Link Road would animate the interface with the public road.
- The eastern side of the north elevation facing Kilmacud Road Upper is not satisfactory, providing a long blank wall and a vehicular access gate, which combined with the front boundary wall would provide a poor interface with the public realm for a section of c.30m. However, given that this part of the northern elevation is largely consistent with the previously permitted scheme (Ref. D18AA/1166), no further issues are raised in this regard.

3.2.1.6. ***Residential Amenity***

- Hazelbrook Apartment to the south of the site has primary windows and terraces that face directly north into the subject site.
- The proposal includes an area of open space between the proposed development and the existing apartments at Hazelbrook.
- Overlooking is not considered an issue, as there are limited secondary windows on the southern elevation of the proposed blocks and separation distances are in excess of 21m.

- Overlooking to the east is not an issue by reason of the adjoining access road and car parking area associated with Hazelbrook.
- The properties at Holywell to the west of the site are located c. 39 metres from the proposed building. As such, overlooking is not an issue.
- Overlooking of the three properties on the northern side of Kilmacud Road Upper would not occur by reason of the 30-32 metres separation distance from the proposed building.
- There is a distance of 32 metres from the nearest property to the east of the site. As such, overlooking of this dwelling would not occur.
- The Sunlight, Daylight and Shadow Assessment submitted concludes that potential impacts on adjoining properties are consistent with the BRE Guidelines' Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice'.
- Based on the size, massing and orientation of the proposed development, the Planning Authority is satisfied that material impacts on sunlight and daylight would not occur.

3.2.1.7. ***Unit Mix***

- Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan 2016-2022 has been superseded by Ministerial Guidelines 'Sustainable Urban Housing - Design Standards for New Apartments' published by the Department of Housing, Planning and Local Government (DoHPLG, 2018 (updated in 2020)).
- SPPR1 of the Sustainable Urban Housing - Design Standards for New Apartments (2020) allows Apartment developments to include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms.
- SPPR 2 requires all schemes above 50 units to comply with SPPR1.
- No studio apartments are proposed in the subject scheme.

- The breakdown of the proposed units is as follows;

Unit type	No. of units	%
1-bed	21	40%
2-bed	30	58%
3-bed	1	2%

- Whilst the proposal is in accordance with the Apartment Guidelines in terms of unit mix, the proposal is deemed to have a very low number of 3-bedroom units.
- Policy RES7 of the Development Plan requires the establishment of sustainable residential communities by ensuring a wide variety of housing and apartment types, sizes and tenures.
- The proposed number of 3-bedroom units does not deliver on the requirements of Policy RES7 and is a significant departure from the permitted scheme on site. The Planning Authority considers were it not for the substantive reasons for refusal, this issue could be pursued by way of Further Information request.

3.2.1.8. **Floor Areas:** The floor areas of the proposed apartments comply with the minimum apartment floor areas requirements set out under SPPR3 of the Sustainable Urban Housing - Design Standards for New Apartments (2020). 96% of the proposed units exceed the minimum area by 10%.

3.2.1.9. **Dual Aspect:** 53% of the proposed units are dual aspect, thereby complying with SPPR4 of the 2020 Apartment Guidelines, which requires a minimum of 50% dual aspect apartments in a single scheme.

3.2.1.10. **Floor-to-Ceiling Height:** The floor to ceiling height of the proposed apartments complies with SPPR5 of the 2020 Apartment Guidelines, which requires that ground-level apartments have floor to ceiling heights of 2.7m and 2.4m floor-to-ceiling heights in the upper floors.

3.2.1.11. **Lift and Stair Core:** The proposal provides two cores to serve 11 No. apartments per floor. This complies with SPPR6 of the Apartment Guidelines, which allows up to a maximum of 12 No. units per core.

3.2.1.12. **Private Amenity Space:** The proposed units' private amenity space meets or exceeds the thresholds required under the 2020 Apartment Guidelines.

3.2.1.13. **Communal Amenity Areas:** The proposal provides 359 sq.m. of open communal space. This complies with the standards set in Appendix 1 of the Design Standards for New Apartments Guidelines whereby 324 sq.m. is required for the proposed development (21 units x 5 sqm + 30 units x 7 sqm + 1 unit x 9 sqm).

3.2.1.14. **Children's Play Areas:** Paragraph 4.13 of Apartment Guidelines requires the provision of small play spaces (about 85 - 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms.

The proposed development comprising 31 units does not provide play space in accordance with Para. 4.13 of Apartment Guidelines which requires the provision of small play spaces (about 85 - 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms.

3.2.1.15. **Bin Storage:** The proposal provides bin storage on the southern side of the undercroft car parking area and a separate bin collection area in the north-eastern corner of the site, directly adjacent to the vehicular access off the Kilmacud Road Upper.

3.2.1.16. **Open Space Provision**

- The proposal provides 659 sq.m. of communal and public open space (359 sq.m. communal and 300 sqm public open space). This does not comply with Section 8.2.8.2 of the Development Plan, which requires as an absolute minimum that 10% of the site area (c.290 sq.m.) be provided as communal or public open space and that the requirement for open space is based on

the expected population for the subject development. According to the proposed housing mix, 1,200 sq.m. would be required for the proposed development based on the following calculation; 15 sq.m. x (51 No. units x 1.5 sq.m.) + (1 No. units x 3.5 sq.m.).

- There is an area of private landscape garden at ground floor level which stretches along the western (sic) boundary connecting with the communal area to the south-east, which has not been considered given that it is labelled in plans and particulars as 'private'. It is not clear who would enjoy this space.
- The private landscaped garden to the eastern side with a general width of 6m cannot provide a high level of amenity for the community of residents.
- The Planning Authority has serious concerns regarding the quality and usability of certain parts of the open space proposed.
- There appear to be sections of communal open space with widths below 4m both at ground and first floor levels, which would render them circulation areas rather than areas for enjoyment and amenity.
- While the location of the open space is welcomed from a sunlight perspective, the accessibility of the open space is a matter of concern.
- Public space located at the end of a +60 m length path from Kilmacud Road Upper would significantly reduce the opportunity for members of the public to recognise that space as open for public access.
- While the proposed development meets the minimum 10% open space requirement in the Development Plan, a very high-quality open space should be provided to be acceptable.
- The population-based calculation is aimed at ensuring that adequate open space per capita is provided to ensure a satisfactory level of residential amenity. However, the proposal fails to meet the second requirement.
- Regard is had to the development permitted under P.A. Ref. D18A/1166 where a similar quantum of open and communal open space was considered acceptable. However, in the context of the current application,

which almost doubles the number of residents, the proposed public and communal open space has not been improved.

- The resultant inadequate provision of public and communal open space would be contrary to Development Plan requirements and incapable of providing an adequate level of amenity for the future residents of the scheme. On this basis, the Planning Authority recommend that the proposed development be refused permission.

3.2.1.17. ***Access, Traffic and Parking***

- Map 6 of the County Development Plan (2016-2022) identifies the proposed route for the Eastern By-Pass. Development Plan Policy seeks to protect the designated route.
- The proposal is consistent with the development permitted under P.A. Ref. D18A/1166 in terms of the strategic road reservation and is therefore acceptable in this regard.
- Vehicular access to the site would be from Kilmacud Road Upper. The principle of the location of the vehicular access was established under P.A. Ref. D18A/1166.
- Information submitted with the application confirms sightlines at the entrance to the site are in accordance with DMURS.
- The proposal provides 26 No. car parking spaces undercroft to serve the proposed 52 No. units. This results in a ratio of 0.5 parking spaces per unit.
- Car Parking Standards set out in Table 8.2.3 of the County Development Plan (2016-2022) would require a total of 68 No. car parking spaces, on the basis of the following;
 - 1-bed apartment: 21 no. units x 1 space per unit = 21 car parking spaces
 - 2-bed apartment: 30 no. units x 1.5 spaces per unit = 45 car parking spaces.
 - 3-bed apartment: 1 no. units x 2 spaces per unit = 2 car parking spaces
- The proposed 26 No. spaces equate to a shortfall of 42 No. car parking spaces.

- Whilst the distance to the LUAS (c.500m to the south) and national policy provisions, including the 2020 Apartment Guidelines, aimed at reducing car parking provision are noted, an appropriate quantum of car parking is required to provide for the proportion of trips that more sustainable modes cannot undertake.
- In consideration of the area's capacity to absorb parking spillover, regard is had to the lack of off-street parking along the Kilmacud Road Upper and Drummartin Link Road in the proximity of the site. Any unauthorised parking on those streets would potentially create a traffic hazard.
- Spillover parking onto adjoining residential spaces would negatively impact road traffic and residential amenity. The proposed development should be refused permission on these grounds.
- While the Planning Authority is open to considering a reduction of car parking provision given the proximity of the site to the LUAS, the proposed car parking ratio would result in potential negative impacts for the surrounding road network and comprise a traffic hazard.

3.2.1.18. ***Bicycle Parking:***

- The proposal provides 113 No. cycle parking spaces, with 85 no. spaces located within the undercroft area and 28 No. spaces on the surface (12 No. near the north-western corner and 16 No. on the public open space to the south).
- The quantum of proposed bicycle parking exceeds the Council's requirements and complies with the requirements of the 2018 Apartment Guidelines.
- The Transport Section raised issues concerning the quality of the bicycle parking proposed and the location of the 16 No. surface spaces for visitors on the open space to the south, given the distance from the site entrance.

3.2.1.19. ***Water and Drainage:*** The Drainage Section has raised concerns with regards to the information submitted in relation to surface water management and Flood Risk. Further information not deemed pertinent given refusal of permission is recommended.

- 3.2.1.20. **Other Issues:** Further information requested by the Environmental Health Officer and the Public Lighting Section is not deemed pertinent given that refusal of permission is recommended.
- 3.2.1.21. **Part V Requirements:** The Applicant proposed the transfer of ownership of 5 No. units to comply with the requirements of Part V of the Planning and Development Act 2000 (as amended). The Housing Section confirms the proposal can comply with the Part V obligations.
- 3.2.1.22. **Appropriate Assessment Screening:** The proposed development has been screened for AA and it is determined that the proposal would not alone or in combination significantly impact upon a Natura 2000 Site.
- 3.2.1.23. **EIA Screening:** EIA is not required having regard to the nature and scale of the proposed development in a fully serviced urban location and that there is no real likelihood of significant effects on the environment arising from the proposed development.

3.3. Other Technical Reports

3.3.1. Transportation Planning Report

Refusal Recommended and Further Information requested. The report is summarised under the headings below:

- 3.3.1.1. **Site Access:** Drawings submitted demonstrate achievable sightlines of 49m on both sides of the proposed vehicular entrance onto Kilmacud Road, in accordance with DMURS requirements.
- 3.3.1.2. **Dublin Eastern Bypass Corridor**
- The Applicant has submitted drawings and provided explanations that the proposed development respect the proposed alignment for the Road Reservation associated with the Specific Local Objective No. 6, accommodating the potential future Development of the Dublin Eastern Bypass.

- The Applicant has submitted detailed drawings showing that the proposed development respects the reservations for Eastern Bypass reservation corridor.
- In the event of a grant of permission and prior to commencement of works, the Applicant should be requested to check on-site that the proposed alignment respects road reservation coordinates throughout the site in the presence of Council relevant personnel.

3.3.1.3. **Transport Statement:** The submitted 'Transport Statement' presents the TRICS simulation and concludes that the development will have negligible traffic impact on the surrounding network.

3.3.1.4. **Quality Audit:** The Quality Audit highlights 4 no. issues to which the Applicant didn't accept the recommended measures citing that they are outside of the scope and/or outside the Applicant's ownership.

3.3.1.5. **Car Parking Standards:** The proposed 26 no. car parking spaces is not acceptable, resulting in a shortfall of 26 no. car parking spaces in relation to minimum acceptable standards of 1 per unit. This shortfall is considered a safety hazard as the lack of car parking associated with the proposed development would adversely affect neighbouring estates.

3.3.1.6. **Disabled Parking:** A minimum 2 no. dedicated disabled car parking space is required for the proposed development - 4% of overall no. spaces is required as per Development Plan car parking standards.

3.3.1.7. **Electric Vehicles:** The proposed 5 no. spaces with electric charging points comply with the requirements of the Development Plan 2016-2022. There are no details regarding the provision of infrastructure for the future installation of electrical charging points for all proposed car parking spaces.

3.3.1.8. **Re. Cycle Parking Provision**

- The proposed 84 no. cycle parking spaces comply with the Apartment Guidelines 2018 and are significantly above the minimum standards set out in the Council's

'Standards for Cycle Parking and associated Cycling Facilities for New Development – January 2018'.

- There are discrepancies between the drawings in terms of the proposed stands, with the likely use of Sheffield stands in the landscape drawings and double-stacked stands in the architectural drawings, which are not favoured.
- The proposed dedicated spaces for cargo bikes are welcomed.
- The location of the referenced charging points for bicycles are not detailed on the drawings submitted.
- The short-term visitor cycle parking provision is acceptable.

3.3.1.9. **Re. Motorcycle Parking:** The proposal provides 1 no. motorcycle parking space. Development Plan standards require that 4% of overall parking provide for motor cycles. Based on a reduced car parking standard of 1 car parking space per unit, the total of 52 spaces for the proposed 52 apartment units requires 2 no. dedicated motorcycle parking spaces.

3.3.1.10. **Recommendation**

- In conclusion, the Transportation Planning Section recommends refusal for the proposed development on the grounds of endangerment of public safety due to the lack of provision of adequate car parking creating the potential for illegal/inappropriate parking on public roads in the area and affecting local amenity.
- Further information is recommended in the event of consideration of a grant of permission, requiring the following:
 - Provision of 1 car parking space per unit, to the total of 52 no space.
 - Revised details for the required long-term cycle parking provision, clarify the type of stands, positions, access routes, security measures, etc.
 - Capability of car parking to accommodate future electric charging points for electrically operated vehicles.
- Standard Conditions recommended in the event of a grant of permission.

3.3.2. Drainage Report

Further information is requested. The report is summarised as follows:

- It is unclear from the information provided if the connection from the site to the public surface water sewer is achievable. Therefore, the Applicant is requested to submit long sections of the surface water drainage system.
- The Applicant proposes to use a surface water discharge rate of 2l/s. The discharge rate for the site must be limited to Q_{bar} (calculated using site-specific data) or 2l/s/ha, whichever is greater, subject to the orifice size of the flow control device not being less than 50mm in diameter.
- The Applicant is requested to recalculate the attenuation volume using the revised discharge rate. This may lead to an increase in attenuation storage volume requested.
- Provide details of maintenance access to the green roofs. In the absence of a stairwell type access to the roof, provision should be made for alternative maintenance and access arrangements such as external mobile access that will be centrally managed.
- Submit a detailed cross-section of the green roof's proposed build-up, including dimensions, and comment on the compatibility of the green roof with PV panels.
- Detail a flow control device that does not have a bypass door and clarify whether a silt trap is being provided in the flow control device chamber and make provision for the same.
- Confirm if a petrol interceptor is required for the site and demonstrate that it is appropriately sized for the runoff it will treat in accordance with industry standards.
- Confirm that the attenuation storage system has the required load-bearing capacity to support the loading that may be imposed upon it.
- Demonstrate that the entire site complies with GDSDS requirements.
- Provide further details regarding proposed SuDS measures.
- Confirm if all areas of hardstanding are permeable paving.

- Comment on the proposed surface water drainage system in the event of a blockage or partial blockage of the system and any surcharging or flood risk that may be identified.
- Submit a drawing showing details of safe overland flow routes both within and without the site.

3.3.3. **Irish Water Report**

Further information recommended. The report is summarised as follows:

- The pre-connection enquiry response dated 10th July 2020 states that connection can be facilitated subject to an extension of minimum 110m to an existing manhole on Drummartin Link Road. However, the Applicant has indicated the foul network is to be connected into what appears to be an existing private drain serving the Hazelbrook Apartment Development.
- There is no evidence provided that this is an acceptable arrangement by the private developer of the Hazelbrook development.
- The Applicant is requested to submit details that give the necessary permission to discharge the foul effluent into the adjoining properties network. The downstream system can accommodate the discharge and that the levels are achievable.

3.3.4. **Public Lighting Report**

- No public lighting designs have been submitted. The Applicant is requested to submit external lighting details or clarify any proposed alterations/additions to the existing lighting.
- Provide further details on the EV charging points for car parking spaces.

3.3.5. **Environmental Health Officer Report**

- Further information requested. The report is summarised as follows:

3.3.5.1. ***Re. Demolition:***

A detailed demolition plan for the existing agricultural shed should be submitted. This should include details of noise, dust and the waste materials during demolition will be controlled.

- Demolition waste should be disposed of correctly to a licensed facility following Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects (DOEHLG, 2006 & 2008).

3.3.5.2. ***Re. Noise Management***

- A baseline noise survey should be carried out to establish environmental/background noise levels. Therefore acceptable noise limits can be established for the demolition, construction and operational phase of the development.
- Due to the site's proximity to another residential block, more detailed noise mitigating measures should be included, especially if intrusive activities such as rock piling are necessary.

3.3.6. **Housing Department Report**

No objection subject to standard Condition requiring the Applicant to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 (as amended).

4.0 **Planning History**

P.A. Ref. D18A/1166 Permission GRANTED in Jan. 2020 to Sorohan Builders Ltd for the demolition of an existing disused agricultural shed structure and the construction of a residential block of 3 and 4 storeys, consisting of 32 no. dwelling units comprising 7 no. 1-bedroom apartments (of which 3 no. are own-door accessed at ground floor level), 17 no. 2-bedroom apartments (of which 2 no. are own-door accessed at ground floor level) and 8 no. 3-bedroom apartments (of which 1 no. is own-door accessed at ground floor level). Covered undercroft parking area at ground floor level, consisting of 32 parking spaces; vehicular access from Kilmacud Road Upper; private and semi-

private open space to serve the proposed units provided in the form of balconies, terraces, gardens, courtyards and roof terraces, with associated bin storage, open space, landscaping, cycle storage and infrastructural and site development works.

5.0 Policy and Context

5.1. Development Plan

Dun Laoghaire Rathdown County Council County Development Plan 2016-2022 is the statutory plan for the area.

Zoning: The site is zoned 'Objective A' with the associated land use objective 'To protect and-or improve residential amenity'.

Strategic Road Reservation Objective: The site is located within a Strategic Road Reservation, identified in Table 2.2.6 as the Dublin Eastern Bypass and subject to Specific Local Objective 6 which seeks 'To promote potential additional future uses of the Dublin Eastern Bypass reservation corridor, including a greenway/cycleway, a pedestrian walkway, biodiversity projects, recreational opportunities - inclusive of playing pitches - and public transport provision such as Bus Rapid Transit services, pending a decision from Transport Infrastructure Ireland/Central Government in relation to the future status of the Bypass. Any potential additional future short-term uses of the reservation corridor will be subject to a joint feasibility study to be undertaken by TII and the NTA'.

The following provisions are considered relevant:

Section 8.1.1.1 Policy UD1: Urban Design Principles

Section 8.1.2.3 UD6 Building Height Strategy and related Appendix 9

Section 5.1.1.8 EI8 Sustainable Urban Drainage

Section 2.1.3.3 RES3 Residential Density

Section 2.1.3.4 RES4 Existing Housing Stock and Densification

Section 2.1.3.7 RES7 Overall Housing Mix

Section 2.1.3.8 RES8 Provision of Social Housing

Section 4.2.2.4 Policy OSR5 Public Open Space Standards

Section 4.2.2.6 OSR7 Trees and Woodland

Section 8.2.3.1 Quality Residential Design

Section 8.2.3.2 Quantitative Standards

Section 8. 2.3.3 Apartment Development Section 8.2.3.5 Residential Development -
General Requirements

Section 8. 2.4.5 Car parking Standards

Section 8.2.4.12 Electrically Operated Vehicles

Section 8.2.8.1 Landscape Plans

Section 8. 2.8.2 Public/Communal Open Space Quantity

Section 8.2.8.3 Public/ Communal Open Space Quality

Section 8. 2.8.4 Private Open Space - Quantity

Section 8.2.8.6 Trees and Hedgerows

Appendix 9 Building Height Strategy

5.2. National Policy / Guidelines

National Planning Framework – Project Ireland 2040.

Eastern and Midland Regional Assembly – Regional Spatial and Economic Strategy
for the Eastern and Midland Region (2019).

Sustainable Urban Housing: Design Standards for New Apartments Guidelines for
Planning Authorities (2020).

Sustainable Residential Development in Urban Areas Guidelines for Planning
Authorities (2009).

Design Manual for Urban Roads and Streets (2019). (DMURS)

5.3. Natural Heritage Designations

5.3.1. The following Natura 2000 sites are located in the general vicinity of the proposed
development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code:
004024), approx. 3.5 km north-east of the site.

- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approx. 3.5 km north-east of the site.

5.4. Preliminary Examination Screening for Environmental Impact Assessment

5.4.1. An Environmental Impact Assessment (EIA) Screening Report was not submitted with the application. Regarding EIA thresholds, Class (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units,
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere. (In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

5.4.2. It is proposed to construct a residential development containing 52 no. apartments, as submitted to the Planning Authority. Therefore, the number of dwellings proposed is well below the threshold of 500 dwelling units. The site has an overall area of c. 0.29 ha and is located within an existing built-up area but not in a business district, and is, therefore, well below the applicable threshold of 10 ha.

5.4.3. The site contains a disused agricultural shed and portacabin structures with surrounding trees and vegetation, and is largely surrounded by suburban housing development and roads. The introduction of a residential development will not have an adverse impact in environmental terms on surrounding land uses. It is noted that the site is not designated for the protection of the landscape or of natural or cultural heritage and the proposed development is not likely to have a significant effect on any European Site (as outlined in Section 7.4 of this Report). There is no hydrological connection present such as would give rise to significant impact on nearby water courses (whether linked to any European site or other sensitive receptors).

5.4.4. 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 Dublin City Council, upon which its effects would be minimal.

5.4.5. Having regard to:

- The nature and scale of the proposed development, which is under the mandatory threshold in respect of Class 10 - Infrastructure Projects of the Planning and Development Regulations 2001 (as amended),
- The location of the site on lands that are zoned 'Objective A' and for 'residential' uses under the provisions of the Dun Laoghaire Rathdown County Council County Development Plan 2016-2022, and the results of the Strategic Environmental Assessment of the Dun Laoghaire Rathdown County Council Development Plan 2016-2022, undertaken in accordance with the SEA Directive (2001/42/EC),
- The location of the site within the existing built-up urban area, which is served by public infrastructure, and the existing pattern of residential development in the vicinity,
- The location of the site outside of any sensitive location specified in article 109 of the Planning and Development Regulations 2001 (as amended) and the mitigation measures proposed to avoid significant effects by reason of 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 (EIAR) or a determination in relation to the requirement for an EIAR was not necessary in this case (See Preliminary Examination EIAR Screening Form).

6.0 The Appeal

6.1. Grounds of Appeal

6.1.1. A first-party appeal was received from Manahan Town Planning Consultants representing the Applicant Sorohan Builders Limited, against the decision made by the Planning Authority to refuse permission for the proposed development. The following summarises the grounds of appeal, relating to the two reasons for refusal accordingly.

6.1.2. Reason No. 1 - Insufficient Quantum and Quality of Amenity Open Space

- The location and layout of the open space were previously approved under P.A. Ref. D18A/1166, albeit for a lower number of units. The increase in the number of units under the subject appeal does not alter the usability of the space.
- The proposed open space would not be overshadowed, overlooked or subject to overbearing impact.
- Given that the proposed apartments are one and two-bedroom type units, it is unlikely that a large number of children will be residents within the proposed development.
- The provision of a playground facility would be surplus and not required. It would be far better to have more passive communal space.
- The proposed open space would provide an attractive visual environment for residents of the development.
- In response to the reason for refusal, the layout has been redesigned so as to increase its effectiveness and usability. Should this issue be of concern to the Board, permission could be granted with a condition that the open space be laid out as shown in the revised drawings submitted with the appeal.
- The total amount of open space consists of a landscaped garden of 252 sq.m, a communal area of 123 sq.m., a public open space garden of 320 sq.m. and a communal landscaped terrace of 297 sq.m. This results in a total 992 sq.m. of open space.

- The amended drawings lodged with the appeal increase the communal space from 359 to 420sq.m and the Public Open Space from 300 to 320 sq.m.
- The drawings submitted with the appeal reduce the number of units from 52 to 47 no. apartments and thereby reduce the density from 181 units per ha to 163 units per ha.
- It is submitted that an acceptable quantum and quality of open space can be provided and that this should not be used as a reason for refusal.

6.1.3. Reason No. 2 - Insufficient car parking

- Dun Laoghaire Rathdown County Council insist on a ratio of 1 no. parking space per apartment for apartment developments throughout the County, even when located at Dart stations, LUAS stops or along QBC's.
- The Council apply a 1:1 ratio as a minimum standard rather than a maximum.
- The revised drawings submitted with the appeal reduce the number of apartments within the development from 52 to 47 no. units, which results in a ratio of 0.7:1.
- A ratio of 0.5:1 is a more than adequate provision of car parking in this location. If the Board remains concerned, they could grant permission subject to the revised drawings submitted with the appeal, bringing the ratio to 0.7.

6.1.4. Consistency with Planning Policy

- The proposal is consistent with the National Planning Framework, the Regional Strategic Planning Framework and Development Plan, which provide for residential development along corridors of public transport and in areas with a high degree of services available.
- The proposal is consistent with Regional Planning Guidelines, Policy Directives, statutory objectives and requirements of the local authority and relevant government policy to provide for an adequate level of residential development in the Dublin sub-region to meet current needs. The proposal should be granted permission, having regard to the pattern of development in the area.

- The proposal is consistent with relevant policy objectives and provisions of the National Planning Framework, the Sustainable Residential Development in Urban areas, Guidelines (2009) and the Sustainable Urban Housing, Design Standards for New Apartments, Guidelines for Planning Authorities.
- Consistency with relevant Development Plan policy stated.

6.1.5. **Drainage**

- The Drainage Division reports raised issues regarding the disposal of surface water and foul effluent from the site. These issues were dealt with in compliance submissions under the previous permission and can, therefore, be addressed by way of Condition in the event of a grant of permission.

6.1.6. **Documentation submitted with the appeal includes;**

6.1.7. Report from DBFL Consulting Engineers responding to the Planning Authority's reason for refusal No. 2 re. car parking, which is summarised as follows;

- The site is well served by pedestrian and cycle facilities and linkages, and by public transport.
- The site can be well served by means other than private cars given its highly accessible location.
- Footpaths are located on both side of Kilmacud Road Upper and Drummartin Link Road. These footpaths are in good Condition with street lighting available.
- Pedestrian signal-controlled crossing facilities are available at the nearby signalised junction of Drummartin Link Road/ Kilmacud Road Upper.
- The proposal provides 84 no. cycle parking spaces for long term and 26 no. for short stay, in accordance with the requirements of the Apartment Guidelines 2018, and significantly above the minimum standards set out in Development Plan standards.
- The area surrounding the site offers existing facilities for cycling, with cycle tracks running along both sides of Kilmacud Road Upper and Drummartin Link Road.

- The site is well placed in the Greater Dublin Area Cycle Network Plan, including proposed future development.
- The proposed radial primary route 11C runs along the Drummartin Link Road in the immediate vicinity of the proposed development. This will provide connection between Sandyford/Glencairn and Dublin City Centre.
- The proposed Feeder route runs along Kilmacud Road Upper and will provide links to SO5 and thus connecting the proposed development to Dundrum Shopping Centre to the west and Stillorgan Shopping Centre to the east. The proposed SO5 will provide an orbital connection to Chapelizod and Blackrock (refer to Fig. 2 in report).
- The site is well served in terms of public transport provision.
- The proposed development is located within a 10 minutes walking time of a number of nearby bus stops serviced by bus routes 75/75a, 11, and 175.
- The proposed development is located within a 6 minute walking time of Kilmacud LUAS Stop. This LUAS stop is operational between 05:48 and 00:59 during weekdays while operating with an average frequency of 7 minutes.
- The LUAS Green Line provides access to Brides Glen to the south, Broombridge to the north, and the city centre and interchange points with LUAS Red Line and other destinations along its route. The Kilmacud LUAS stop provides 10 Sheffield bike racks.
- Based on the above, the proposed development is highly connected in terms of sustainable travel modes, all of which are in place and available with future upgrades planned. Therefore, the site should be considered from a sustainable travel perspective and not just car based.
- The proposed car parking is in line with sustainable transport objectives to reduce travel by car where possible. This is appropriate due to the location of the proposed development and its proximity to public transport and to the Major and District Centres of Dundrum and Sandyford.
- Similar nearby developments have been granted deviations from the Development Plan parking standard in recent years.

- ABP Ref. 304469-19 and ABP Ref. 30768320, relating to a strategic housing development approximately 350m east of the site with similar connections to public transport and the pedestrian and cycle network, were granted permission with a parking rate of 0.8 and 0.65 respectively.
- As per the 2018 Apartment Guidelines, the site's location would be regarded as a Central and/or Accessible Urban Location (Section 4.19 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines). This is based on the development being within a 6 minute walking time of Kilmacud LUAS Stop.
- At central locations, car parking provision can be minimised, substantially reduced or wholly eliminated in certain circumstances. The parking standard proposed is compliant with this.
- At a minimum, the site could be seen as an Intermediate Urban Location (Section 4.21 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines) where the standard of 0.5 spaces per unit originally proposed would still be considered acceptable.
- Although the application was originally submitted with a parking standard of 0.5 spaces per unit, the standard has now been increased to 0.7 by the removal of 5 no. apartment units and an increase in the total parking provision to 33 parking spaces within the undercroft (of which 2 are disabled parking space, 5 are EV charging spaces and 26 are general parking spaces).

6.1.8. Report from DBFL Consulting Engineers responding to issues raised by the Council's Water Services Section regarding Drainage, detailed in Section 7.3 below.

6.2. **Planning Authority Response**

The Planning Authority considers the grounds of appeal do not raise any new matter which would justify a change in its decision.

6.3. **Observations**

None

7.0 Assessment

7.1.1. I have reviewed the proposed development and the correspondence on the file. I am satisfied that the proposed development is acceptable in principle, in accordance with the zoning objective of the site. Having examined the application details and all other documentation on file and having regard to relevant local/regional/national policies and guidance, I consider that the main issues in this appeal are the reasons for refusal as cited by the Planning Authority. I also consider Drainage, Unit Mix and Appropriate Assessment also need to be considered. These can be addressed under the following headings;

- Public / Communal Open Space
- Car Parking
- Drainage
- Apartment Mix
- Screening for Appropriate Assessment

7.1.2. I have reviewed the revised proposal as submitted on appeal, comprising a reduction in no. of units from 52 to 47 no. apartments within an increase in no. of car parking spaces from 26 to 33 no. car parking spaces and revised communal / open space. As set out below, I am satisfied that the original proposal, as submitted to the Planning Authority, complies with relevant Development Plan policy and standards, and government planning policy and guidelines. On this basis, the original proposal as submitted to the Planning Authority is the basis of my assessment forthwith. I am satisfied that all other issues were fully addressed by the Planning Authority and that no other substantive issues arise. The issues for consideration are addressed below accordingly.

7.2. Public / Communal Open Space

7.2.1. The Planning Authority refused permission for the proposed development on the grounds that the quantum and quality of proposed public and communal open space does not comply with the requirements of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, and thereby would result in a substandard level of

residential amenity. The Planning Authority report addressed public and communal open space under the headings 'communal amenity areas', 'children's play' and 'open space provision', which are addressed below accordingly.

7.2.2. Communal Amenity Areas

- 7.2.3. The Planning Authority report states the proposed 359 sq.m. of communal open space complies with the standards set in Appendix 1 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018) whereby 324 sq.m. is required for the proposed development, based on the following calculation: - 21 units x 5 sqm + 30 units x 7 sqm + 1 unit x 9 sqm.
- 7.2.4. The Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities were published in December 2020. These updated and replaced the previous 2018 Guidelines. The date of decision of the Planning Authority was the 25th August 2021.
- 7.2.5. Section 4.10 of the Design Standards for New Apartments Guidelines (2020) refers to 'Communal Amenity Space' and states, inter alia, the following:

The provision and proper future maintenance of well-designed communal amenity space will contribute to meeting the amenity needs of residents. In particular, accessible, secure and usable outdoor space is a high priority for families with young children and for less mobile older people. The minimum required areas for public communal amenity space are set out in Appendix 1.

Communal amenity space may be provided as a garden within the courtyard of a perimeter block or adjoining a linear apartment block. Designers must ensure that the heights and orientation of adjoining blocks permit adequate levels of sunlight to reach communal amenity space throughout the year.

- 7.2.6. Appendix 1 of the Guidelines sets out minimum floor areas for communal amenity space for apartments and requires 5 sq.m. for a one-bedroom apartment, 6 sq.m. for a two-bedroom / 3 person apartment, 7 sq.m. for a two-bedroom / 4 person apartment and 9 sq.m. for a three-bedroom apartment.
- 7.2.7. The proposed development, as submitted to the Planning Authority, comprises 21 no. 1-bedroom apartments, 30 no. 2-bedroom apartments and 1 no. 3-bedroom apartment. In accordance with Appendix 1 of the Design Standards for New

Apartments Guidelines for Planning Authorities (2020), the proposal requires a minimum of 324 sq.m. communal amenity space. On this basis, I concur with the Planning Authority that the proposed 359 sq.m of 'communal' amenity space (comprising the landscape communal terrace 255 sq.m. and communal open space 104 sq.m.) complies with the communal amenity space requirements for apartments under Appendix 1 of the Design Standards for New Apartments Guidelines for Planning Authorities (2020).

7.2.8. Children's Play Area

7.2.9. The Planning Authority states the proposed development does not comply with Section 4.13 of the Design Standards for New Apartments Guidelines, which requires the provision of small play spaces (about 85 - 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, in a scheme that includes 25 or more units with two or more bedrooms. The Planning Authority states that the proposed development, comprising 31 units of two or more bedrooms, does not appear to make any provision for play spaces in the proposed open space.

7.2.10. Section 4.13 of the Design Standards for New Apartments Guidelines for Planning Authorities (2020) refers to 'Children's Play' and states, inter alia, the following:

The recreational needs of children must be considered as part of communal amenity space within apartment schemes. Experience in Ireland and elsewhere has shown that children will play everywhere. Therefore, as far as possible, their safety needs to be taken into consideration and protected throughout the entire site, particularly in terms of safe access to larger communal play spaces. Children's play needs around the apartment building should be catered for:

- *within the private open space associated with individual apartments (see chapter 3);*
- *within small play spaces (about 85 – 100 sq. metres) for the specific needs of toddlers and children up to the age of six, with suitable play equipment, seating for parents/guardians, and within sight of the apartment building, in a scheme that includes 25 or more units with two or more bedrooms;*

7.2.11. The proposed development, as submitted to the Planning Authority, comprises 21 no. 1-bedroom apartments, 30 no. 2-bedroom apartments and 1 no. 3-bedroom apartment. The Landscape Plan submitted (Dwg No. 18_167(21)_100, Rev 0) details the provision of a 'toddler play area with rubber crumb surface' on the proposed 104 sq.m. area of communal open space no. 2, located at the south-eastern corner of the site. Two hardwood benches are provided adjacent to the toddler play area along an adjoining paved terrace. It is my view that the proposed play area is acceptable by reason that it is located in a safe, accessible, open location facilitating good passive supervision from the proposed apartment block and above ground floor apartments within adjoining Hazelbrook development. The proposed toddler play area provides suitable surfacing and seating for accompanying adults/carers. On this basis, I am satisfied that the proposed children's play area complies with Section 4.13 of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2020) regarding children's play areas.

7.2.12. **Public Open Space**

7.2.13. The Planning Authority states the proposed 659 sq.m. of communal and public open space (359 sq m communal and 300 sqm public) fails to comply with the population-based open space requirements of Section 8.2.8.2 of the Development Plan. The Planning Authority calculated that 1,200 sq.m. would be required for the proposed development based on the following calculation - 15 sq.m. x (51 No. units x 1.5 sq.m.) + (1 No. units x 3.5 sq.m.).

7.2.14. The Planning Authority expressed serious concerns regarding the quality and usability of certain parts of the proposed open space. In particular, the Planning Authority note the following:

- The area of private landscape garden, which stretches along the western (sic) boundary connecting with the communal area to the south-east is not taken into consideration by reason that it is labelled 'private' in plans and particulars submitted.
- There are sections of communal open space with widths below 4m at ground and first floor levels, rendering them circulation areas rather than areas for enjoyment and amenity.

- Concerns regarding the accessibility of the open space along the eastern and southern sections of the site.
- The public space located at the southern end of a long path (+60 m) from Kilmacud Road Upper would significantly reduce any opportunities for members of the public to recognise that space as open for public access.

7.2.15. The Planning Authority acknowledges that while the proposed development meets the minimum 10% open space requirement in the Development Plan, a very high-quality open space should be provided. The Planning Authority states that the population-based calculation aims to ensure that adequate open space per capita is provided to ensure a satisfactory level of residential amenity and that the proposal fails to meet this requirement. On this basis, the Planning Authority consider the proposed development would provide inadequate public and communal open space provision and therefore would be contrary to the requirements of the Development Plan 2016- 2022. On this basis, the Planning Authority refused permission for the proposed development.

7.2.16. The Applicant contests these grounds of appeal, as detailed in Section 6.1.2 above. The applicant details that the proposal provides 992 sq.m. of open space comprising a landscaped garden of 252 sq.m, a communal area of 123 sq.m., a public open space garden of 320 sq.m. and a communal landscaped terrace of 297 sq.m. In response to the reason for refusal, the Applicant has submitted a revised proposal to improve the effectiveness and usability of public open space. The amended drawings lodged with the appeal reduce the number of units within the proposed development from 52 to 47 no. apartments resulting in an increase of the communal space from 359 to 420sq.m and the public open space from 300 to 320 sq.m. The Applicant informs the Board that should this be an issue of concern, the Board may consider granting permission for the revised proposal and open space therein. As detailed in Section 7.0 above, I am satisfied that the original proposal, as submitted to the Planning Authority, complies with relevant Development Plan standards, and forms the basis of my assessment below.

7.2.17. Section 8.2.8.1 of the Development Plan defines Public Open Space and Communal Open Space as follows;

- *Public Open Space generally derives from a development that is defined as being generally freely available and accessible to the public and has, or is intended to be, 'taken-in-charge' by the Local Authority. In most new residential development schemes, there should be some appropriate provision made for public open space within the site (Refer to Sections 8.2.8.2, 8.2.8.3 and Appendix 14).*
- *Communal Open Space is intended to be made available to a set group of residents only and would ordinarily be maintained by a Management Company. This would be typical of apartment - type residential developments.*

7.2.18. Section 8.2.8.2 of the Development Plan refers to 'Public/Communal Open Space – Quantity' whereunder sub-section (i) refers to 'Residential / Housing Developments' and states, inter alia, the following:

Open Space: For all developments with a residential component – 5+ units - the requirement of 15 sq.m - 20 sq.m. of Open Space per person shall apply based on the number of residential/housing units. For calculation purposes, open space requirements shall be based on a presumed occupancy rate of 3.5 persons in the case of dwellings with three or more bedrooms and 1.5 persons in the case of dwellings with two or fewer bedrooms. A lower quantity of open space (below 20 sq.m per person) will only be considered acceptable in instances where exceptionally high quality open space is provided on site and such schemes may be subject to financial contributions as set out under Section 8.2.8.2 (iii) below. The Planning Authority shall require an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space irrespective of the occupancy parameters set out in the previous paragraph.

7.2.19. The stated area of the site is 0.29 ha, and the proposed development, as originally submitted to the Planning Authority, comprises 21 no. 1-bedroom apartments, 30 no. 2-bedroom apartments and 1 no. 3-bedroom apartment. The Architectural Design Statement and Drawings submitted detail the proposed development would provide following areas of public/communal open space;

Public Open Space:

- Public Open Space Landscape Garden – 300 sq.m.

Communal Open Space:

- Communal Open Space Area 2 – 104 sq.m.
- Landscape Communal Terrace Area 1 (first floor) – 255 sq.m.

Total - 359 sq.m.

Other

- Private Landscape Garden – 252 sq.m.

The combined total of the above is 911 sq.m.

7.2.20. The area of proposed 'public open space landscape garden' (300 sq.m.) is located at the southern end of the site. This complies with Section 8.2.8.2 of the Development Plan which requires '*an absolute default minimum of 10% of the overall site area for all residential developments to be reserved for use as Public Open and/or Communal Space*'. Under the subject appeal, a minimum 290 sq.m. public open and/or communal space is required, given the stated 0.29 ha area of the site. On this basis, it is my view that the amount of public open space provided complies with the minimum standard required under Section 8.2.8.2 of the Development Plan 2016-2022.

7.2.21. The combined total area of public open space, communal space and landscape garden is 911 sq.m. I do not agree with the Planning Authority that the 252 sq.m. 'private landscaped garden area' along the eastern boundary should be excluded by reason that it is labelled 'private'. This landscaped garden would be available for common use providing pedestrian access to the 'communal open space area No. 2' and 'public open space landscaped garden' at the southern section of the site. While the 911 sq.m of communal and public open space is a shortfall of the 1,200 sq.m. open space required under the population-based open space requirements of Section 8.2.8.2 of the Development Plan, as calculated by the Planning Authority, it is a significant excess of the minimum 10% public open and/or communal space requirement, i.e. 290 sq.m. Therefore, it is my view that the critical issue before the Board is whether or not the quality of public and communal open space would provide a substandard level of amenity for the residents of the proposed development.

7.2.22. A detailed landscape plan is submitted showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. Hard landscape details include seating, paving, surfacing and features including 'shallow corten steel

reflection pools'. Soft landscape details include a detailed planting schedule stating species/varieties and sizes. The landscape plan details a timescale for its implementation, monitoring and defect replacements.

7.2.23. Having reviewed the landscape and layout plans submitted, I am satisfied that the quality of the communal open space provided for the proposed development is of a high standard and well-designed, in compliance with the requirements of Section 8.2.8.1 of the Development Plan. The design of the proposed development and adjacent Hazelbrook development would provide passive surveillance of the open space, landscaped garden and communal terrace. Public lighting can be dealt with by way of Condition, in the event of a grant of permission. On this basis, and given that the quantum of open space exceeds the minimum 10% Development Plan standard, it is my view that the quantum and quality of public and communal open space serving the proposed development would not result in a substandard level of residential amenity. The proposed development complies with the requirements of Sections 8.2.8.1 and 8.2.8.2 of the Development Plan regarding Landscape Plans and Public / Communal Open Space, respectively. I recommend, therefore, that the proposed development not be refused permission in relation to the Planning Authority's first reason for refusal.

7.3. Parking

7.3.1. The Planning Authority refused permission for the proposed development on the grounds that the number of proposed car parking spaces does not comply with Development Plan car parking standards and that, if permitted, would set an undesirable precedent which would result in significant negative impacts on the road network and give rise to traffic hazards.

7.3.2. The Planning Authority report states the proposed 26 no. car parking spaces serving the proposed 52 no. apartments would result in a shortfall of 42 no. car parking spaces, as required under the Development Plan's Car Parking Standards. While acknowledging the site's proximity to a Luas stop c.500m to the south, the Planning Authority considers an appropriate quantum of car parking is required to provide for the proportion of trips that more sustainable modes of transport cannot undertake. In addition, the Planning Authority notes the area's capacity to absorb parking spillover and lack of off-street parking along Kilmacud Road Upper

and Drummartin Link Road in the site's proximity. With this regard, the Planning Authority considers that unauthorised parking on those streets would potentially create a traffic hazard and negatively impact the surrounding road network. The Applicant contests this reason for refusal, as detailed in Section 6.1.3 above.

7.3.3. The proposed development, as originally submitted to the Planning Authority provides 26 no. car parking spaces within an undercroft parking area at ground level and 113 No. cycle parking spaces. As detailed above, the proposed development comprises 21 no. 1-bedroom apartments, 30 no. 2-bedroom apartments and 1 no. 3-bedroom apartment. Table 8.2.3 of the Development Plan refers to 'Residential Land Use - Car Parking Standards' and requires the following:

- 1 space per 1-bed unit and per 2-bed unit
- 2 spaces per 3-bed unit+
(depending on design and location).

7.3.4. The proposed development would require 53 No. car parking spaces, on the basis of the following;

- 21 no. 1-bed units x 1 space per unit = 21 car parking spaces
- 30 no. 2-bed units x 1 space per unit = 30 car parking spaces.
- 1 no. 3-bed unit x 2 spaces per unit = 2 car parking spaces

The Planning Authority applied a 1.5 space per unit ratio requirement for 2-bed units, yielding an overall requirement of 68 No. car parking spaces.

7.3.5. Section 8.2.4.5 of the Development Plan states that reduced car parking standards for residential development 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.*

7.3.6. Section 4.19 of The Design Standards for New Apartments Guidelines (2020) refers to car parking at 'Central and/or Accessible Urban Locations' and states the following:

In larger scale and higher density developments, comprising wholly of apartments in more central locations 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. The policies above would be particularly applicable in highly accessible areas such as in or adjoining city cores or at a confluence of public transport systems such rail and bus stations located in close proximity.

These locations are most likely to be in cities, especially in or adjacent to (i.e. within 15 minutes walking distance of) city centres or centrally located employment locations. This includes 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.

7.3.7. The site is located c. 1.5 km to the east of Dundrum Town Centre (c. 6 min. cycle and 19 min. walk) and c. 1.2 km to the north of Sandyford Business District (c. 4 min cycle and 14 min. walk). Dublin City Centre is located c. 8km to the north. Having regard to the proximity of the site to the Kilmacud Luas stop and Sandyford Business District, it is my view that the site can be classified as an 'Accessible Urban Locations', as per the Design Standards for New Apartments Guidelines.

7.3.8. The site is highly accessible by public transport, whereby it is located c. 400m (5 min. walk / 2 min. cycle) to the north of the Kilmacud Luas Green Line station. There are Dublin Bus stops located c. 155m to the west and c. 215m to the east of the site along the Kilmacud Road, serving bus route nos. 75 and 75A, which link The Square in Tallaght with Dún Laoghaire. Dublin Bus Route No. 11 runs along Eden Park Road to the north, linking Wadeli Park on the northside of Dublin with nearby Sandyford Business District. A designated cycle lane runs along the northern and eastern boundaries of the site.

- 7.3.9. A Transportation Statement report is submitted with the application detailing transport sharing schemes in the vicinity including Dublin City' Council's Bleeper bike hire scheme, Moby Move electric bike scheme, GoCar and Yoko car sharing schemes, all of which operate and have bases within 1km of the site. The report also provides details on proposed Bus Connects routes which will directly serve the site.
- 7.3.10. Having regard to (i) the high density of the proposed development c. 179 units per hectare (52 No. units/0.29ha), the nature of the proposed development comprising wholly apartments in an accessible urban location that is well served by public transport, it is my that the substantially reduced number of car parking spaces would be consistent with Section 4.19 of The Design Standards for New Apartments Guidelines (2020).
- 7.3.11. The proposed development, as submitted to the Planning Authority, provides 1 no. disabled car parking space. Section 8.2.4.5 of the Development Plan requires for residential car parking that 4% of car parking spaces provided shall be suitable for use by disabled persons. I note the revised proposal submitted with the appeal provides 2 no. disabled car parking spaces. I consider that in the event of a grant of permission this issue can be dealt with by way of Condition.
- 7.3.12. I acknowledge the Planning Authority's concerns regarding overspill car parking onto the surrounding road network. However, it is my view that sufficient car parking has been provided within the site. Should overspill car parking become an issue, the Planning Authority could manage it by introducing restrictive measures on the surrounding public road. On this basis, I recommend that the proposed development not be refused permission in relation to the Planning Authority's second reason for refusal.

7.4. Drainage

The Planning Authority's Drainage Planning Section requested Further Information, summarised as follows:

- Submit long-sections of the proposed surface water drainage system, clearly labelling cover levels, invert levels, pipe gradients and diameters and ensure the final connection comes in above the invert level of the receiving manhole.

- Recalculate the attenuation volume using the revised discharge rate.
- Provide details of maintenance access to the green roofs. In the absence of a stairwell type access to the roof, provision should be made for alternative maintenance and access arrangements such as external mobile access that will be centrally managed.
- Submit a detailed cross-section of the green roof's proposed build-up, including dimensions, and comment on the compatibility of the green roof with PV panels.
- Detail a flow control device that does not have a bypass door and clarify whether a silt trap is being provided in the flow control device chamber and if not to make provision for same.
- Confirm if a petrol interceptor is required for the site and demonstrate that it is appropriately sized for the runoff it will treat, in accordance with industry standards.
- Confirm that the attenuation storage system has the required load-bearing capacity to support the loading that may imposed upon it.
- Demonstrate that the entire site complies with the Greater Dublin Strategic Drainage Strategy (GDSDS) requirements.
- Provide further details regarding proposed SuDS measures.
- Confirm if all areas of hardstanding are permeable paving.
- Comment on the proposed surface water drainage system in the event of a blockage or partial blockage and any surcharging or flood risk identified.
- Submit a drawing showing details of safe overland flow routes both within and without the site.

7.4.1. In response to the above, the Applicant submitted with the appeal a Report from DBFL Consulting Engineers detailing the following:

- The outfall pipe enters the existing manhole at the level 75.191 mAOD and the invert level of the existing manhole is 75.060 mAOD, which provides 131mm of clearance.

- Refer to updated drawings Nos. 180223-300 Site Services Layout and Foul Drainage Outfall and 180223-3020 Surface Water Long sections, where the levels are clarified on same.
- The site area is 0.33ha and the Qbar is calculated using the Institute of Hydrology equation for this site is 0.81/s.
- As recommended in the GDSDS, to reduce risk of blockages in the hydrobrake, the allowable outflow from the site will be limited to 2l/s. Any requirements to increase attenuation storage can be easily accommodated within the development footprint and can be agreed by way of compliance if deemed necessary.
- The proposed attenuated storage is based on 2 l/s.
- The provision of green roof treatments on new developments similar to the proposed development is common within the Dublin Area.
- When the final green roof system has been selected, final details on maintenance and accessibility can be provided by way of compliance submission.
- There is no issue regarding the green roof functioning where PV panels are also present.
- The bypass from the flow control manhole has been removed, and a slit trap has been added. Refer to drawing no. 180223-300 Site Services Layout and Foul Drainage Outfall.
- A petrol interceptor has been removed as there is no access road draining to the proposed surface water/ rainwater system.
- All trafficked pavements/car parking areas are drained separately to the surface water network, and an appropriately sized petrol interceptor out falling to the foul system is proposed.
- The drainage system in the undercroft is for incidental runoff only - refer to drawing no. 180223-300 Site Services Layout and Foul Drainage Outfall.
- The proposed ground level over the storage attenuation tank is c. 78.25m AOD versus a top of tank level of 76.42mAOD. Therefore, the depth of cover is c. 1.83m (overall structure depth is circa 2.5m).

- The chosen manufacturer is Stormbloc® Optimum, a resilient geocellular storage system that provides underground storage and infiltration of urban runoff. As per its technical specification, it is suitable for installation to applications up to 4 meters deep, and in this instance the installation will not be trafficked.
- Interception storage is provided as follows:
 - Extensive Green Roof with minimum 60% coverage in accordance with DLR's Green Roof Policy - intercepts itself;
 - Remaining Roof (buffer at parapet walls, lift overruns and buffer to PV panels) - similar build-up to the green roof with stone in place of sedum - intercepts itself;
 - Intensive Green Roof on a podium slab - intercepts itself;
 - Resin bound gravel path - intercepts itself;
 - Granite paving flags - intercepts itself;
- As defined in GDSDS, it is not necessary to provide treatment storage as interception storage is provided.
- It is proposed that the attenuation system will be lined as it is only 3.2m from the building foundations. Refer to Drawing No. 180223-300 Site Services Layout and Foul Drainage Outfall where the impermeable liner is shown.
- All external areas of hardstanding will be permeable paving, resin bound gravel paths and granite paving flags are proposed. Refer to Drawing no. 180223-2000 Road Layout where proposed materials are outlined.
- Minimum separation distances for utilities are in accordance with applicable Codes of Practice. Both the foul and surface water connections are provided within or adjacent to the development site boundary, so utility interaction should be minimal. Notwithstanding this detailed design, clearances can be confirmed at compliance stage.
- For pre-existing conditions, flows from the site are directed north-easterly towards Kilmacud Road Upper road.

- For storms greater than the 1% AEP pluvial event, the development's drainage network design may be exceeded, and overland flow may occur. Figure 2 indicates overland flow directed towards open space areas and away from buildings.

7.4.2. Having regard to the above, I am satisfied that the Applicant adequately addressed the issues raised by the Council's Drainage Planning Division. Any outstanding issues can be dealt with by way of Condition.

7.5. **Apartment Mix**

7.5.1. The Planning Authority acknowledge the apartment mix within the proposed development accords with the requirements of 'Sustainable Urban Housing - Design Standards for New Apartments' (2020). Notwithstanding this, the Planning Authority states the low number of 3-bedroom apartments within the proposed development, i.e. 1 no. 3-bedroom apartment does not comply with the requirements of Policy RES7 of the Development Plan and is a significant departure from the permitted scheme on the site. The Planning Authority acknowledge that Section 8.2.3.3. (i), (ii), (v), (vii) and (viii) of the Development Plan 2016-2022 has been superseded by Ministerial Guidelines 'Sustainable Urban Housing - Design Standards for New Apartments' published by the Department of Housing, Planning and Local Government (DoHPLG, 2018 (updated in 2020)). This is set out in an advisory note to Chapter 8 of the Development Plan. Section 8.2.3.3 of the Development Plan refers to 'Apartment Development' and subsection (iii) refers to Mix of Units.

7.5.2. Policy RES7 of the Development Plan refers to Overall Housing Mix and requires the following:

It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

7.5.3. Specific Planning Policy Requirement 1 of the Sustainable Urban Housing - Design Standards for New Apartments, Guidelines for Planning Authorities (2020) requires the following:

Housing developments may include up to 50% one-bedroom or studio type units (with no more than 20-25% of the total proposed development as studios) and there shall be no minimum requirement for apartments with three or more bedrooms. Statutory development plans may specify a mix for apartment and other housing developments, but only further to an evidence-based Housing Need and Demand Assessment (HNDA), that has been agreed on an area, county, city or metropolitan area basis and incorporated into the relevant development plan(s).

7.5.4. Specific Planning Policy Requirement 2 requires the following:

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 SPPR 1, there shall be no restriction on dwelling mix, provided no more than 50% of the development (i.e. up to 4 units) comprises 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 SPPR 1, shall apply from the 10th residential⁷ unit to the 49th;*
- *For schemes of 50 or more units, SPPR 1 shall apply to the entire development;*

7.5.5. The proposed development, as originally submitted to the Planning Authority comprises 21 no. 1-bedroom apartments, 30 no. 2-bedroom apartments and 1 no. 3-bedroom apartment. I am satisfied that the mix of units within the proposed development complies with SPPR1 of the Sustainable Urban Housing - Design Standards for New Apartments, Guidelines for Planning Authorities (2020). Given the stated area of the site is 0.29 hectares, SPPR 2 does not apply as it relates, inter alia, to urban infill schemes on sites of up to 0.25 hectares.

7.6. Screening for Appropriate Assessment

7.7. Having regard to the nature and scale of development proposed and to the nature of the receiving environment, in particular its location in a serviced settlement, and having regard to its separation distance from any European site, 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 no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

8.0 Recommendation

- 8.1. I recommend that permission be granted subject to conditions, for the reasons and considerations below.

9.0 Reasons and Considerations

- 9.1.1. Having regard to the provisions of the Dun Laoghaire Rathdown County Council County Development Plan 2016-2022 and the zoning of the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual and residential amenity of the area, would not be prejudicial to public health and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

10.0 Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.</p> <p>Reason: In the interest of clarity.</p>
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2.	<p>Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of visual amenity.</p>
3.	<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:</p> <ul style="list-style-type: none"> (a) Location of the site and materials compound(s) including areas identified for the storage of construction refuse; (b) Location of areas for construction site offices and staff facilities; (c) Details of site security fencing and hoardings; (d) Details of on-site car parking facilities for site workers during the course of construction; (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; (f) Measures to obviate queuing of construction traffic on the adjoining road network; (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network; (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works; (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

	<p>(j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;</p> <p>(k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;</p> <p>(l) Means to ensure that surface water runoff is controlled such that no silt or other pollutants enter local surface water sewers or drains.</p> <p>A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.</p> <p>Reason: In the interest of amenities, public health and safety.</p>
4.	<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 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>
5.	<p>Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.</p> <p>Reason: In order to safeguard the residential amenities of property in the vicinity.</p>

6.	<p>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.</p> <p>Reason: In the interest of public health.</p>
7.	<p>Prior to commencement of development, the developer shall enter into a water and/or wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health.</p>
8.	<p>The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:</p> <p>(a) A plan to scale of not less than 1:500 showing -</p> <p>(i) Existing trees, hedgerows [shrubs] [rock outcroppings] [stone walls], specifying which are proposed for retention as features of the site landscaping.</p> <p>(ii) The measures to be put in place for the protection of these landscape features during the construction period.</p> <p>(iii) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder and which shall not include prunus species.</p> <p>(iv) Details of screen planting which shall not include cupressocyparis x leylandii.</p> <p>(v) Details of roadside/street planting which shall not include prunus species.</p> <p>(iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.</p> <p>(b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.</p>

	<p>(c) A timescale for implementation.</p> <p>All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>Reason: In the interest of residential and visual amenity.</p>
9.	<p>Proposals for an estate name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features or alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.</p> <p>Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
10.	<p>Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 the development.</p> <p>Reason: In the interests of amenity and public safety.</p>
11.	<p>The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>

	<p>Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority detailed design proposals relating to car parking which shall include the following:</p> <ul style="list-style-type: none"> (i) All of the parking spaces serving the residential units shall be provided with functional electric vehicle charging points. (ii) The provision of 2 no. disabled car parking spaces. (iii) The provision of 1 no. motorcycle parking space <p>Reason: In the interest of amenity and sustainable transportation.</p>
13.	<p>Prior to commencement of development, the developer shall submit for the written agreement of the Planning Authority, plans and particulars detailing the the location and design of bicycle parking serving the proposed development.</p> <p>Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.</p>
14.	<p>Prior to the occupation of the development, a Mobility Management Strategy (travel plan) shall be submitted to and agreed in writing with the planning authority. This shall include modal shift targets and shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling 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 the management company for all units within the development.</p> <p>Reason: In the interest of encouraging the use of sustainable modes of transport.</p>
15.	<p>A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in</p>

	<p>particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
16.	<p>Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development.</p> <p>Reason: In the interest of wildlife protection.</p>
17.	<p>All service cables associated with the proposed development, such as electrical, telecommunications and communal television, shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.</p> <p>Reason: In the interests of visual and residential amenity.</p>
18.	<p>Prior to commencement of development, the Applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.</p>

	<p>Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area.</p>
19.	<p>Prior to the commencement of the development as permitted, the Applicant or any person with interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all units permitted, to first occupation by individual purchasers, i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
20.	<p>The apartments shall not be used for any short term residential letting.</p> <p>Reason: In the interests of the proper planning and sustainable development of the area.</p>
21.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection with the development, coupled with an agreement empowering the Local Authority to apply such security or part thereof to the satisfactory completion of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.</p> <p>Reason: To ensure the satisfactory completion of the development.</p>
22.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by</p>

	<p>or on behalf of the Authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.</p>
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Brendan Coyne
Planning Inspector

15th March 2022