



An
Bord
Pleanála

Inspector's Report

ABP-312423-22

Development

Permission is sought for development comprising: The demolition of the existing 2-storey end of terrace retail building, the construction of a part 4 and 5-storey mixed-use development consisting of the following (A) 4 no. apartments, (B) 1 no. retail unit and all associated site development works

Location

75, Nimble Fingers, St.Laurence's Park, Old Dublin Road, Stillorgan Village, Dublin, A94NR74

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D21A/0904

Applicant(s)

Patrick and Jean Staunton

Type of Application

Planning Permission

Planning Authority Decision

Refused Permission

Type of Appeal

First Party Appeal

Appellant(s)

Patrick and Jean Staunton

Observer(s)

None

Date of Site Inspection

8th August 2021

Inspector

Susan Clarke

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1.0 Site Location and Description

- 1.1. The subject site, measuring 0.0336 ha, is located in the centre of Stillorgan, Co. Dublin. The site is a two-storey, end-of-terrace property that consists of a comparison retail shop (Nimble Fingers) at ground floor level, storage, kitchenette and office accommodation at first floor level and storage at attic level. The site includes part of the footpath and car parking area to the front of the terrace. There is a flat roof extension to the rear of the building, and a container and flat roofed garage to the rear of the site. There is a service access to the rear of the site through a private laneway via St. Laurence's Park.
- 1.1.1. The two-storey retail/commercial terrace borders the site to the north, with St. Laurence's Park beyond. The site is located west and north of the former Leisureplex recreational site, which is currently under construction for the provision of 232 No. build to rent apartments (ABP: 305176-19). The lands located east of the Leisureplex redevelopment site are owned by Dun Laoghaire Rathdown County Council. The three parcels of land (i.e. the terrace of commercial units (including the subject site), the Leisureplex redevelopment site, and the DLRCC lands) collectively comprise a Key Development Site (KDS) "Leisureplex, Library and Environs" in the Stillorgan Local Area Plan.
- 1.2. The surface car park associated with the former Leisureplex development is located to the south of the subject site. The Stillorgan Village centre and shopping centre are located to the west of the site on the opposite side of the Old Dublin Road. Ground levels fall from west to east across the site, towards the N11 from the Village Centre. The site is served by a Quality Bus Corridor (QBC) on the N11 and a number of bus stops on the Old Dublin Road and Lower Kilmacud Road. A strategic housing residential development (student and apartment accommodation) is permitted at the 'Blakes/ Esmonde Motors' site on the opposite side of Kilmacud Road Lower to the south of the subject site (ABP: 300520-18).

2.0 Proposed Development

2.1. The proposed development consists of:

- The demolition of the two-storey end-of-terrace retail building and single storey garage and container,
- The construction of a part 4/part 5 storey mixed use development comprising four apartments at first to third floor level (two 1-bed units, one 2-bed unit, and one 3-bed unit), and a retail unit at ground (lower and upper) and mezzanine floor levels (205 sq m).
- Terrace (44 sqm) at first floor level to the rear of the site.
- Two car parking spaces along the Old Dublin Road and 12 No. bicycle parking spaces at lower ground floor level (accessed via St. Laurence's Park),
- PV panels, storage area, undercroft refuse storage, sedum roof, and
- Associated works.

The proposal will have an overall height of 14.6m along the Old Dublin Road. The retail floor area is split between an upper ground floor area, lower ground level, and mezzanine level. The proposed building will be finished with brick on its front and rear elevations and will have a render finish to gable north and south elevations and first floor roof terrace area. The front elevation will have a stone cladding frame from ground to second floor level, while the pent house will have metal frame at third floor level. No public realm works or public space is proposed. It is proposed to connect to the existing water and drainage services at this location.

The proposed development would have a residential density of 119 units per hectare and a plot ratio of 1:1.82.

2.2. Amendments Proposed as Part of First Party Appeal

The Appeal includes a number of amendments to the proposed development including:

- Raise the retail ground floor finish level by 200mm.

- Paving, seating and one tree to match the adjacent development on the former Leisureplex site is included. It is proposed that this area is taken in charge by the Council.
- A dual stacking bike stand and shower facilities are proposed at lower ground floor level.
- A rear balcony at first floor level is proposed to serve Unit 1 (2-bed).
- Privacy screens are proposed on the southern elevation of rear terrace and balconies to prevent overlooking onto the neighbouring Leisureplex redevelopment.
- Provision of one extra car parking space (three proposed in total) along the Old Dublin Road.
- Material alterations including a brick finish to the northern elevation.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council issued a Notification of Decision to Refuse Permission on 6th December 2021 for three reasons:

1. *The applicant has **not provided an adequate justification or rationale** for the demolition of the existing building and outbuildings on the site and **for the redevelopment of the site in isolation from the larger St Laurence Park corner block site**, in accordance with the Site Development Framework for the Leisureplex, Library and Environs site and in accordance with Objectives KDS1, KDS3, KDS4 and KDS6 of the Stillorgan Local Area Plan (LAP) 2018 - 2024. The proposed development is considered to **constitute piecemeal development** of the St Laurence Park corner terrace block site and this type of development, given the site constraints, **would militate against the achievement of a building line that enhances the street along the Old Dublin Road** and would **limit opportunities for the achievement of a dense development with an adequate level of residential amenity** in relation to the provision of quality communal open space and adequate communal facilities for residents as sought in the policies of the Dun*

Laoghaire Rathdown County Development Plan 2016-2022 (Section 8.2.3.3) and the Site Development Framework (Table 4.5.2.2) of the Stillorgan LAP 2018 - 2024. The proposed development is therefore contrary to policy and to the proper planning and sustainable development of the area.

2. The proposed development would, **by virtue of the abrupt transition of height, scale, bulk and form from the north and in close proximity to adjoining property, appear visually obtrusive, incongruous and overbearing** when viewed from the existing properties and when viewed from the public realm along Old Dublin Road. The proposed development would, therefore, be seriously injurious to the visual and residential amenities of the area. The proposed development would set an undesirable precedent for similar development contrary to Section 8.2.3.3 (i) and Section 8.2.3.4 (vii) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and is therefore contrary to the proper planning and sustainable development of the area.
3. The proposed development due to its **piecemeal nature in the context of the larger St Laurence Park corner site**, and by reason of **substandard access to the rear of existing adjacent units from St Laurence Park, the potential effect on the delivery of the public realm changes under the Stillorgan Village Area Movement Framework Plan** as only an area in front of the site is considered and **the reliance on on-street parking for the proposed residential units and that the proposed long-term cycle parking in terms of type of stand, spacing, access and others, is not in accordance with the relevant standards for such facilities in new developments**, would adversely impact the amenities of properties in the vicinity and would represent a **sub-standard form of development**. The proposed development may result in **car parking overspill** on surrounding residential roads by reason of inadequate car parking provision. The proposed development would, therefore, be contrary to the Dun Laoghaire Rathdown County Development Plan 2016 - 2022 and to the proper planning and sustainable development of the area.

Note: It is noted that additional details would be required in terms of clarifying the appropriateness or otherwise of the proposed use mix for the District Centre core retail area site, the net and gross retail floor area, the potential for overlooking from rear balconies and the roof terrace towards the adjacent permitted

development and existing development and any mitigation measures, and in terms of clarifying the Daylight, Sunlight and Overshadowing impact for the proposal, including the communal open space, and its effect in these terms on existing buildings and permitted buildings in its vicinity. The issue of taking in charge would require to be clarified. These issues should be addressed in the event of a future application.

3.2. Planning Authority Reports

3.2.1. Planning Reports

Basis of Planning Authority's decision.

The Planning Officer stated that while the principle of residential and retail development at the subject site is considered acceptable, it is considered that the applicant has not provided an adequate justification or rationale for the demolition of the existing building and outbuildings in a piecemeal way separate from the larger St. Laurence Park corner block. This piecemeal form of development would militate against the achievement of appropriate residential development standards, integration with the surrounding corner block and an appropriate use mix on the District Centre retail core area site.

The development as proposed represents an inappropriate and incongruous form of development which would be out of character with the pattern of development in the general vicinity of the site and it relates poorly to neighbouring property to the north by reason of its bulk form and height. It would give rise to adverse impacts on the adjoining streetscape and property by way of overbearing appearance, potential overshadowing and would appear visually obtrusive.

In relation to the Stillorgan Village Area Movement Framework Plan, the proposed development of a part of the St Laurence Park larger corner site in a piecemeal manner would militate against the achievement of the necessary Transportation requirements such as adequate car and cycle parking, appropriate access to the site and the delivery of a section of the public realm. It is considered that the proposed development would give rise to car parking overspill on the surrounding District Centre and residential roads, and, as such, would seriously injure the amenity of properties in the area.

3.2.2. Other Technical Reports

Parks and Landscape Services: Further information required in relation to public realm proposals, including levels finishes, potential soft landscape interventions.

Public Lighting: No public lighting required.

Environmental Health Service: Further information required including a demolition management plan, a construction environmental management plan, noise action plan, and an operational waste management plan.

Drainage Planning: Further drainage information required.

Transportation Planning: Recommends permission is refused as the proposal would constitute piecemeal development, set an undesirable precedent.

3.3. Prescribed Bodies

Irish Water: No objection, subject to condition.

The Heritage Council: No response received.

An Taisce: No response received.

National Parks and Wildlife Service: No response received.

3.4. Third Party Observations

One third party observation was submitted to the Local Authority in respect of the proposed development from KW Investment Funds ICAV acting for and on behalf of its sub-fund KW Investment Fund XVII, which is developing the former Leisureplex site (ABP Ref: 305176-19). The key points raised can be summarised as follows:

- Overlooking
- No daylight assessment completed.
- Detailed construction management plan required.

4.0 Planning History

Subject Site

DLRCC Ref. V/065/21: Part V Certificate of Exemption, dated 5th October 2021.

D07A/1798: Planning permission granted in 2008 for the demolition of a one storey extension to the rear of the existing shop and the reduction of existing floor level to match existing laneway. Construction of three storey structure above level of existing laneway comprising storage space, one retail sales floor and associated administration spaces to facilitate the use of existing first floor as additional retail. Extension of storage shed, façade alterations, and erection of canopy and signage. The permission was extended (Ref. D07A/1798/E) in 2013 to 2018 but was not implemented.

DLRCC Reg. Ref.: D07A/1321: Permission refused in November 2007 for demolition of a one storey extension to the rear of the existing shop and the reduction of existing floor level to match existing laneway. The replacement structure to consist of 4 stories above level of existing laneway (3.5 stories above existing ground level at front of site) comprising storage space, 2 no. retail sales floors, and administration floor. Construction of an additional floor to the existing storage shed across the shared laneway for storage use. The development was refused having regard to its design and height, and inaccurate development description.

Former Leisureplex Site:

ABP Ref: 305176: Planning permission granted in August 2019 for the redevelopment of the site and construction of 232 No. build-to-rent apartments, two retail units and four restaurant/café units. This permission is currently under construction. Appendix A of this Report illustrates the permitted layout for the SHD development.

Former Blakes Site:

ABP Ref: 300520: Planning permission granted in March 2018 for 179 No. student accommodation units (576 No. bedspaces), 103 No. residential apartments and retail/restaurant/café/co-working space and a community sports hall.

5.0 Policy Context

5.1. National & Regional Policy / Guidance

5.1.1. The **National Planning Framework (NPF)** is the Government's high-level strategic plan for shaping the future growth and development of the country to the year 2040. A key element of the NPF is a commitment towards 'compact growth', which focuses on a more efficient use of land and resources through reusing previously developed or under-utilised land and buildings. It contains several policy objectives that articulate the delivery of compact urban growth as follows:

- NPO 3 (b) aims to deliver at least 50% of all new homes targeted for the five cities within their existing built-up footprints;
- NPO 4 promotes attractive, well-designed liveable communities;
- NPO 6 aims to regenerate cities with increased housing and employment;
- NPO 11 outlines a presumption in favour of development in existing settlements, subject to appropriate planning standards
- NPO 13 promotes a shift towards performance criteria in terms of standards for building height and car parking
- NPO 27 promotes the integration of safe and convenient alternatives to the car into the design of communities.
- NPO 33 prioritises new homes that support sustainable development at an appropriate scale relative to location
- NPO 35 encourages increased residential density through a range of measures, including site-based regeneration and increased height.

5.1.2. Following the theme of 'compact urban growth' and NPO 13 of the NPF, the 2018 **Urban Development and Building Heights, Guidelines for Planning Authorities** (hereafter referred to as the 'Building Heights Guidelines') outlines the wider strategic policy considerations and a performance-driven approach to secure the strategic objectives of the NPF.

5.1.3. **Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (DoEHLG, 2009)**, hereafter referred to as 'the Sustainable Residential

Development Guidelines’, sets out the key planning principles which should guide the assessment of planning applications for development in urban areas.

- 5.1.4. **Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020)**, hereafter referred to as ‘the Apartments Guidelines’, sets out the design parameters for apartments including locational consideration; apartment mix; internal dimensions and space; aspect; circulation; external amenity space; and car parking.

5.2. **Dun Laoghaire Rathdown County Development Plan, 2022-2028**

Since the Local Authority issued its decision in respect of the subject proposal, a new development plan has been prepared and adopted for the County. The applicable plan is the Dun Laoghaire Rathdown County Development Plan, 2022-2028.

The site is located within a District Centre, which seeks “*To protect, provide for and/or improve mixed-use district centre facilities*”. Both residential and commercial development are permitted in principle under this zoning objective.

Residential

- Policy Objective PHP18: Residential Density
- Policy Objective PHP20: Protection of Existing Residential Amenity
- Policy Objective PHP37: Public Realm Design
- Policy Objective PHP40: Shared Space Layouts
- Policy Objective PHP42: Building Design & Height
- PHP43: Design in Local Area Plans

Development Management

- Section 12.3.1.1 Design Criteria
- Section 12.3.3 Quantitative Standards for Residential Development
- Section 12.3.5 Apartment Development
- Section 12.3.7.7 Infill
- Section 12.4.5 Car Parking Standards
- Section 12.4.6 Cycle Parking

- Section 12.8.2/12.8.3/12.8.8 Open Space
- Section 12.8.6.2 SuDS
- Appendix 5: Building Height Strategy

5.3. Stillorgan Local Area Plan 2018-2024

5.3.1. The site is zoned 'District Centre' and is identified as a Key Development Site (KDS) "Leisureplex, Library and Environs".

5.3.2. Section 4.5.2 provides a framework for the site and the following points are noted:

- Redevelopment should include a **mix of uses** – commercial, retail, community, cultural and residential
- Create a **building line** that enhances a vital street frontage onto the Old Dublin Road and also Lower Kilmacud Road
- **Benchmark height of 5 storeys across the site**, with a landmark building of up to 9 storeys at the corner of the N11/Lower Kilmacud Road junction. The **transition** between the landmark height and the benchmark height must be designed to ensure that excessive massing or bulk in the overall design does not detract from the 'landmark' nature of the 9 storey element. **Height should graduate downward at mutual boundaries** with adjoining 2 storey properties with a maximum 3 storeys directly facing dwellings at St Laurence Park.
- Indicative Plot Ratio of 1:2.5.
- Provide pedestrian and cycle permeability through the site and improved accessibility to the N11 pedestrian underpass.

5.3.3. Objectives

- KDS3 - It is an objective of the Council to encourage the cooperation between adjoining landowner/ developers in such a way that sites can realise their full potential and support the overall strategic objectives for the area.
- KDS4 - It is an objective of the Council to improve public realm through the promotion of high quality architecture, urban design and an open, pedestrian friendly environment.

- KDS6 - It is an objective of the Council to promote design of buildings that respect and have regard to their context and neighbouring amenity.
- RS2 - To promote sustainable higher densities and quality innovative housing designs.
- BH1- Promote higher buildings in line with the Guidelines for appropriate building heights and the 'Site Framework Strategies' for the Key Development Sites
- BH2- This policy refers to the requirement for the submission of a visual impact assessment study to illustrate the impact on the context, especially on residential amenities and significant views, including visual modelling of proposals. Other analysis required include micro-climate impact, daylight, sunlight and overshadowing analysis.
- BH3 "Consideration will be given to the application of upward or downward modifiers in relation to building heights, with reference to site characteristics and the protection of residential amenity"

5.3.4. Appendix 1 of the LAP Stillorgan Village Area Movement Framework Plan (SVAMFP) This non-statutory document produced by Dun Laoghaire Rathdown County Council dates to October 2015 has been included in the LAP as a preliminary design (April 2017) with the main recommendation for junction changes and movement of pedestrian and cyclist. It outlines proposals to enhance the public realm of the Stillorgan LAP area, including roads layouts for The Hill and Lower Kilmacud Road and improved pedestrian and cycle facilities.

5.4. **Natural Heritage Designations**

The appeal site does not form part of, it does not adjoin or is it located within close proximity to any designated Natura 2000 site. I note that the nearest such sites are the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210) which are located c2km at their nearest points to the northeast of the site.

5.4.1. **EIA Screening**

5.4.2. On the issue of environmental impact assessment screening I note that the relevant classes for consideration are Class 10(b)(i) "construction of more than 500 dwelling

units” and Class 10(b)(iv) “urban development which would involve an area greater than 2 hectares in the case of a business district, 10 hectares in the case of other parts of a built-up area and 20 hectares elsewhere”. Having regard to the modest size of the site at 0.0336ha and the number of units to be provided at four which is considerably below the 500 dwelling threshold, it is considered that, having regard to the nature and scale of the proposed development, the location of the development on a brownfield serviced site together with the characteristics and likely duration of potential impacts, that the proposal is not likely to have significant effects on the environment and that the submission of an environmental impact assessment report is not required. The need for an environmental impact assessment can therefore be excluded by way of preliminary examination.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. A First-Party Appeal was submitted to An Bord Pleanála on 10th January 2021 opposing the Local Authority’s decision to refuse permission. As part of the First-Party Appeal, the Applicant has submitted a Response to Drainage Planning Report (dated 9th January 2022) and a Preliminary Construction Management Plan (dated 8th January 2022) both prepared by OBA Consulting. The Applicant has also submitted revised drawings, a shadow analysis and CGIs as listed on page 4 of the First-Party Appeal.
- 6.1.2. The Appeal includes a number of amendments to the proposed development including:
- Raise the retail ground floor finish level by 200mm.
 - Paving, seating and one tree to match the adjacent development is included. It is proposed that this area is taken in charge by the council.
 - A dual stacking bike stand and shower facilities are proposed at lower ground floor level.
 - A rear balcony at first floor level is proposed to serve Unit 1 (2-bed).

- Privacy screens are proposed on the southern elevation of rear terrace and balconies to prevent overlooking onto the neighbouring Leisureplex redevelopment.
- Provision of one extra car parking space (three proposed in total) along the Old Dublin Road.
- Material alterations including a brick finish to the northern gable.

6.1.3. The grounds of appeal can be summarised as follows:

- The proposed development is consistent with the Development Plan and LAP.
- The plot ratio is 1:1.82, (not 1:0.91 as stated by the Planning Authority) and is consistent with the LAP's maximum plot ratio of 1:2.5. The net developable plot ratio is 1:2.91 and the density is 119 units per hectare.
- The commercial terrace consists of 6 units owned by 6 different owners, which have different business plans and expansion requirements. The entire retail corner is not in the Applicant's legal interest. To allege that the development is piecemeal is misleading.
- The LAP states in relation to the KDS that "*the overall redevelopment of the site may proceed in an incremental manner*". There is no specific requirement for the six units to be developed in conjunction with the adjoining lands. However, urban design framework drawings submitted with the Appeal illustrate the delivery approach of the proposed development and the adjoining sites. The framework demonstrates how the entire corner block can contribute to the creation of a place, responds to its context, and contribute towards the development of a legible and permeable urban form. It demonstrates how the development might realistically be developed in conjunction with adjoining owners in a small development.
- The proposal deliberately located the stair core to the north of adjoining No. 74 St. Laurence's Park to facilitate connections between three to four units per floor per staircore between No. 74 and No. 75. Similarly, No. 70 and No.71 can collaborate, and No. 72 and No. 73 can have a common staircore between them.

- The proposal would not stifle the development of adjoining site but would act as a catalyst for the others.
- It is not structurally viable to build a part 4-5 storey apartment block using the existing foundations of a 2 storey building, hence it is proposed to demolish and replace the existing building.
- The north gable façade is 9m in length. The proposal has a width of 29m at ground floor level and 19.3m above deck level, which is considerably shorter compared to Leisureplex development under construction which is circa 22.8m above courtyard level.
- The Planning Authority overlook the LAP benchmark height of 5 storeys. The height will be identical to the existing approved Leisureplex redevelopment.
- The proposal is compliant with Objective KDS6 in terms of material and finishes.
- The Appeal includes public realm works as detailed in Section 6.1.2 above.
- It is proposed to use the area in front of the unit as a shared surface for both vehicle and pedestrians as Phase 1. Phase 2 proposes that once the remaining public realm works are completed either by the Council or by adjacent owners then the car parking spaces in front of the unit can be located onto Dublin Road as per SVAMFP by pedestrianizing the public realm. The scheme now proposed adequate and attractive public open space while the private open space remains fully compliant with the proposed apartment units.
- It is not possible to achieve a basement car park on the site. The site is located close to a number of QBCs on Kilmacud Road Upper and Kilmacud Road Lower and N11 and so two car parking spaces are proposed. As part of “planning gain” this will be increased to three spaces as per the extract from the Proposed Stillorgan Village and N11 Layout - Sheet 3 of 5 Stillorgan Village Area Movement Framework Plan.
- The Applicant is willing to accept car-free housing.
- A dual stacking bike stand is proposed at lower ground floor level.

- The Applicant agrees with the Local Authority that access via the private laneway is not ideal in the short-term until such time as adjacent units are re-developed. However, there is an alternative route via the main entrance staircore should the residents require access from Old Dublin Road.
- Privacy screens are now proposed as part of the scheme.
- The proposal is to the north of the Leisureplex redevelopment and so there is no daylight and overshadowing from the development on the neighbouring site.
- The opposite Leisureplex development block is circa 42m away so daylighting is not an issue for the proposed development.

6.2. **Planning Authority Response**

The Planning Authority issued a Response to the Board with comments from the Drainage Division confirming that whilst the Division initially recommended that further information be sought, this opportunity was not availed off because planning permission was refused by the Planning Authority. The Division is generally satisfied in principle with the responses to surface water drainage that were provided as part of the Appeal.

6.3. **Observations**

None

6.4. **Further Responses**

None.

7.0 **Assessment**

7.1.1. Having inspected the site and examined the application details and all other documentation on file, and having regard to relevant local/national policies and guidance, I consider that the main issues in this appeal are as follows:

- The principle of the development
- Suitability of Design

- Standard of Residential Development Proposed
- Impacts on Adjoining Properties
- Traffic and Public Realm
- Appropriate Assessment

Each of these issues are addressed in turn below.

7.2. Principle of the Development

Land Use Zoning

- 7.2.1. The proposed development involves the demolition of an end-of-terrace retail unit to provide for one retail unit and four apartments. The site is located within a District Centre, which seeks “*To protect, provide for and/or improve mixed-use district centre facilities*”. Both residential and commercial development are permitted in principle under this zoning objective. As such, the proposed development is acceptable in land use zoning terms. I note that the Planning Authority stated also that the development would be compatible with the overall policies and objectives for the zone. Having regard to the site’s size, I am satisfied with the mix of uses proposed.

Demolition of Existing Building

- 7.2.2. The Planning Authority contended that the Applicant had not provided a detailed specific rationale from an appropriate expert for the proposed demolition of the building. The Applicant advised in the First-Party Appeal that it is not structurally viable to build a part 4-5 storey apartment block using the existing foundations of a 2-storey building, hence it is proposed to demolish and replace the existing building. The building is not a protected structure nor is it located in an architectural conservation area. Policy Objective PHP18 (Residential Density) of the Development Plan aims to increase housing (houses and apartments) supply and promote compact urban growth through the consolidation and re-intensification of infill/brownfield sites having regard to proximity and accessibility considerations, and development management criteria. The proposal would include an active retail street frontage and four upper floor residential use on a brownfield site in close proximity to QBCs and as such is consistent with Policy Objective PHP18. It would also be consistent with national policy and guidance regarding the promotion of compact development and the regeneration of underutilised sites.

Piecemeal Development

- 7.2.3. The Planning Authority stated that the development constituted piecemeal development that would militate against the achievement of a building line that enhances the Old Dublin Road and would limit opportunities for the achievement of a dense development with an adequate level of residential amenity in relation to the provision of quality communal open space and adequate communal facilities for residents.
- 7.2.4. I am not aware of any specific plans to redevelop the corner site beyond what is envisaged in the LAP. Objective KDS3 of the LAP aims to encourage the cooperation between adjoining landowner/ developers in such a way that sites can realise their full potential and support the overall strategic objectives for the area. However, as highlighted by the Applicant there is no specific requirement for the six units to be developed in conjunction with the adjoining lands. Furthermore, the Applicant stated that the six units comprising the commercial terrace are all in separate ownership, which have different business plans and expansion requirements. While the Applicant has provided a framework plan for the corner site, this is not a statutory plan nor have the other relevant landowners agreed to same. However, the framework does demonstrate how the site could potentially be developed by the individual landowners or collectively by a consortium (See Dwg. Nos 3.0_95 and 3.0_96.)
- 7.2.5. Having regard to the foregoing, in my opinion, provided the proposal does not prohibit or limit the development potential of the adjoining sites, it would not be within the interest of proper planning and sustainable development to refuse permission for the proposed development on the grounds of the site being developed independently to the remaining units. Were the building not to be an end-of-terrace unit, but rather a mid-terrace unit, I agree that there may be grounds for defining it as a piecemeal development. Whilst the proposal is separate to the Leisureplex redevelopment, in my opinion, it could be viewed as an extension or continuation of the permitted development. The building line is maintained along the Old Dublin Road and the proposal will enhance the streetscape in the same manner as the neighbouring permitted development (see Dwg. Nos 3.0_93 and 3.0_96). Accordingly, I do not concur with the Local Authority that the proposal represents a piecemeal development. Furthermore, in my view, the proposal should not be considered a hindrance to the

future development of the corner site, in the same respect that the Leisureplex redevelopment is not a hindrance.

Conclusion

- 7.2.6. In conclusion, I consider that the proposed mixed-use development complies with the 'DC' zoning and would be consistent with local and national policies to support compact development on underutilised sites. Accordingly, I have no objection to the development in principle, subject to further assessment as outlined in the following sections.

7.3. Suitability of Design

- 7.3.1. The Local Authority's second reason for refusal states that the proposed development would, by virtue of the abrupt transition of height, scale, bulk and form from the north and in close proximity to adjoining property, appear visually obtrusive, incongruous and overbearing when viewed from the existing properties and when viewed from the public realm along Old Dublin Road.

Height

- 7.3.2. The proposed development consists of the demolition and clearance of all onsite structures and the construction of a part 4/part 5 storey mixed use building. The building would comprise retail floor space at Ground Floor Level, and four apartments on the upper floors. The proposed building will have a parapet height of 14.6m along the Old Dublin Road and matches the permitted neighbouring development that it will immediately abut. The Leisureplex redevelopment is four storey in height at this location but rises to nine storeys on the corner of Lower Kilmacud Road/N11. The proposed building would be circa 5m taller than the ridge height of the neighbouring abutting commercial terrace.
- 7.3.3. As outlined in Section 5.3.2 above, the LAP specifies a benchmark height of 5 storeys across the site, (with a landmark building of up to 9 storeys at the corner of the N11/Lower Kilmacud Road junction). The LAP requires that the transition between the landmark height and the benchmark height must be designed to ensure that excessive massing or bulk in the overall design does not detract from the 'landmark' nature of the 9 storey element. Height should graduate downward at mutual boundaries with adjoining 2 storey properties with a maximum 3 storeys directly facing dwellings at St

Laurence Park. The proposed development is consistent with the LAP in this regard. While the Applicant's Proposed Urban Design Framework – Overall Massing Study Aerial View (Dwg. No. 3.0_95) illustrates 5 storey development on the corner of the Old Dublin Road/St. Laurence Park, this does not form part of the proposed development. Nonetheless this drawing gives a clear indication as to how the proposed development integrates into the KDS. The 'CGI View from North' (Dwg. 3.0_94) and Proposed Urban design Framework – Height Strategy (Dwg. No. 3.0_92) illustrates that the proposed height is appropriate at this location as it complements the permitted Leisureplex redevelopment, while also respecting the neighbouring terrace units. In summary, I do not consider the proposed height to be excessive.

Bulk and Scale

- 7.3.4. In terms of bulk and scale, when viewed from the north, the proposal will be no greater than the neighbouring permitted development. Whilst the blank northern façade may appear stark, this is required to future proof the redevelopment of the remaining units in the corner site and will be temporary in nature until such time that the units are developed as per the objectives of the LAP. In my view, the proposed brick finish on this elevation will mitigate its visual impact in comparison to the originally proposed render finish. The proposed architectural design emphasises the plot's slenderness that has a length of 9.1m. The proposal extends approx. 29.5m in width at lower ground, ground and first floor level and 19m at second to third floor levels. The rear elevation of the proposed building, excluding the balconies, aligns with the rear elevation of No. 74 St. Laurence Park (the neighbouring unit to the north of the site). The proposal extends approx. 2m forward from the rear elevation of the section of the Leisureplex redevelopment proposal that immediately abuts the site. In terms of the building line along the Old Dublin Road, the proposal matches the permitted Leisureplex redevelopment and is satisfactory having regard to the LAP's objectives to redevelopment the area. On the basis of the foregoing, I do not consider that the proposed development's height, bulk, scale and form would be visually obtrusive or incongruous.

Density

- 7.3.5. In quantitative terms, the proposed development would have a residential density of 119 units per hectare. This is consistent with national policy and guidance (listed in

Section 5.1 above), and the Development Plan which seeks to encourage the redevelopment of underutilised lands in appropriate locations to achieve higher density sustainable development. Furthermore, the development proposal would have a plot ratio of 1:1.82, and so is consistent with the LAP's maximum plot ratio of 1:2.5.

Materials

- 7.3.6. As outlined in Section 2.0 above, the proposed building will be finished with brick on its front and rear elevations and will have a render finish to gable south elevation and first floor roof terrace area. As stated above, the Applicant proposes to finish the northern gable in brick. The front elevation will have a stone cladding frame from ground to second floor level, while the pent house will have a metal frame at third floor level. As such, the proposed development will complement the permitted Leisureplex redevelopment which includes a mix of brick cladding, stone cladding, metal balustrades and aluminium windows. Accordingly, in my view, the proposal will visually integrate successfully into the streetscape and wider area.

Conclusion

- 7.3.7. As stated above, in my opinion, the proposal will read as an extension to the permitted neighbouring development. I am satisfied that the proposed development's height, bulk, scale and massing are appropriate for this location having regard to the site's 'District Centre' zoning, the neighbouring permitted development and the provisions of the LAP. As such, it will not adversely impact the visual amenity or character of the area. Furthermore in my view, the proposed design will not infringe the future development of the remaining commercial units to the north of the subject site.

7.4. Standard of Residential Development Proposed

Mix of Units

- 7.4.1. SPPR 2 of the Apartments Guidelines outlines that for building refurbishment schemes and on urban infill sites of up to 0.25 ha where up to 9 units are proposed, there shall be no restriction on dwelling mix, provided no more than 50% of units comprise studio-type units. Given that no studio units are included, I have no objection to the dwelling mix proposed.

Floor Areas and Dimensions

- 7.4.2. I have reviewed the gross floor areas for each unit, and I am satisfied that they meet the minimum areas as per the Apartment Guidelines. Section 3.8 (a) of the Guidelines sets out that the majority of apartments in any proposed scheme of 10 or more apartments shall exceed the minimum floor area standard for any combination of the relevant 1-, 2- or 3-bedroom unit types, by a minimum of 10%. This clearly does not apply to the current proposal for four units.
- 7.4.3. I have also examined the internal room areas and widths and consider that they comply with the minimum requirements for living/kitchen/dining spaces, bedrooms, and storage as set out in Appendix 1 of the Guidelines, with the exception of Unit 2 (1 bed) which would appear to only have 2.5 sq m of storage space in contrast to the Guideline's requirement to have 3 sq m. However, I consider this to be a marginal shortfall that would not adversely impact the amenity for future residents. The proposed ceiling heights are 2.7m from first to third floor levels, and as such comply with the minimum requirements of the Apartments Guidelines.

Aspect

- 7.4.4. The Apartments Guidelines (SPPR 4) require that a minimum of 33% dual aspect units be provided in central and accessible urban locations, albeit that this may be relaxed on building refurbishment/urban infill sites up to 0.25ha. 50% of the apartments will be dual aspect and as such, the proposal is consistent with the Guidelines in this regard.

Amenity Space

- 7.4.5. Each of the proposed units has direct access to balcony areas as private amenity space, which exceed the minimum requirements of the Apartments Guidelines. The balconies are east and west facing and would provide an acceptable quality of amenity for the prospective occupants.
- 7.4.6. The proposal includes for a 40 sq m first floor terrace at the rear of the site. The terrace was originally 44 sq m, but the Applicant proposes for the inclusion of a balcony to the rear of Unit 1 to provide privacy to Bedroom 1 at first floor level. Subject to screening details being agreed with the Local Authority for this balcony, I consider the proposal to be acceptable in this regard. The proposed rear terrace is consistent with the

Guideline's communal amenity space requirements and will provide residents with an acceptable level of amenity.

- 7.4.7. I acknowledge that the application does not include any proposals for the provision of public open space, which is generally required at a rate of 15% of the site area as per the Development Plan (Table 12.8). However, as per Section 12.8.3.1 of the Development Plan, I am satisfied that this can be satisfactorily addressed by means of a financial contribution in lieu of the public open space.

Communal Facilities

- 7.4.8. A bin storage area is proposed beneath an undercroft to the rear of the proposed building at ground floor level. It would have adequate capacity to cater for the 3-bin system, would be easily accessible for the occupants of the units, and collection could be facilitated via the service lane.

The Apartment Guidelines state that cycle storage facilities shall be provided in a dedicated facility of permanent construction, preferably within the building footprint or, where not feasible, within an adjacent or adjoining purpose-built structure of permanent construction. A secure bicycle parking store (dual stacking bike stand proposed (12 No. spaces)) and shower facilities are proposed to the rear of the site for future occupants of the apartments and employees of the retail unit ((see Dwg. No. 3.0_106). The storage area can be accessed via the private lane to the rear of the site or through the main entrance circulation area from the Old Dublin Road. While the access is not ideal, having regard to the site's constraints and small number of spaces proposed, I consider it to be acceptable.

- 7.4.9. The communal access and stair cores are also acceptable in terms of convenience and security in accordance with the provisions of the Apartments Guidelines. Given the limited scale of the development I am satisfied that no other communal facilities are required.

Daylight/Sunlight

- 7.4.10. Having regard to the dual aspect nature of 50% of the proposed units and the fact that there are no north facing units, the adequate ceiling heights proposed, and the extent of glazing that would serve the proposed units, I am satisfied that the occupants would

receive an adequate level of daylight and sunlight, and that no further assessment is required in this regard.

Conclusion on Residential Standards

- 7.4.11. Having regard to the above, I am satisfied that the proposed development would provide appropriately designed and sized internal and external spaces. The scheme is acceptable in accordance with the Apartment Guidelines provisions, including those for building refurbishment schemes and infill sites of less than 0.25ha., and would provide a suitable standard of residential amenity for the prospective occupants.

7.5. Impacts on Adjoining Properties

Overlooking

- 7.5.1. The one observation received by the Local Authority in respect of the proposed development raised concerns in relation to overlooking from the proposal onto the Leisureplex redevelopment. There are no windows proposed on the northern or southern elevations. As part of the First-Party Appeal, the Applicant proposed to include privacy screens on the southern elevations of the rear balconies and terrace to prevent overlooking of the Leisureplex redevelopment. As such, I am satisfied the proposal will not cause direct overlooking of the Leisureplex redevelopment. However, there are no privacy screens on the northern elevation of the balconies, which are setback from the site boundary with No. 74 St. Laurence Park by 1.5m. Whilst the balconies would overlook the rear of the retail units at present, should the units be potentially developed in the future for residential development, the proposed development may cause direct overlooking. As such, I recommend that privacy screens are also erected to the northern elevations of the rear balconies and terrace area. The rear elevation of the proposed development is setback circa 40m from the opposing six storey element (located west of the Dun Laoghaire Rathdown lands) of the Leisureplex redevelopment. I am satisfied that the separation distance will ensure that there is no loss of privacy to the build-to-rent units that are currently under construction. Having regard to the above, and subject to appropriate conditions, I do not consider that the proposed development would seriously detract from the privacy of surrounding properties by reason of overlooking or otherwise.

Daylight/Sunlight

- 7.5.2. Section 12.3.4.2 of the Development Plan states that development shall be guided by the principles of Site Layout Planning for Daylight and Sunlight, A guide to good practice (Building Research Establishment (BRE) Report, 2011). I would highlight that the BRE guidelines allow for flexibility in their application, stating in paragraph 1.6 that *'Although it gives numerical guidelines, these should be interpreted flexibly since natural lighting is only one of many factors in site layout design'*. The BRE Guide notes that other factors that influence layout include considerations of privacy, security, access, enclosure, microclimate etc., and states that industry professionals would need to consider various factors in determining an acceptable layout, including orientation, efficient use of land and arrangement of open space, and these factors will vary from urban locations to more suburban ones.
- 7.5.3. The Observation highlighted that there was no daylight assessment submitted with the application. In response to this point, the Applicant stated in the First-Party Appeal that the proposed development was located to the north of the Leisureplex redevelopment and there would be no daylight or overshadowing of the permitted development. In terms of sunlight, having regard to the orientation of the subject site, the pathway of the sun, and scale and bulk of the proposal, I am satisfied that there would be no significant obstruction of sunlight to the neighbouring scheme.
- 7.5.4. Whilst the permitted Leisureplex redevelopment includes for windows serving living/dining rooms located approximately 3m from the southern boundary of the subject site, I note that these rooms are dual aspect with eastern facing windows also. Having regard to this, and due to the scale and bulk of the proposed development, I do not consider proposal would significantly impact on daylight to these properties.
- 7.5.5. The remaining units comprising the terrace to the north of the subject site are in commercial use. There are no known circumstances for these buildings to require a certain prescribed lighting standard and as such, I do not consider that the BRE Guidelines are applicable in this instance.
- 7.5.6. With respect to overshadowing, I concur with the Applicant that due to the position of the proposed development north of the Leisureplex redevelopment, no overshadowing will occur to the elements of the permitted development that are located to the south of the subject site. There will be a marginal difference in overshadowing on the central

open space area and the directly opposing permitted eastern blocks of the Leisureplex redevelopment and the remaining units of the corner site from the proposed development. This is due to the scale and bulk of the southern and western blocks of the permitted redevelopment. This is confirmed in the Applicant's shadow diagrams that were submitted as part of the First-Party Appeal.

- 7.5.7. Having regard to the above and the BRE Guide recommendations, I am satisfied that the proposed development would not significantly impact upon the daylight/sunlight availability to surrounding properties, whilst also having regard to the site's wider development context.

Conclusion on Adjoining Properties

Having regard to the above, I am satisfied that, subject to conditions, the proposed development can be satisfactorily accommodated at this location and would not seriously detract from the amenities of surrounding properties.

7.6. Public Realm and Car Parking

Public Realm

- 7.6.1. The Local Authority's third reason for refusal stated that the proposed development would have "*the potential effect on the delivery of the public realm changes under the Stillorgan Village Area Movement Framework Plan as only an area in front of the site is considered and the reliance on on-street parking for the proposed residential units*"
- 7.6.2. The Leisureplex redevelopment will provide for public realm works including a pedestrian plaza, around the site adjoining Lower Kilmacud Road, Old Dublin Road and St Laurence's Park and a pedestrian crossing is proposed between the site and the Stillorgan Shopping Centre. The pedestrian crossing will be located north of the subject site, directly opposite No. 73 and 74 St. Laurence Park. The Inspector's Report in respect of the Leisureplex redevelopment stated the following in relation to the subject works:

I note the location of the proposed pedestrian crossing across the Old Dublin Road closer to St Laurence's Park than Lower Kilmacud Road, which I consider will lead to the most direct route from the west into the site, linking effectively to the pedestrian underpass at the end of St Laurence Park. The PA raised concern over the treatment of the public realm at this location, although having

regard to the level difference along the site, I consider the design is sufficient and the site set aside for the future use of DLRCC can be integrated to attract a footfall of pedestrians from the site along the Lower Kilmacud Road.

- 7.6.3. The Applicant originally did not propose any public realm works but rather offered to pay a financial contribution to the Local Authority towards the works proposed along the Old Dublin Road as detailed in the SVAMFP. The original application proposed car parking for two cars to the front of the retail unit. However, in response to the Local Authority's refusal the Applicant has now proposed to essentially extend the public realm works permitted as part of the Leisureplex redevelopment to the front of the proposed building. The First-Party Appeal states that the Applicant proposes to provide paving, seating and plant one tree and to cede this area of the site to the Local Authority.
- 7.6.4. The Applicant proposes a phasing programme for the public realm works whereby the area in front of the retail unit would be a shared surface for both vehicle and pedestrians in the short-term (phase 1). Phase 2, to be undertaken when the Local Authority or adjacent owners complete the public realm works on the neighbouring sites, proposes to relocate the proposed car parking spaces in a western direction parallel to the Old Dublin Road (See Dwg. No. 3.0_91). These spaces appear outside the Applicant's red and blue line boundaries.
- 7.6.5. I am satisfied that the proposed works are consistent with the SVAMFP and will complement the public realm works permitted under the Leisureplex redevelopment. Accordingly, I consider the proposal acceptable in this regard.

Car Parking

- 7.6.6. The application originally proposed two car parking spaces, but as part of the First-Party Appeal the number of spaces were increased to three on the grounds that this is what is presented in the SVAMFP (Dwg. No. 14_059_037) (see Appendix B). The Local Authority stated in refusal reason No. 3 that the original car parking proposal would affect the use of national road or other major roads. I note that Chapter 4 of the Apartment Guidelines addresses car-parking requirements and states that requirements should be minimised, substantially reduced or wholly eliminated in certain circumstances for higher density apartment developments in 'central and/or accessible urban locations'. Section 4.20 states that 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**. The appeal site is within 5 minutes of Stop 4727 on the N11 QBC (CBC 13) which is serviced by (155, 84X, 145, 46A). In addition, the site is served by a number of stops on the Old Dublin Road and Lower Kilmacud Road. Therefore, I am satisfied that the site comfortably falls within the 'central and/or accessible urban locations' category.

7.6.7. The site is located in Zone 2 of the Development Plan's car parking strategy (i.e. the site is within a 10 minute walk of the proposed CBC 13) and as such there is a car parking standard of one space for one and two bed apartments and two spaces for three bed apartments (Table 12.5). However, Section 12.4.5.2 states that *in certain instances, in Zones 1 and 2 the Planning Authority may allow a deviation from the maximum or standard number of car parking spaces specified in Table 12.5 or may consider that no parking spaces are required. Small infill residential schemes (up to 0.25 hectares) or brownfield/refurbishment residential schemes in zones 1 and 2 along with some locations in zone 3 (in neighbourhood or district centres) may be likely to fulfil these criteria.*

7.6.8. The development is limited in scale, contains small units, and is unlikely to attract car-dependant residents. Having regard to the foregoing, the site's location within the Stillorgan District Centre, and in the interest of creating an attractive public realm space that is pedestrian friendly, I recommend that the proposed car parking spaces be omitted from the proposed development. Having regard to the number of units proposed I do not consider that the proposal will result in significant car parking overspill in the wider area.

7.7. **Appropriate Assessment**

7.7.1. As stated above, the appeal site does not form part of, it does not adjoin or is it located within close proximity to any designated Natura 2000 site. I note that the nearest such sites are the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) and South Dublin Bay SAC (Site Code: 000210) which are located c2km to the northeast of the site. There are no direct pathways between the site and the Natura 2000 network.

- 7.7.2. There are no European sites within or near the proposed development boundary, therefore there is no potential for direct impacts on any such site to occur. The proposed development is not an ex-situ site for Qualifying Interest/Special Conservation Interest populations of any European sites.
- 7.7.3. The proposed development involves the construction of one retail unit and four apartments on a site of 0.0336ha that adjoins the existing sewerage system. The potential impact of the proposed development on the quality and quantity of the effluent from city's sewers is negligible given its size relative to the urban development that the sewers already serve. So the hydrological links between the appeal site and the Natura sites could not be a pathway by which the proposed development would have the potential to have any effects on the applicable qualifying interests. Nearly all of the land between the appeal site and the Natura sites have been developed as part of the urban area. So there is no potential for development on the appeal site to give rise to any disturbance or displacement of habitats or species in the bay that could have an effect of the Natura 2000 sites.
- 7.7.4. In conclusion, having regard to the nature and scale of the proposed development, within an established area on serviced land, and the separation distance to the European sites to the subject brownfield site, I do not consider that the proposal would be likely to significantly impact the qualifying interests of the South Dublin Bay & River Tolka Estuary SPA (Site Code: 004024) or South Dublin Bay SAC (Site Code: 000210) (or any other European site) during either the construction or operational phases of development. As such, I consider that no Appropriate Assessment issues arise. In conclusion, I do not consider 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

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

9.0 Reasons and Considerations

Having regard to the DC zoning objective pertaining to the site in the Dun Laoghaire – Rathdown County Development Plan, 2022 – 2028 and the policies and provisions contained in the National Planning Framework, the Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities, the Development Plan and Stillorgan Local Area Plan 2018-2024, the pattern and character of development in the area and the design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and mix of development in this accessible location, would not seriously injure the amenities of surrounding properties or seriously detract from the character of the area, would not seriously injure the amenities of the area or property in the vicinity in terms of visual impact, overlooking or overbearing impacts, would not cause adverse daylight/sunlight or overshadowing impacts on neighbouring properties, and would generally 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.	The development shall be carried out and completed in accordance with the plans and particulars lodged with the application as amended by the further plans and particulars submitted to An Bord Pleanála on the 10th day of January, 2022, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars. Reason: In the interest of clarity.
2.	The proposed development shall be amended as follows:

	<p>(a) Privacy screens to a height of 1.8 metres shall be erected on the northern and southern elevations of the rear balconies at second and third floor level and on the northern and southern boundary of the terrace at first floor level.</p> <p>(b) Privacy screen/high landscaped buffer screen to a height of 1.8 metres shall be provided on the northern, eastern and southern elevation of the rear balcony at first floor level.</p> <p>Proposals in respect of the above shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p>Reason: In the interest of protecting the residential amenity of existing and potential future properties.</p>
3.	<p>The proposed car parking spaces shall be omitted from the proposed development.</p> <p>Reason: In the interest of public realm.</p>
4.	<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>
5.	<p>Water supply and drainage arrangements, including the 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>
6.	<p>Prior to commencement of development, the developer shall enter into water and wastewater connection agreement(s) with Irish Water.</p> <p>Reason: In the interest of public health</p>
7.	<p>Site development and building works shall be carried out only between the hours of 0700 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 subject to the prior written agreement of the planning authority.</p>

	Reason: In the interest of residential amenities of surrounding properties and in the interest of clarity.
8.	<p>The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, management measures for noise, dust and dirt, and construction traffic management proposals.</p> <p>Reason: In the interest of public safety and residential amenity.</p>
9.	<p>Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, 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>
10.	<p>(a) 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 particular, recyclable materials and for the ongoing operation of these facilities 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>(b) The plan shall provide for screened communal bin stores, which shall be adequately ventilated, drained and illuminated. The design and location of same shall be included in the details to be submitted.</p> <p>Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.</p>
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>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>
13.	<p>No additional development, including lift motor enclosures, air handling equipment, storage tanks, ducts or external plant, or telecommunication antennas, shall be erected at roof level other than those shown on the plans and particulars lodged with the application. All equipment such as extraction ventilation systems and refrigerator condenser units shall be insulated and positioned so as not to cause noise, odour or nuisance at sensitive locations.</p> <p>Reason: In the interests of visual and residential amenities.</p>
14.	<p>No signage, advertising structures/advertisements, security shutters or other projecting elements, including flagpoles, shall be erected on the building or within the site unless authorised by a further grant of planning permission.</p>

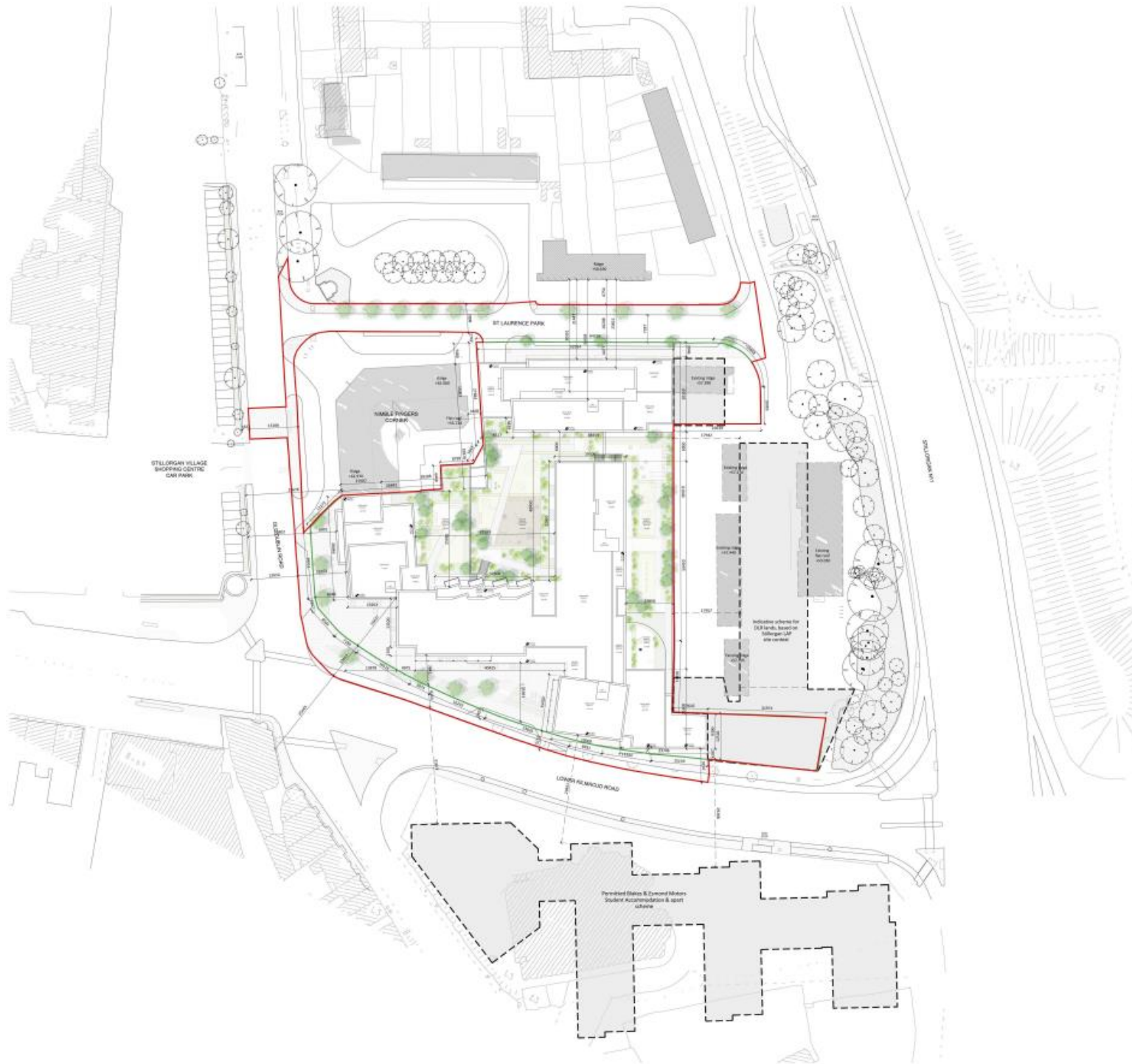
	Reason: To protect the visual amenities of the area.
15.	<p>Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, 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>
16.	<p>The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.</p> <p>Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission</p>

Susan Clarke
Planning Inspector

9th August 2022

Appendix A: Leisureplex Redevelopment Layout (ABP-305176-19)

Drawing Title: Proposed Layout Plan – 1625-OMP-00-00-DR-A-XX-11000



Proposed Layout Plan

Proposed developments on adjoining sites not part of this application

Application site outline
 Lands in ownership of the applicant

Survey prepared by Lemnar Surveys
 All dimensions in millimeters.
 All levels (in metres) are related to Main Head datum.



Revision Description	Date	Rev. No.	Issued by

Issued for planning	16-08-2020	5	AB
Issued for review	18-07-2020	4	AB
Issued for comment	11-07-2020	3	AB
Issued for submission	08-05-2020	2	AB
First Issue	29-01-2020	1	AD

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o'mahony pike Project No.: 1625 Scale @ A1: 1:500

Project Lead: CK Date Printed: 16-08-2020

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tel: +353 1 200 1480 Millhouses, Dublin 8 Co. Cork www.mahonypike.com 508 10413 Ireland T11 K1W1 Ireland Purpose: S4

Project: Leisureplex Site
 Location: Stillorgan, Co. Dublin
 Client: KW Investment Funds ICAV Acting For And On Behalf Of Its Sub-fund KW Investment Fund I

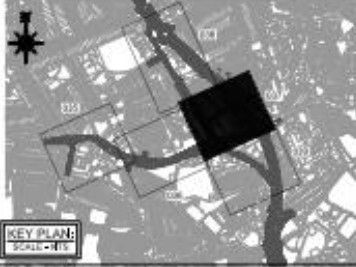
Drawing Title: Proposed Layout Plan
 Drawing No.: 1625-OMP-00-00-DR-A-XX-11000 PROPOSED LAYOUT PLAN



**Appendix B: Stillorgan Village Movement Framework Plan - Proposed Stillorgan Village and N11 Layout, Sheet 3 of 5,
Drawing No. 14_059_037**



IMAGE 1



LEGEND

EXISTING KERBLINE: ————

PROPOSED KERBLINE: ————

PROPOSED SIGNAGE BETWEEN CYCLETRACK AND FOOTPATH: [Symbol]

PROPOSED TACTILE PROFILE: [Symbol]

PROPOSED RASSED KERBLINE: [Symbol]

PROPOSED CARREGIWAY BUILD-UP / RESURFACING: [Symbol]

PROPOSED ARCHITECTURAL CARREGIWAY SURFACE: [Symbol]

PROPOSED ARCHITECTURAL CARREGIWAY SURFACE STRIP: [Symbol]

PROPOSED SHARED SURFACE: [Symbol]

PROPOSED RASSED CYCLETRACK: [Symbol]

PROPOSED MANDATORY CYCLELANE: [Symbol]

PROPOSED LANDSCAPED / GRASSED AREA: [Symbol]

PROPOSED RAMP / RASSED CROSSING AREA: [Symbol]

PROPOSED BUS STOP / LANE: [Symbol]

PROPOSED FOOTPATH: [Symbol]

PROPOSED PAVED ENTRANCE: [Symbol]

PROPOSED WALL: [Symbol]

EXISTING WALL: [Symbol]

PROPOSED TREE PLANTING: [Symbol]

EXISTING TREE: [Symbol]

PROPOSED PLANTER: [Symbol]

PROPOSED BENCH: [Symbol]

Client: Dun Laoghaire Rathdown County Council

Project: Stillorgán Village Area Movement Framework Plan

Sheet: Proposed Stillorgán Village and N11 Layout Sheet 3 of 5

Scale: 1:500 @ A1

Date: APRIL 2017

Author: GE

Draft: DRAFT

File No: 14_059_037

Cliffon Scannell Emerson Associates

BRADY SHIPMAN MARTIN



IMAGE 2