



An
Bord
Pleanála

Inspector's Report

ABP-314896-22

Development	The development will consist of the demolition of the existing building (205 sq m); and the construction of a part-two part-three storey over partial basement apartment block and all other associated site works above and below ground
Location	Tivoli Lodge, Tivoli Road, Dun Laoghaire, Co Dublin, A96DR53
Planning Authority	Dun Laoghaire Rathdown County Council
Planning Authority Reg. Ref.	D21A/1137
Applicant(s)	Atria Living Limited
Type of Application	Permission
Planning Authority Decision	Grant Permission
Type of Appeal	Third Parties vs. Grant
Appellant(s)	<ol style="list-style-type: none">1. Annette Dempsey2. Annette Dempsey and others3. James De Feu and Jennifer Power
Observer(s)	None
Date of Site Inspection	1 st February 2024
Inspector	Irené McCormack

1.0 Site Location and Description

- 1.1. The appeal site is located on the junction of York Road and Tivoli Road, directly opposite St. John's Church and Presbytery, ca. 1km south of Dun Laoghaire Harbour.
- 1.2. The site has a stated site area of 0.86 ha and is occupied by Tivoli Lodge, a 20th century single storey structure. The site operated as a nursing home from 1973-2006 and has been vacant since.
- 1.3. The general area is residential in character and predominately two storeys in scale. York House built ca. 1837 is located to the immediate north of the site. (York house is currently in a state of dereliction but planning permission DLRCC D21A/1135 was granted in September 2022 for its renovation). The site is bound to the north and east by residential properties. The southern boundary is set back from the public road by a substantial footpath and consists of a ca. 1m high wall with railing which extends along the southern and western site boundaries.

2.0 Proposed Development

- 2.1. The development will consist of:
 - the demolition of the existing building (205 sq m);
 - the construction of a part-two part-three storey over partial basement apartment block (c. 705 sq m),
 - comprising 4 No. one-bedroom units, 2 No. two-bedroom units, 1 No. three-bedroom unit and 1 No. two-bedroom live-work unit over two levels.
 - The proposed development also includes a bin and bike store; pedestrian entrances off York Road and Tivoli Road; a vehicular entrance off Tivoli Road;
 - 8 No. ancillary car parking spaces;
 - a green roof; PV solar panels; balconies and terraces; hard and soft landscaping; boundary treatments; and all other associated site works above and below ground.
- 2.2. The planning application was accompanied by an Appropriate Assessment Screening Report, Construction Waste Management Plan, Life Cycle Report, Daylight/Sunlight Assessment, Site Lighting Report. In response to RFI a Management Plan, Outline

CEMP, Civil Engineering Report, Demolition Management Plan, Operational Waste Management Plan, Engineering Infrastructure Report were submitted.

- 2.3. Further information was requested on 22nd February 2022. A response was received on 21st December 2022. The red line changed at RFI stage, and the application was readvertised as Significant Further Information following clarification that lands to the south were in third party ownership and not in the ownership of DLRCC as originally thought. The revised red line increases the site area from 0.73 ha. to 0.86ha.

3.0 Planning Authority Decision

3.1. Decision

Dun Laoghaire Rathdown County Council issued a decision to grant permission subject to 13 no. conditions.

3.1.1. Planning Reports

The Planner's Report is the basis for the Planning Authority's decision. In summary, it includes:

- The proposed development is zoned 'A' for residential development and is located in a suburban area in close proximity to Dun Laoghaire town centre where services and public infrastructure exist.
- The demolition works are acceptable in accordance with section 8.2.3.4 (xiv) of the CDP 2016-2022. (Subsequent to RFI the new Development Plan 2022-2028 came into effect)
- The proposed density at 109 units p/ha., unit mix, design, scale and massing considered acceptable. Similarly, sunlight/daylight impacts considered acceptable.
- The PA in their analysis note that subsequent to SFI response planning permission had been granted on the adjoining York House to the immediate north (D21A/1135)
- SFI confirmed that the lands along Tivoli Road are owned by Light key International LTD and not DLRCC. A letter of consent to carry out public realm works to the south accompanied the SFI response.
- Provision of two no. EV parking spaces and proposed cycle parking acceptable in accordance with CDP 2022-2028.

- It is noted that an exemption certificate under Section 97 of the Planning and Development Act 2000 (as amended) was granted for the site (SFI response Appendix C V/0009/22).
- It was considered that having regards to the zoning, the nature and location of the proposed development and associated access and boundary treatments, the proposed development would not adversely impact on the amenities, or residential amenities of adjacent properties and would be in accordance with the CDP 2022-2028 and the proper planning and sustainable development of the area.

The planning authority decision to grant of permission subject to 13 no. conditions. These are broadly standard in nature and include:

Condition no. 5 relates to a Noise Management Plan.

Condition no. 7 relates to surface water discharge rate.

Condition no. 10. Relates to contribution towards provision of Surface Water Public Infrastructure and Facilities

Condition no. 11. Relates to contribution towards provision of Road Public Infrastructure and Facilities

Condition no. 12. Relates to contribution towards provision of the Community & Parks Road Public Infrastructure, Facilities and Amenities benefitting development in the area.

Condition no. 13. Stipulates the development shall not be carried out without prior agreement, in writing relation to the payment of the development contributions.

3.1.2. **Other Technical Reports**

Drainage Division (Report dated 12th September 2022): No objections subject to conditions.

Transport Planning Division (Report dated 21st February 2022): Request for further information re. public realm works consent, EV charging, cycle parking, construction management plan.

Environmental Health (Report dated 2nd February 2022): Conditions required.

Housing (Report dated 18th January 2022): Clarification if Part V exemption certificate was applied for.

Public Lighting (Email dated 19th January 2022): Request for further information re. impact on existing ESB columns, car Park lighting and the impact of proposed tree planting.

3.2. Prescribed Bodies

EHO (Report dated 1st February 2022): Demolition Management Plan and CEMP required.

Irish Water (Report dated 1st February 2022): Report recommends the applicant engage with IW through the submission of a pre-connection enquiry.

3.3. Third Party Observations

The PA in their assessment state that five valid observations were made. Issues raised in the submissions included inter alia the following:

- Design and layout
- Building Height and Visual Impact
- Traffic concerns
- Impact on residential amenities
- Inconsistent with the adjoining character
- Overdevelopment
- Potential future sub-division of the units

4.0 Planning History

Appeal Site

DLRCC D18A/0370 – Permission refused for the demolition of the lodge and the construction of a 3-4 storey apartment block.

DLRCC D06A/0072 /ABPPL.06D.219573 – Permission granted on 23/08/2006 for the demolition of Tivoli Lodge (single storey former nursing home of 145.5 sq. m.). The provision of 14 no. apartments as follows:- 12 no. apartments (consisting of 4 no. one bedroom and 8 no. two bedroom apartments) in 1 no. 3 storey block and the change of use of York House (from nursing home to residential use) and associated works (to include the demolition of the 3 storey rear return and modern single storey extensions,

all totalling 145.0 sq. m.) to facilitate the provision of 2 no. two bedroom apartments within the existing building. Provision of 14 no. car parking spaces at basement level at Tivoli Lodge and York House, Tivoli Road and York Road, Dun Laoghaire, Co. Dublin

To the north of the Site

DLRCC D21A/1135 – Permission granted on 19th September 2022 for works to the existing vacant York House (330 sq. m) to provide a 2 No. storey over part basement, 4 No. bedroom house with an attic floor level (428 sq. m). The works proposed include (a) the demolition of the existing rear extensions (225 sq. m) and the removal of the existing roof; (b) the construction of new-build floor area including a two storey extension to the rear (164.1 sq. m), a new basement under the new build element (97.6 sq.) and a new pitched roof and attic level (62.4 sq. m) incorporating a west facing terrace; and (c) the rationalisation of the internal layout. The development will increase the height of the building from c. 8.73 No. metres to c. 11.2 No. metres. The proposed development also includes a total of 79.6 sq. of private amenity space, comprising a private rear garden (c. 42.2 sq. m), a garden at basement level (c.25.7 sq. m) and a roof terrace at attic level (c. 11.7 sq. m); 2 No. car parking spaces; the provision of 2 No. pedestrian entrances off York Road; an upgraded and widened vehicular entrance; hard and soft landscaping; and all other associated site works above and below ground at York House, 30 York Road.

5.0 Policy Context

5.1. National & Regional Policy / Guidance

- 5.1.1. This document sets out the Governments strategic national plan for shaping the future growth and development of Ireland for the period up to 2040.

Of note National Strategic Outcome 1 (Compact Growth), sets out the focus on pursuing a compact growth policy at national, regional, and local level. From an urban perspective the aim is to deliver a greater proportion of residential development within existing built-up areas of cities, towns, and villages; to facilitate infill development and enable greater densities to be achieved, whilst achieving high quality and design standards.

- 5.1.2. **Housing for All – A New Housing Plan for Ireland to 2030, 2021.**

The government's housing plan to 2030. It is a multi-annual, multi-billion-euro plan which aims to improve Ireland's housing system and deliver more homes of all types for people with different housing needs.

5.1.3. **Climate Action Plan, 2023** implements carbon budgets and sectoral emissions ceilings and sets a roadmap for taking decisive action to halve our emissions by 2030 and reach net zero no later than 2050. By 2030, the plan calls for a 40% reduction in emissions from residential buildings and a 50% reduction in transport emissions. The reduction in transport emissions includes a 20% reduction in total vehicle kilometres, a reduction in fuel usage, significant increases in sustainable transport trips, and improved modal share.

5.1.4. **The Regional Spatial and Economic Strategy (RSES)** for the Eastern and Midlands area (adopted June 2019) provides a framework for development at regional level. The appeal site has been included within the Dublin Metropolitan Area (MASP) and is therefore part of the area identified for 'consolidation of Dublin City and suburbs'

5.1.5. **Section 28 Ministerial Guidelines**

Having considered the nature of the proposed development sought under this application, its location, the receiving environment, the documentation contained on file, including the submission from the Planning Authority, I consider that the following guidelines are relevant:

- Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024)

Table 3.8 - **Accessible Location** defined as - Lands within 500 metres (i.e. up to 5-6 minute walk) of existing or planned high frequency (i.e. 10 minute peak hour frequency) urban bus services.

Section 3.4 relates to **Refining Density**

Section 4.0 relates to **Quality Urban Design and Placemaking**

Section 5.0 relates to **Development Standards for Housing**

- SPPR 1 - Separation Distances
- SPPR 2 - Minimum Private Open Space Standards for Houses
- Policy and Objective 5.1 - Public Open Space - *The requirement in the*

development plan shall be for public open space provision of not less than a minimum of 10% of net site area and not more than a minimum of 15% of net site area save in exceptional circumstances. Different minimum requirements (within the 10-15% range) may be set for different areas. The minimum requirement should be justified taking into account existing public open space provision in the area and broader nature conservation and environmental considerations...

- SPPR 3 - Car Parking
- SPPR 4 - Cycle Parking and Storage

Other relevant Section 28 Guidelines

- The Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (July 2023), hereafter referred to as the 'Apartment 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.
- Urban Development and Building Height, Guidelines for Planning Authorities (2018) (the 'Building Height Guidelines').
- Architectural Heritage Protection Guidelines for Planning Authorities Department of Arts, Heritage, Gaeltacht 2011
- Quality Housing for Sustainable Communities – Best Practice Guidelines for Delivering Homes Sustaining Communities', 2007.
- Urban Development and Building Heights – Guidelines for Planning Authorities, 2018.

5.2. Dún Laoghaire Rathdown County Development Plan 2022-2028

5.2.1. Zoning

The site is zoned Objective 'A' in the Dún Laoghaire Rathdown County Development Plan 2022-2028 with a stated objective 'to provide residential development and improve residential amenity while protecting the existing residential amenities'.

The following policies are considered relevant to the consideration of the subject proposal:

Section 2.3.6.4 Housing Target for the Core Strategy

Table 2.7 details the housing target for the Core Strategy up to Q1 2028. Based on the high growth scenario of the RSES there is a requirement for an additional 18,515 residential units. The subject site is identified, in the map included at Figure 2.8, as a location for Infill/Windfall units in the Development Plan's Residential Development Capacity Audit.

Chapter 3 – Climate Action

Section 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings

Section 4.3.1 Delivering and Improving Homes

'Where a site is located within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) will be encouraged. Higher density schemes should offer an exemplary quality of life for existing and future residents in terms of design and amenity.'

Section 4.3.1.1 Policy Objective PHP18: Residential Density - *'It is a Policy Objective 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 set out in Chapter 12.*
- Encourage higher residential densities provided that proposals provide for high quality design and ensure a balance between the protection of existing residential amenities and the established character of the surrounding area, with the need to provide for high quality sustainable residential development.'*

Section 4.3.1.3 Policy Objective PHP20: Protection of Existing Residential Amenity - *'It is a Policy Objective to ensure the residential amenity of existing homes in the Built Up Area is protected where they are adjacent to proposed higher density and greater height infill developments.'*

Section 4.3.2.3 Policy Objective PHP27: Housing Mix - *'It is a Policy Objective to encourage the establishment of sustainable residential communities by ensuring that*

a wide variety of housing and apartment types, sizes and tenures is provided throughout the County in accordance with the provisions of the Housing Strategy and Housing Need Demand Assessment (HNDA) and any future Regional HNDA.'

Section 4.4.1 relates to Quality Design & Placemaking

Section 4.4.1.8 Policy Objective PHP42: Building Design & Height- *'It is a Policy Objective to:*

- *Encourage high quality design of all new development.*
- *Ensure new development complies with the Building Height Strategy for the County as set out in Appendix 5 (consistent with NPO 13 of the NPF).'*

Section 12.3.3 Quantitative Standards for All Residential Development

Table 12.1 sets out the mix requirements for apartment developments. For schemes of 50+ units within existing built up areas, apartment developments may include up to 80% studio, one and two bed units with no more than 30% of the overall development as a combination of one bed and studios and no more than 20% of the overall development as studios. A minimum of 20% 3+ bedroom units is required.

Section 12.3.7.7 Infill

'In accordance with **Policy Objective PHP19: Existing Housing Stock – Adaptation**, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.'

Section 12.4.5.6 Residential Parking

A car parking rate of 1 space per 1 and 2 bedroom apartments and 2 spaces per 3+ bedroom apartment is specified for sites located within Parking Zone 2.

Section 12.4.6 Cycle Parking 'Cycle parking should accord with the Council published – 'Standards for Cycle Parking and Associated Cycling Facilities for New Developments' (2018) or any subsequent review of these standards'.

This document specifies a requirement of 1 short stay (visitor) parking space per 5 units and 1 long stay parking space per 1 unit in the context of apartments. In car parking Zones 1 and 2 these minimum standards should be exceeded

Appendix 5: Building Height Strategy

It is a policy objective (Policy Objective BHS 1 - Increased Height) to ‘*support the consideration of increased heights and also to consider taller buildings where appropriate in the Major Town Centres of Dún Laoghaire and Dundrum, the District Centres of Nutgrove, Stillorgan, Blackrock, and Cornelscourt, within the Sandyford UFP area, UCD and in suitable areas well served by public transport links (i.e. within 1000 metre/10 minute walk band of LUAS stop, DART Stations or Core/Quality Bus Corridor, 500 metre/5 minute walk band of Bus Priority Route) provided that proposals ensure a balance between the reasonable protection of existing amenities and environmental sensitivities, protection of residential amenity and the established character of the area...*

Within the built-up area of the County increased height can be defined as buildings taller than prevailing building height in the surrounding area. Taller buildings are defined as those that are significantly taller (more than 2 storeys taller) than the prevailing height for the area.’

Section 5 outlines Performance Based Criteria for assessing proposals for increased height or taller buildings or for a building that is higher than the parameters set out in any LAP, or any specific guidance set out in this County Development plan. The performance-based criteria take into account the protection of residential amenities, the protection of the County’s built and natural heritage and the promotion of compact growth in suitable locations throughout the County.

5.3. Natural Heritage Designations

The appeal site is not located within or adjacent to any European Designed sites or pNHA.

5.4. Environmental Impact Assessment - Preliminary Examination

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 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 size of the development site (0.86ha) and scale of the development it is sub threshold, and the

proposal does not require mandatory Environmental Impact Assessment. Having regard to the nature and scale of the proposed development, the brownfield nature of the receiving environment, and to the nature, extent, characteristics and likely duration of potential impacts, I conclude that the proposed development is not likely to have significant effects on the environment and that the submission of an Environmental Impact Statement is not required. The need for environmental impact assessment can, therefore, be excluded at preliminary examination. An EIA - Preliminary Examination form has been completed and a screening determination is not required.

6.0 The Appeals

6.1. Third Party Appeals

Three no. third party appeals have been received in respect of Dun Laoghaire Rathdown County Council's recommended decision to grant permission from:

1. **Annette Dempsey**, Raglan, 16A Tivoli Road, Dun Laoghaire, Co. Dublin.

Submission requests the Board to consider issues raised in the submission to DLRCC dated 28th January 2022, namely:

- Over development of the site
- Location of the communal terrace at second floor level
- Overlooking from 8 balconies and 16 habitable rooms
- Full height glazed screen and glass balustrades overlooking Tivoli Road
- Excessive car parking
- Increased traffic movements at a major junction
- Position of car parking entrance with compromised sightlines
- Access to bin storage limited to public pavement.

2. **Annette Dempsey and others** C/o Annette Dempsey, Raglan, 16A Tivoli Road, Dun Laoghaire, Co. Dublin. The grounds of appeal are summarised as follows:

- Residents have been living in sight of the derelict site for 15 years but any new development must be done with due regard to existing residential amenities, historic setting and public safety.

- Disappointed the DLRCC did to take account of concerns raised. Request the Board to consider the issues raised, namely:
 - Reduce the no. of units from 8 to 6.
 - Massing of Tivoli Rd. block
 - Provision of common amenity at ground level
 - No accessible roof terraces.
 - Prevent future sub-divisions.
 - Balcony, balustrade and window design.

Summary of Concerns

- External Amenity at ground level -The 8 no. car parking spaces eliminates external amenity space thus driving the outdoor terrace level.
- Communal terrace – elevated outdoor terrace is completely without precedent on this historic Victorina terrace.
- Balconies concentrated on Tivoli Road - Unacceptable that the outdoor terrace and 8 private balconies overlook properties on Tivoli Road. Balconies should be split between Tivoli Road and York Road facades.
- Location of access door to bin storage on the public footpath contrary to DLR guidelines and arises as a result of the car parking layout.
- No wheelchair accessible car spaces
- Absence of safe sightlines for cars exiting the site as the sightline is compromised to the left by the gable wall of Tivoli Parade. A vehicle must cross the footpath with a left-hand blind spot preventing a clear view of oncoming pedestrians.
- It is set out that the previous planning application DLRCC D06A/0072 /ABPPL.06D.219573 demonstrates that ample ground level communal open space, refuse storage, sightlines etc can be accommodated with basement level car parking.
- In conclusion, it is set out that the development constitutes overdevelopment of the site and would seriously injure the amenities of the area and of

property in the vicinity and would be contrary to proper planning and sustainable development.

3. **James De Feu and Jennifer Power**, Little Racefield, Tivoli Road, Dun Laoghaire, Co. Dublin. The grounds of appeal are summarised as follows:

- The third-floor balconies overlook their property, particular concern that front garden space which is their only outdoor space will be overlooked in addition to their main south facing living space.
- The three-storey proposal is at odds with the surrounding buildings and the design out of character with the surrounding historic settings.
- The additional traffic generated on this busy road will be even more disruptive.

6.2. **First Party Response to Third Party Appeals**

Response from Thornton O'Connor Town Planning (November 2022).

The response seeks to address the key points raised in the third-party appeals and can be summarised as follows:

Overdevelopment of the site

- It is set out that the appellant has set out no basis for the request that the scheme be reduced from 8 to 6 units.
- The density of 109 units per hectare and plot ratio of 0.96:1 cannot be considered overdevelopment in the context of the site's location proximate to Dun Laoghaire town centre ca. 700m to the northwest, accessibility to high frequency public transport including the DART and bus stops, the site is ideally located for higher density development.
- The densification of this longstanding and underutilised brownfield site is consistent with planning policy in particular section 2.2 of the NPF as it relates to Compact Growth and Objective 35.

Common Terrace at 2nd Floor Level

- The predominate house type in the area is larger detached dwellings, a typology that would not be allowed at this accessible location where the CDP

requires a minimum density of 50 units per hectare, therefore there is no precedent for an existing communal roof terrace.

- The roof terrace has been designed to ensure minimal overlooking. To the rear (north) the terrace is 16m from the neighbouring site at Avila Mews (discounting York House which was subject to a separate planning application working with this application to develop a cohesive scheme for both sites), to the east the terrace overlooks the applicants carpark entrance with the gable end of no. 1 Tivoli Parade beyond, it is enclosed by the west wall of the development to the west and overlooks Tivoli Road to the south.
- There is no potential to overlook private garden spaces.

Overlooking

- Reducing the no. of units from 8 to 6 will make no material difference in terms of potential overlooking.
- The scheme has been designed to minimise overlooking, all ground and first floor balconies are recessed.
- There is no context to overlook properties on Tivoli Road as they are across the road, set behind walls and planting.
- The main building line and windows are flush with Tivoli Terrace, similarly, the windows are along the same building line of the neighbouring dwellings on York Road. The proposed application reflects the existing scenario on this road.
- It is set out that the previously permitted scheme could be considered more intrusive.

Glass Balustrades on Balconies

- It is set out that there is no uniform architectural style along Tivoli Road.
- It is argued that the contemporary design is most appropriate adjacent to the architecturally interesting and sensitive Tivoli Terrace and that the glass balustrades will lighten the appearance of the building and were carefully considered.
- The glass balustrades will animate the streetscape and reduce visual clutter.

- The contemporary design approach will transform this key junction which is a main access point to Dun Laoghaire.

Traffic Movements at a Major Junction

- It is set out that neither the applicants traffic consultant nor the PA have raised concerns as regards traffic
- The 8 no. car parking spaces are immaterial to traffic movements around the site.

Position of the entrance to the Car-Park and Compromised Sightlines

- It is set out that the PA raised no concern in this regard.
- The previous 2007 permission provided access at this same location.
- It is set out that the sightline adheres to guidance in respect of this issues as set out in the TII publication “Geometric design of Junctions” in so far as the planting strip to the front of the development along Tivoli Road in effect pushes the centre line of the driveway away from the boundary providing in excess of the required minimum 2m visibility envelope. In addition, it is argued that the change in surface treatment provides enhanced recognition for the car driver of the transition across the pavement.

Disable Parking

- It is set out that the CDP requires 4% disable parking and that this is less than one space. However, space No. 2 is adaptable if a disabled space is required.

Conclusion

The proposed development will provide a high quality contemporary designed residential development on an underutilised brownfield site.

6.3. Third Party Response to First Party Submission

None

6.4. Planning Authority Response

The PA response dated 27/10/2022 refers the Board to the Planner’s Report.

6.5. Observations

None.

7.0 Assessment

7.1. Introduction

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

- The Principle of Development
- Design and Layout
- Residential Amenity
- Traffic, Access Arrangements and Car Parking
- Other Matters

Note: Whilst I have had regard to the planning history on the site namely DLRCC D06A/0072 /ABPPL.06D.219573, for clarity this application will be assessed on its own merits.

7.2. The Principle of Development

Zoning

7.2.1. The proposal provides for the demolition of the existing vacant single storey former nursing home and the construction of a three contemporary style apartment building comprising eight apartments.

7.2.2. The provision of residential development on lands zoned 'A' in the Dún Laoghaire Rathdown County Development Plan 2022-2028 which seeks 'to provide residential development and improve residential amenity while protecting the existing residential amenities 'would be consistent with the policies of the Planning Authority as set out in Section 2.3.6.4 *Housing Target for the Core Strategy* and Section 4.3.1.2 Policy Objective PHP19: *Existing Housing Stock – Adaptation where is a policy objective to densify existing built-up areas in the County through small scale infill development having due regard to the amenities of existing established residential neighbourhoods.*

Density

- 7.2.3. Concerns were raised by the appellants that the development represents overdevelopment of the site. The DL RCC Development Plan policy seeks to maximise the use of zoned and serviced residential land. The Plan does not place an upward limit on residential densities. Policy Objective PHP 18: *Residential Density* of the Development Plan seeks 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... subject to suitable design. The Development Plan does not prescribe a maximum density standard for the area/site but supports minimum densities of 50 units per hectare in central/accessible locations and 35 units per hectare throughout the county.
- 7.2.4. The core strategy of the Development Plan states that development in DLR will be concentrated in the built-up footprint of the County in order to achieve compact growth and that this will be in the form of higher residential densities. Section 3.1 of the Development Plan sets out that this increases efficiencies as travel distances between home, work, education and services are reduced and hence active modal share, which is zero carbon can be increased. The 109 no. dwellings per hectare proposed here is considered appropriate for a central and accessible location such as this 700m from Dun Laoghaire Town Centre accessible to high frequency public transport including the DART and bus stops, the site is ideally located for higher density development and represents compliance with Section 4.3.1 *Delivering and Improving Homes* within circa 1 kilometre pedestrian catchment / 10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500 metres / 5 minute walking time of a Bus Priority Route, and/or 1 kilometre / 10 minute walking time of a Town or District Centre, higher densities at a minimum of 50 units per hectare (net density) of the CDP and table 3.1 - *Areas and Density Ranges Dublin and Cork City and Suburbs* of the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities 2024. The PA raise no concerns as regards the density proposed.

Apartment Standards

- 7.2.5. It is considered that the proposed development in terms of floor areas, privacy, aspect, natural light and ventilation and private open space would be acceptable and in accordance with Development Plan standards and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities, 2023. All units are dual aspect. The Planning Authority have raised no issues in this regard.

Demolition

- 7.2.6. I note Development Plan provisions (including 3.4.1.2 Policy Objective CA6: Retrofit and Reuse of Buildings) and acknowledge the 'embodied carbon' implications associated with the demolition and reconstruction of a new development. However, this must also be balanced with the wider sustainability issues associated with the proposed development and the wider policy objectives for the area.

Conclusion

- 7.2.7. I am satisfied that the principle of residential development including demolition of the existing building on site, which is not of architectural merit acceptable in line with the land use zoning objectives for the site subject to detailed considerations below. In addition, the development would provide for the consolidation and re-intensification of infill/brownfield site (PHP 18) and a contribute to the achievement of Development Plan housing targets and to national and regional policies to provide housing at sustainable locations and to encourage densification and compact urban growth.

7.3. Design and Layout

- 7.3.1. The appellants argue that the three-storey proposal is at odds with the surrounding buildings and the design out of character with the surrounding historic setting. Particular reference is made to the glazing and glass balustrades.
- 7.3.2. The application site is located at a prominent junction of York Road and Tivoli Road, opposite St. John's Church. The design reflects a modern design approach comprising a 2-storey form to the south and east reflecting the height and scale of Tivoli Parade and a 3-storey element set back 1.5m addressing the corner and northern/western return at the corner of Tivoli Road extending to York Street. In addition, the development includes works to the public realm to the south of the site.
- 7.3.3. The materials proposed primarily include the use of brick and glass with elements of metal cladding at the entrance. Regarding concerns raised about large glazing elements and glass balustrades, in the context of the contemporary design of the development I am satisfied that the use of such materials appropriate. The contemporary design approach and finishes sets a clear distinction between the old and the new and contrast effectively with the stone facade of St. John's Church.

- 7.3.4. The applicant argues and I agree that there is no uniform architectural style along Tivoli Road and that the contemporary design is most appropriate adjacent to the architecturally interesting and sensitive Tivoli Terrace. Of relevance, the site is not located within an Architectural Conservation Area and there are no Protected Structures adjoining the site, with the exception of St. John's Church opposite the site.
- 7.3.5. Section 12.3.7.7 Infill of the CDP states that in accordance with Policy Objective PHP19: Existing Housing Stock – Adaptation, infill development will be encouraged within the County. New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/ gateways, trees, landscaping, and fencing or railings. Regarding any impact of built heritage, the Architectural Heritage Protection Guidelines (2011) promote where there is an existing mixture of styles, a high standard of contemporary design that respects the character of the area should be encouraged. The scale of new structures should be appropriate to the general scale of the area and not its biggest buildings. I am satisfied that the design by reason of recessed building line, tiered building height approach and contemporary finishes is acceptable in this instance and the proposed development would make a positive contribution to the townscape and urban realm.
- 7.3.6. Regarding the appellant suggestion that the number of units be reduced from 8 to 6, I agree with the applicant that the appellants have not offered an explanation or rationale for this suggestion. In any case, in the context of the design I do not consider the omission of any units necessary in this instance.

Conclusion

- 7.3.7. The proposed contemporary design approach is consistent with Policy PHP 19 of the Development Plan and will transform this key junction on the approach to Dun Laoghaire town centre. I acknowledge that the building will be a prominent feature in the streetscape. However, in the context of the site and the adjoining vistas, I consider the proposed development would represent the evolution of architectural form and expression. The juxtaposition of the contemporary design would achieve a significant architectural contrast that would not detract from the character of the area. The development would create an attractive and interesting vista on the approach to the site from all directions and enhance the overall character of the area.

In my opinion the development, set back from the street edge and in line with the primary building line of the immediately adjoining properties and the tired building height approach, would not appear over dominant or incongruous in the streetscape, so as to negatively affect the visual amenities or the character of the area.

7.4. Residential Amenity

- 7.4.1. The appellants assert that the proposed development will have a negative impact on established residential amenity and would seriously injure the amenities of property in the vicinity by reason of overlooking as a result of the communal open space terrace, overlooking from 8 balconies and 16 habitable rooms and full height glazed screen and glass balustrades overlooking Tivoli Road.

Communal Terrace

- 7.4.2. The layout provides for a 50sqm communal terrace at second floor level on the southeastern elevation fronting Tivoli Road. The appellants argue that the provision of car parking at ground floor level has necessitated the communal open space being provided at second floor level rather than ground floor level and that there is no precedent for elevated communal open spaces in the area.

- 7.4.3. In response the applicant states that the predominate house type in the area is larger detached dwellings and therefore there is no precedent for an existing communal roof terrace. Notwithstanding, the provision of roof top terraces is not uncommon in apartment buildings and I agree with the applicant that the roof terrace is designed such that the rear (north) of the terrace is 16m from the neighbouring site at Avila Mews (discounting York House which was subject to a separate planning application advanced in conjunction with this application to develop a cohesive scheme for both sites, DLRCC D21A/1135), to the east the terrace overlooks the applicants carpark entrance with the gable end of no. 1 Tivoli Parade beyond and the terrace is enclosed by the west wall of the development to the west and overlooks Tivoli Road to the south. I am satisfied that there is no undue overlooking as a result of the second-floor communal trace.

Balconies and Habitable Rooms

- 7.4.4. The objection from James De Feu and Jennifer Power, Little Racefield, Tivoli Road raised concerns that the third-floor balconies overlook their property in particular their

front garden space, which is their only outdoor space, in addition to their main south facing living space. I note Little Racefield is located on the opposite side of Tivoli Road and the ground floor living and garden space are located in direct view of passers-by using the existing public footpath, therefore I do not consider the development located on the opposite side of the road will result in any detrimental overlooking. In addition, regarding concerns raised by other parties, I agree with the applicant there is no context to overlook other properties on Tivoli Road as they are across the road, set behind walls and planting.

- 7.4.5. Regarding the reference by the appellants that the outdoor terrace and 8 private balconies should be split between Tivoli Road and York Road facades. I do not consider there is any justification for this in so far as the proposed ground and first floor balconies are recessed balconies and the elevation is flush with the established building lines along Tivoli Road. Similarly, the second-floor terraces are recessed in line with the second-floor recessed building line fronting Tivoli Road. The balconies and primary living spaces look directly on the adjoining streets of Tivoli Road and York Road respectively and not private amenity spaces. I am satisfied that there is no direct overlooking of residential properties as a result of the development.

Conclusion

- 7.4.6. The potential for negative impact on established amenity is assessed particularly with regard to impact of overlooking of the adjacent properties. The proposed development is an infill site and there is adequate separation distance between the site and the residential development to the north and east. A degree of overlooking is acceptable in an urban context. Therefore, there is no negative overlooking of residential property as a result of the development.

7.5. Traffic, Access Arrangements and Car Parking

- 7.5.1. The third parties have all raised concerns about the increase in traffic at a major junction as a result of the development and that the proposed 8 no. car parking spaces is excessive. Concern is also raised about sightlines at the vehicular entrance and the lack of a disabled car parking space.

Car Parking Provision and Traffic Movements

- 7.5.2. I note that 8 car parking spaces have been provided to the rear of the site, one space for each of the 8 apartments proposed. The proposed quantum of car parking is in accordance with Table 12.5 of the CDP and therefore acceptable. Regarding concerns raised about the provision of a disabled car parking space on site, I note the applicant in their response to the appeal state that while the CDP requires 4% disabled parking and that this is less than one space, space No. 2 is adaptable if a disabled space is required. Therefore, I am satisfied this matter can be addressed by way of condition should the Board be minded to grant planning permission.
- 7.5.3. As regards the additional traffic movements generated by the development, I do not consider the provision of 8 no. car parking spaces would generate excessive traffic movements and I am further satisfied that the traffic generated is unlikely to be significant given that the site is accessible to public transport including the Dart and bus services, and there are numerous shops and services within walking distance.
- 7.5.4. As regards the wider traffic implications, the speed limit in the area is 50km/ph. The 'Traffic' analysis section 6 of the Civil Engineering Infrastructure report submitted by the applicant sets out that adequate sightlines in excess of 45m are available to the east and west down Tivoli Road and Mounttown Upper. While cars turning from York Road onto Tivoli Road will have minimally impaired visibility (0.5m less than required) these vehicles will have slowed down turning the corner, with speeds of less than 40km/hr which has a stopping distance of 33m. Therefore, any vehicles accessing/egressing the site will not represent a traffic hazard or obstruction to road users.
- 7.5.5. On balance, given the small scale of the development I do not consider there to be an issue with additional vehicular movements as a result of the development. I note also the Traffic and Transportation Department of the LA raised no concerns in this regard. I note also that the applicant has submitted an auto track analysis to determine that the individual spaces are accessible.

Access Arrangements

- 7.5.6. The appellants contend that sightlines at the car park entrance are compromised looking to the left of the entrance by the gable wall of Tivoli Parade such that a vehicle must cross the footpath with a left-hand blind spot preventing a clear view of oncoming

pedestrians. I note the vehicular entrance is recessed slightly behind the proposed building line and adjoining Tivoli Parade.

- 7.5.7. In response the applicant sets out that the sightline adheres to guidance in respect of this issue as set out in the TII publication “Geometric design of Junctions” (DN-geo-03060-June 2017) in so far as the planting strip to the front of the development along Tivoli Road in effect pushes the centre line of the driveway away from the boundary providing in excess of the required minimum 2m visibility envelope. I refer the Board to the landscape plan submitted and Fig 3.7 and Fig 3.8 of the applicant’s response to the appeal. In addition, it is argued that the change in surface treatment provides enhanced recognition for the car driver of the transition across the pavement. I am satisfied that adequate sightlines are available, and I am satisfied that the design and layout clearly announces a vehicular access at this location as regards pedestrian awareness to potential vehicular movements. In addition, the proposed entrance is located 44.5m east of the junction; therefore, I am satisfied that adequate stopping distance is available.

Conclusion

- 7.5.8. On balance, the proposed development is located at a well-served urban location close to a variety of amenities and facilities. Car parking provision has been provided in line with Development Plan standards and the potential to provide a disabled car parking space identified. The site is within walking distance of high frequency transport services. The Development Plan contains policies and objectives which promote measures that have the potential to reduce the climate impact of transport by encouraging a shift from private motorised transport to walking, cycling and public transport. There are good pedestrian facilities in the area. I am satisfied that the components are in place to encourage existing and future residents to increase modal shift away from car use to more sustainable modes of transport and this can be achieved.

Accordingly, I am satisfied that the additional traffic generated by 8 additional car parking spaces and associated traffic movements at a point where adequate sightlines have been identified will not endanger public safety by reason of a traffic hazard or obstruction to road users and is acceptable in terms of traffic safety.

7.6. **Other Matters**

Sub-division

Concerns have been raised about the potential to subdivide the apartments at a later stage. In this regard I note that any material change to a grant of planning permission would require a separate grant of permission.

Bin Store

Regarding concerns raised that the location of the access door to bin storage on the public footpath is contrary to DLR guidelines, I note the proposed bins are located to the front of the site fronting Tivoli Road and accessed via a secure roller shutter door directly onto the recessed entrance arrangements and not the public footpath. I consider the proposal acceptable, and I have no concerns in this regard.

8.0 Appropriate Assessment

- 8.1.1. The site is not located within or directly adjacent to any Natura 2000 sites.

Stage 1 AA Screening Report

- 8.1.2. The applicants Stage 1 AA Screening report described the site, the location and the proposed development, it summarised the regulatory context, it carried out a desk top surveys and identified the European sites considered to fall within the zone of influence of the works. It confirmed that the proposed development would not be located within any European sites. Table 1 identifies all European Sites within 15km precautionary Zone of Influence. It described these sites and their respective qualifying habitats and species, distance from the proposed development and connections (Source-Pathway-Receptors).

- 8.1.3. In applying the 'source-pathway-receptor' model, in respect of potential indirect effects, I would accept that all sites outside of Dublin Bay can be screened out for further assessment at the preliminary stage based on a combination of factors including the intervening minimum distances and the lack of hydrological or other connections. Furthermore, in relation to the potential connection to sites in the outer Dublin Bay area, I am satisfied that the Rockabill to Dalkey Island SAC, Dalkey Island SPA and Howth Head Coast SPA are not within the downstream receiving environment of the proposed development given the nature and scale of the proposed development, the insignificant loading in terms of either surface water or wastewater, the intervening distances and the significant marine buffer and dilution factor that

exists between the sites. I conclude that it is reasonable to conclude on the basis of the available information that the potential for likely significant effects on these sites can be excluded at the preliminary stage.

- 8.1.4. The designated area of sites within the inner section of Dublin Bay, namely South Dublin Bay SAC, North Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA, North Bull Island SPA are closer to the development site and to the outfall location of the Ringsend WWTP. They could, therefore, reasonably be considered to be within the downstream receiving environment of the proposed development and on this basis these sites should be subject to a more detailed Screening Assessment.
- 8.1.5. I am satisfied that the potential for impacts on all other Natura 2000 Sites can be excluded at the preliminary stage due to the nature and scale of the proposed development, the degree of separation and the absence of ecological and hydrological pathways.

Appropriate Assessment Screening Assessment

- 8.1.6. Conservation Objectives: to maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC and SPA'S have been selected.

European Site Name [Code] and its Qualifying interest(s) / Special Conservation Interest(s) (*Priority Annex I Habitats)	Location Relative to the Proposed Site
SAC:	
<p>South Dublin Bay SAC (site code: 000210).</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110] The NPWS has identified a site specific conservation objective to maintain the favourable conservation condition of the Annex I Habitat Mudflats and sandflats not covered by seawater at low tide [1140], as defined by a list of attributes and targets</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	c.1km

<p>North Dulin Bay SAC (site code 000208)</p> <p>Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210] Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glaucopuccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SAC has been selected.</p>	<p>c. 6.3km</p>
<p>SPA:</p>	
<p>South Dublin Bay & River Tolka SPA (site code: 004024).</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Artic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	<p>c.0.8km</p>
<p>North Bull Island SPA (004006)</p> <p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Shelduck (<i>Tadorna tadorna</i>) [A048] Teal (<i>Anas crecca</i>) [A052] Pintail (<i>Anas acuta</i>) [A054] Shoveler (<i>Anas clypeata</i>) [A056] Oystercatcher (<i>Haematopus ostralegus</i>) [A130] Golden Plover (<i>Pluvialis apricaria</i>) [A140] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Black-tailed Godwit (<i>Limosa limosa</i>) [A156] Bar-tailed Godwit (<i>Limosa</i></p>	<p>c.6.2km</p>

<p>lapponica) [A157] Curlew (Numenius arquata) [A160] Redshank (Tringa totanus) [A162] Turnstone (Arenaria interpres) [A169] Black-headed Gull (Chroicocephalus ridibundus) [A179] Wetland and Waterbirds [A999]</p> <p>Conservation Objective: To maintain or restore the favourable conservation condition of the Annex 1 habitat(s) and / or the Annex II species for which the SPA has been selected.</p>	
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8.1.7. Having regard to the foregoing and the potential impacts of the proposed development, I would state that the nature and scale of the proposed development is not exceptional for city centre development in terms of its complexity or magnitude, either at construction phase or operational phase.

8.17. During the construction phase standard pollution control measures are to be used to prevent sediment or pollutants from leaving the construction site and entering the water system. During the operational phase foul and surface water will drain to combined sewers. The combined discharge from the proposed development would drain, via the public network, to the Ringsend WWTP for treatment and ultimately discharge to Dublin Bay. There is potential for an interrupted and distant hydrological connection between the site and sites in Dublin Bay due to this pathway. However, the discharge from the site is negligible in the context of the overall licenced discharge at Ringsend WWTP, and thus its impact on the overall discharge would be negligible.

8.18. I have had regard to the planning history of the area and the nature and extent of permitted development in the vicinity. Similar to the proposed development, I consider that the cumulative impact of these other projects would not be likely to have significant effects on any European Sites.

Mitigation Measures

8.19. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

AA Screening Conclusion

8.20. It is reasonable to conclude that, on the basis of the information on file, which I consider adequate in order to issue a screening determination, the proposed development, individually or in combination with other plans or projects would not be

likely to have a significant effect on South Dublin Bay SAC (000210), North Dublin Bay SAC (000206), South Dublin Bay and River Tolka Estuary SPA (004024), North Bull Island SPA (004006), or any European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.

9.0 Conclusion and Recommendation

For the reasons outlined above, I consider that the proposal is in compliance with the proper planning and sustainable development of the area, and I recommend that permission is GRANTED subject to the following conditions.

10.0 Reasons and Considerations

Having regard to:

- a) The site's location on lands primarily zoned 'A' where residential is a 'permissible use';
- b) The policies and objectives in the Dun Laoghaire Rathdown Development Plan 2022-2028
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing development in the area;
- e) Housing for All – A New Housing Plan for Ireland, 2021
- f) The National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- g) Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in July 2023;
- h) The Urban Development and Building Heights Guidelines for Planning Authorities 2018;
- i) Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities (2024) and
- j) Submissions received.

It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design,

height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

11.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 21st December 2021 as amended by further information submitted on 29th August 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, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity

2. The proposed development shall be amended to provide a minimum of one no. disabled car parking space. The revised plans and particulars showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of proper planning and orderly development.

3. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors shall be submitted to and agreed in writing with, the planning authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity and to ensure an appropriate high standard of development.

4. Proposals for an apartment naming / numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be

based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartments. The lighting scheme shall form an integral part of landscaping of the site.

Reason: In the interests of public safety and amenity, to prevent light pollution.

6. 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.

Reason: In the interests of visual and residential amenity

7. The construction of the development shall be managed in accordance with a Construction Management Plan and Environmental Management Construction Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including hours of working, noise and dust management measures, traffic management arrangements/ measures and off-site disposal of construction/demolition waste.

Reason: In the interests of public safety.

8. Construction and demolition waste shall be managed in accordance with a construction and demolition waste management plan and construction environmental management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The Construction Management Plan shall specifically address the points raised within the submission by TII to The Planning Authority. This plan shall be prepared in accordance with the 'Best Practice

Guidelines for the preparation of resource & waste management plans for construction & demolition projects' published by the Environmental Protection Agency in 2021.

Reason: In the interest of sustainable waste management.

9. Drainage arrangements including attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

Reason: In the interest of public health and surface water management

10. The developer shall comply with the requirements of the Transport Planning Division of the planning authority.

Reason: In the interest of proper planning and traffic and pedestrian safety.

11. Prior to the commencement of development, the developer shall enter into water and waste-water connection agreement(s) with Irish Water.

Reason: In the interest of public health

12. 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 where prior written approval has been received from the planning authority.

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

13. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the local authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge

14. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Contribution Scheme made under section 48 of the Act be applied to the permission.

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

Irené McCormack
Senior Planning Inspector
12th February 2024