



An
Bord
Pleanála

Inspector's Report

ABP-314994-22

Development

Demolition of house and ancillary outbuildings and the construction of a two to four storeys building accommodating 19 no. apartments, vehicular access, 11 no. car parking spaces, 20 no. bicycle parking spaces, and ancillary services.

Location

Hillhouse, Lucan Road, Lucan, Co. Dublin

Planning Authority

South Dublin County Council

Planning Authority Reg. Ref.

SD22A/0324

Applicant

Frances Dowling

Type of Application

Permission

Planning Authority Decision

Refuse Permission

Type of Appeal

First Party v Refusal of Permission

Appellant

Frances Dowling

Observer(s)

1. Daniel Kennedy & Amanda Roche
2. Lucan Heights Residents
3. Bernard J. Coyne & Vivienne Coyne

4. Graham J. Coyne

Date of Site Inspection

13th February 2024

Inspector

Anthony Kelly

Contents

1.0 Site Location and Description.....	3
2.0 Proposed Development.....	4
3.0 Planning Authority Decision	5
4.0 Planning History.....	7
5.0 Policy Context.....	8
6.0 The Appeal.....	11
7.0 Assessment.....	16
8.0 Appropriate Assessment (AA)	29
8.0 Recommendation.....	32
9.0 Reasons and Considerations	31
10.0 Conditions	32
Appendix 1 – Form 1: EIA Pre-Screening	
Appendix 2 – Public Bus Transport	

1.0 Site Location and Description

- 1.1. The site is located on the south side of Lucan Road (R835), immediately south east of its junction with Chapel Hill, east of Lucan village in west Co. Dublin.

- 1.2. Lucan Road forms the northern boundary of the site. A car park and the Presentation Sisters Mission House is adjacent to the west with St. Mary's Church and two schools further to the west. There is residential development adjacent to the south (Lucan Heights) and to the east (houses addressing Lucan Road). There is a pedestrian link parallel to the eastern site boundary which connects Lucan Road and Lucan Heights.
- 1.3. The site contains a single-storey house with a limited first-floor area. It is located in the north west corner of the site and its north/rear elevation is constructed onto the public footpath. There is a relatively large outbuilding/shed along the southern boundary. The site is flat and grassed and there are areas of tarmac for circulation etc. There are trees and hedgerows around the site boundaries and through the site.
- 1.4. The site has an area of 0.1925 hectares.

2.0 Proposed Development

- 2.1. Permission is sought for the demolition of a house and outbuildings and the construction of a two to four storeys building containing 19 no. apartments (6 no. one-bed and 13 no. two-bed). Vehicular access would be via Lucan Road with 11 no. car and 20 no. bicycle parking spaces and ancillary services.
- 2.2. The following table sets out some key elements of the proposed development:

Table 1 – Key Figures

Site Area	0.1925 hectares
Number of Units	19 no. apartments
Building Heights	Two to four storeys in one block
Density	98.7 units per hectare
Plot Ratio	0.86
Site Coverage	26.4%
Dual Aspect	68.4% (13 no)
Open Space / Amenities	<u>Communal open space</u> Approx. 200sqm in the south west area of the site

Part V	Two units proposed (nos. 1 (two-bed) and 2 (one-bed))
Car and Bicycle Parking	<u>Car Parking</u> – 11 no. spaces <u>Bicycle Parking</u> – 20 no. spaces in two locations
Pedestrian/Cyclist Infrastructure	Footpath surrounding building and communal open space. Dedicated pedestrian access to Lucan Road.

2.3. In addition to standard plans and particulars the planning application was accompanied by a number of supporting documents. These include (but are not limited to):

- a ‘Planning Design Report’ prepared by PMCA Architects dated August 2022,
- a ‘Daylight Analysis and Overshadowing’ report prepared by H3D dated 17th May 2022,
- separate ‘Arboricultural Assessment’, ‘Landscape Report’ and ‘Appropriate Assessment Screening’ documents prepared by JM McConville & Associates dated August 2022,
- a ‘Stage 1 Road Safety Audit’ (RSA) prepared by Bruton Consulting Engineers dated June 2022, and,
- an ‘Engineering Services & Drainage Design Report’ prepared by GK Consulting Engineers dated July 2022.

3.0 Planning Authority Decision

3.1. Decision

3.1.1. South Dublin County Council (SDCC) refused the planning application for one reason:

1. Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road and the scale of the development proposed, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed

development would endanger pedestrian and traffic safety by reason of creating a traffic hazard and would, therefore, not be consistent with the proper planning and sustainable development of the area,

3.2. Planning Authority Reports

- 3.2.1. The Planning Report forms the basis of the planning authority's decision. The report concludes that while the proposed apartment development is acceptable in principle compliance has not been demonstrated in relation to green infrastructure network or green space factor policies and objectives or the feasibility of drainage and water services infrastructure. It considered that 'the issues relating to the traffic and pedestrian safety hazard caused by the intensification of traffic accessing and egressing the subject site are too significant to overcome by way of Additional Information' and the previous reason for refusal has not been overcome.

Other Technical Reports

- 3.2.2. **Roads Department** – The proposed development would intensify the use of an access onto a congested road in close proximity to a junction which may lead to an increased risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard.
- 3.2.3. **Environmental Services** – A condition is recommended.
- 3.2.4. **Water Services** – Further information required relating to a percolation test and the attenuation capacity and system.
- 3.2.5. **Public Realm** – Additional information requested regarding a landscaping plan, sustainable urban drainage systems (SuDS), and open space/green space.
- 3.2.6. **Architectural Conservation Officer** – The proposed apartment block in its current form should be refused for reasons of visual impact, including on the protected structure, and the overall design fails to reflect the adjacent site or wider area.
- 3.2.7. **Housing Procurement Section** – A condition is recommended.
- 3.2.8. **Environmental Health** – The proposed development is acceptable subject to conditions.

3.3. Prescribed Bodies

- 3.3.1. **Irish Water** – Further information required relating to connection agreements.
- 3.3.2. **Transport Infrastructure Ireland** – Comments made relating to official policy.
- 3.3.3. **Irish Aviation Authority** – No observation to make.

3.4. Third Party Observations

- 3.4.1. 22 no. third party observations were received by the planning authority generally from local residents, and from a local councillor.

4.0 Planning History

- 4.1. There have been two relatively recent planning applications on site as summarised below. These are also outlined in section 7.1 (Planning History) of this inspector's report.
- 4.2. P.A. Reg. Ref. SD20A/0142 / ABP Reg. Ref. ABP-309525-21 – Permission was refused by the Board in 2021 for the demolition of the existing house and outbuildings and construction of a four storey building comprising 20 no. apartments (reduced to 19 no. as part of the further information response), vehicular access via Lucan Road and Lucan Heights and ancillary works, for the following reason,
 - 1. Having regard to the proximity of the primary site access to the controlled junction on the R835 regional road, to the proposed limited access by means of a 'left in, left out' arrangement only, and to the proposed use of the secondary access point onto Lucan Heights across the existing pedestrian walkway which is considered inappropriate, it is considered that the proposed intensification of traffic accessing and egressing the site would result in increased traffic hazard on a busy road and would result in unsafe traffic movements into and out of the site. It is considered that the proposed development would endanger pedestrian safety by reason of creating a traffic hazard and would, therefore, be contrary to the proper planning and sustainable development of the area.
- 4.3. P.A. Reg. Ref. SD19A/0198 – Permission was refused by the planning authority in 2019 for the demolition of the existing house and outbuildings and construction of a

four-storey building containing 21 no. apartments for four reasons: traffic hazard, visual obtrusion adversely impacting amenity, contrary to the zoning objective, and contrary to the Building Height Guidelines (2018).

5.0 Policy Context

5.1. Project Ireland 2040 National Planning Framework (NPF)

5.1.1. The NPF is a high level strategic plan to shape the future growth and development of the country to 2040. It is focused on delivering 10 National Strategic Outcomes (NSOs). NSO 1 is 'Compact Growth', and it is expanded upon on page 139 of the NPF. It states, inter alia, 'From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages ... Combined with a focus on infill development, integrated transport and promoting regeneration and revitalisation of urban areas, pursuing a compact growth policy at national, regional and local level will secure a more sustainable future for our settlements and for our communities'.

5.1.2. Relevant National Policy Objectives (NPOs) include:

NPO 3(b) – Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

NPO 13 – In urban areas, planning and related standards, including in particular building height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected.

NPO 33 – Prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

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

5.2.1. The Guidelines set out policy and guidance in relation to the planning and development of urban and rural settlements, with a focus on sustainable residential development and the creation of compact settlements. There is a renewed focus in the Guidelines on the renewal of existing settlements and on the interaction between residential density, housing standards, and quality urban design and placemaking to support sustainable and compact growth.

5.2.2. Residential densities in the range 40 dwellings per hectare (dph) to 80dph shall generally be applied at suburban locations in Dublin, and densities of up to 150dph shall be open for consideration at 'accessible' suburban locations.

5.3. Urban Development and Building Heights Guidelines for Planning Authorities (December 2018)

5.3.1. These Guidelines are intended to set out national planning policy guidelines. Reflecting the NPF strategic outcomes in relation to compact urban growth, there is significant scope to accommodate anticipated population growth and development needs by building up and consolidating the development of our existing urban areas.

5.4. Sustainable Urban Housing: Design Standards for New Apartments (July 2023)

5.4.1. The overall purpose of these Guidelines is to strike an effective regulatory balance in setting out planning guidance to achieve both high quality apartment development and a significantly increased overall level of apartment output. They apply to all housing developments that include apartments that may be made available for sale, whether for owner occupation or for individual lease.

5.5. Climate Action Plan 2023 – Changing Ireland for the Better

5.5.1. The plan is the second annual update to Ireland's Climate Action Plan 2019. It is the first to be prepared under the Climate Action and Low Carbon Development (Amendment) Act 2021, and following the introduction, in 2022, of economy-wide carbon budgets and sectoral emissions ceilings.

- 5.5.2. The plan implements the carbon budgets and sectoral emissions ceilings and sets out a roadmap for taking decisive action to halve Ireland's emissions by 2030 and reach net zero no later than 2050, as committed to in the Programme for Government. It sets out how Ireland can accelerate the actions that are required to respond to the climate crisis, putting climate solutions at the centre of Ireland's social and economic development.

5.6. South Dublin County Development Plan 2022-2028 (SDCDP)

- 5.6.1. The site is in an area zoned 'Objective RES' which is 'To protect and/or improve residential amenity'. Residential development is permitted in principle at this location.
- 5.6.2. There is a protected structure to the west of the subject site, RPS no. 032 (St. Joseph's Presentation Convent) and another protected structure adjacent to the west of the convent, RPS no. 037 (St. Mary's Roman Catholic Church).

5.7. Natural Heritage Designations

- 5.7.1. The nearest designated area of natural heritage is Liffey Valley proposed Natural Heritage Area (pNHA) approx. 50 metres to the north west of the proposed site on the opposite side of the R835. The nearest European site is Rye Water Valley/Carlton special area of conservation (SAC) (site code 001398) approx. 3.5km to the west.

5.8. Environmental Impact Assessment (EIA) Screening

- 5.8.1. Paragraph 10(b) of Part 2 of Schedule 5 of the Planning & Development Regulations, 2001 (as amended), and s.172 (1)(a) of the Planning & Development Act, 2000 (as amended), provides that an EIA is required for infrastructure projects that would equal or exceed, inter alia:
- construction of more than 500 dwelling units, or,
 - 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. A business district means a district within a city or town in which the predominant land use is retail or commercial use.
- 5.8.2. Paragraph 15 of Part 2 provides that EIA is required for 'Any project listed in this Part which does not exceed a quantity, area or other limit specified in this Part in respect

of the relevant class of development but which would be likely to have significant effects on the environment, having regard to the criteria set out in Schedule 7'.

- 5.8.3. The proposed development is significantly below both applicable unit number and site area thresholds for mandatory EIA. Article 109 2(a) of the 2001 Regulations (as amended) states that 'Where an appeal relating to a planning application for subthreshold development is not accompanied by an EIAR, the Board shall carry a preliminary examination of, at the least, the nature, size or location of the development'.
- 5.8.4. Having regard to the nature, size, and location of the proposed development and to the criteria set out in Schedule 7 of the 2001 Regulations (as amended), I have concluded at preliminary examination that there is no real likelihood of significant effects on the environment arising from the proposed development, as set out in appendix 1 to this inspector's report. EIA, therefore, is not required. In this regard it is noted that the proposed development is residential in nature, its 0.1925 hectare site area is significantly below the 10 hectares threshold, the proposed number of apartment units (19 no.) is significantly below the 500 no. unit threshold, it is located on a brownfield site within the built-up footprint of Lucan surrounded by existing development and roads infrastructure, and it does not have any particular environmental sensitivity.

6.0 The Appeal

6.1. Grounds of Appeal

- 6.1.1. The grounds of appeal from the appellant, Frances Dowling, can be summarised as follows.
- A detailed background of the planning history of the site up to the point of this appeal, including pre-planning consultations, is provided.
 - Full cognisance was taken of the Board's previous reason for refusal and a road traffic design was prepared that addressed the concerns, including a stage 1 RSA.
 - A Traffic Review prepared for the appeal states up to 25 no. trips a day would be generated by the proposed development, approx. 0.1% of existing traffic on the

R835. This is an imperceptible intensification and is not expected to result in unsafe traffic movements.

- There are currently four cars using the existing entrance daily. The existing entrance lacks adequate sightlines and set back.
- Should the Board have concerns about the intensification of traffic an alternative proposal is submitted which reduces the number of car parking spaces to five, as illustrated on a site layout plan.
- Two documents have been submitted with the grounds of appeal:
 - a 'Traffic Review of the Residential Development on Lucan Road' prepared by PMCE dated 25th October 2022. This concludes, inter alia, that 'the proposed development is not expected to lead to intensification at the development access, nor to unsafe traffic movements into and out of the site'.
 - a 'Stage 1 Road Safety Audit' prepared by Bruton Consulting Engineers dated June 2022 (this document accompanied the original planning application).

6.2. Planning Authority Response

6.2.1. None received.

6.3. Observations

6.3.1. Observations were received from:

- Daniel Kennedy & Amanda Roche, 3 Lucan Cloisters, Lucan Heights, Lucan (the more southerly of the semi-detached block of houses adjacent to the south of the site),
- Lucan Heights Residents c/o Stephen McCabe, 37 Lucan Heights (countersigned by approx. 200 no. people),
- Bernard J. Coyne & Vivienne Coyne, 4 Lucan Cloisters, Lucan (the semi-detached house adjacent to the south), and
- Graham J. Coyne, 15 Sutton Court, Dublin.

6.3.2. To avoid unnecessary repetition the main issues raised in the observations are summarised under broad headings as follows:

Traffic movement / parking / vulnerable road users / cycle

- The village and approach roads are choked with traffic in the mornings and evenings and experience very heavy traffic on week days with seriously restricted traffic movement.
- The junction is incapable of dealing efficiently with current levels of traffic.
- Evening tailbacks travelling west encroach onto existing hatched areas and into turning lanes for adjoining housing areas.
- The proposed box junction will exacerbate traffic congestion and create a hazard near the junction e.g. turning east exiting or entering while travelling from the west.
- Cars entering seeking spaces and finding none because of the limited availability will have to exit again.
- Parking provision is inadequate and not in compliance with requirements. 37 no. spaces are required. There would be overspill parking to Lucan Cloisters and Lucan Heights blocking footpaths and driveways likely resulting in serious injury and potential loss of life. Overspill parking already occurs. Statements justifying the under provision of car parking are not supported and not objective.
- Public transport is at capacity in the mornings and local routes do not serve many employment areas.
- No assessment of the existing traffic situation was undertaken. A full traffic impact assessment is required.
- The proposed access point is too wide and a narrower junction would result in a safer access.
- No provision for visitor parking, delivery vans or tradespeople. The location and usability of the disabled parking space is not appropriate. The location does not warrant a relaxation of car parking standards.
- In practise the refuse collection vehicles will not use the area inside the access point and if they reverse in or out of the site this will cause a traffic hazard. Refuse vehicles in the area are larger than the assessment vehicle.

- The proposed entrance/exit represents a very serious risk for vulnerable road users with a high proportion of children using the footpath.
- No mobility management plan or safety audit was submitted.
- There is no dedicated cycle route to the city centre, as claimed. There is an under provision of bicycle storage and parking.
- The geometry and configuration of the proposed access does not differ meaningfully from that previously refused / The proposed development does not address the previous reason for refusal.
- There is no permeability to any neighbouring development or amenity.
- The area has changed since the original application on site in terms of recent planning permissions and the application does not take account of the increased cumulative impact.
- Concern is expressed about the content of the applicant's Traffic Review data.
- No correspondence demonstrating any commitment has been provided relating to the car sharing proposals submitted with the alternative design proposal reducing the number of car parking spaces.
- The planning authority's reason for refusal is reasonable.

Height/scale/design

- Reference is made to objectives of the South Dublin County Development Plan 2016-2022¹ and the proposed development is not consistent with same.
- There is no respect for surrounding buildings/surrounding area. There is a severe increase in height with existing development adjacent to the south. The four storeys are out of scale and it fails to consider adjacent protected structures
- The proposed density is inappropriate for the area / overdevelopment of the site.
- It does not respect the character of the area, it is visually incongruent in the streetscape and in the wider setting of the village, it would adversely affect local built heritage, and it does not reflect the prevailing height of the surrounding area.

¹ This has now expired and the South Dublin County Development Plan 2022-2028 (SDCDP) is the relevant Plan.

- Appendix 10 (Building Height and Density Guide) of the SDCDP is relevant to this application.

Impact on adjoining properties

- Gross overlooking / loss of privacy to the south/balconies / poor separation distances to the south and east.
- Loss of light/shadowing and overbearing impact.
- Dust and noise nuisance during construction has not been addressed in the application. Concern expressed about noise during the operational period caused by residents.
- Depreciate the value of property in the vicinity.
- Visual impact / no photomontage showing views from the south.
- Odour/pest impact to no. 4 Lucan Cloisters from the location of the proposed bin store.
- Concerns relating to leakage from the water tank to no. 4 Lucan Cloisters.

Built heritage

- The existing house appears on 1770s maps of the area. Inadequate historical research has been provided. There is no architectural impact assessment.
- Visual and direct impacts of the proposed development on the adjoining protected structures.
- The planning authority's Conservation Officer's comments should be considered.

South Dublin County Development Plan 2022-2028 (SDCDP)

- The proposed development does not comply with cited provisions of the SDCDP in relation to infill development, density², building height³, construction and

² Page 4 of the Lucan Heights Residents observation contains certain objectives that it states are in the current SDCDP but which are, in fact, in the expired 2016-2022 Plan and therefore not applicable i.e. CS6 Objective 6 and CS6 Objective 7.

³ Pages 6/7 of the Lucan Heights Residents observation contains reference to section 11.2.7. This relates to the expired 2016-2022 Plan regarding building height and are not contained in the current SDCDP.

demolition waste, car parking⁴, biodiversity, climate resilience, and landscape, natural, cultural and built heritage.

Miscellaneous

- It is believed there is likely to be a public right-of-way across part of the subject site i.e. an area between the existing house and public road used by the public.
- A grant of permission would set an undesirable precedent.
- The applicant has not engaged with local residents.
- Child safety concerns from overlooking of private areas.
- No construction and demolition resource waste management plan or construction management plan has been submitted. The applicant has failed to provide an assessment of the minimum green space factor.
- Surface water detail is incomplete.
- The proposed development, at the main point of entry to the village from the city, would have a negative impact on the county council's proposals to promote Lucan as a tourist destination.
- The proposed development would materially contravene the County Development Plan's policies and objectives for the area / materially contravene the zoning objective.

6.4. Further Responses

None.

7.0 Assessment

Having examined the application details and all other documentation on file, including the grounds of appeal and the third party observations, and inspected the site, and having regard to relevant local/regional/national policies and guidance, I consider that

⁴ Page 7 of the Lucan Heights Residents observation references SM7 Objective 4. This objective is found in the expired plan and it is not contained in the current SDCDP.

the main issues in this appeal, other than those set out within the EIA Screening and AA sections, are as follows:

- Planning History
- Road and Traffic Safety (Planning Authority Reason for Refusal)
- Zoning and Density
- Site Layout, Design, and Residential Amenity for Future Occupants
- Impact on Adjacent Residential Amenity

7.1. Planning History

- 7.1.1. Given the nature of the planning application I consider that it is appropriate to briefly set out the planning history of the site. The grounds of appeal also contain background detail.
- 7.1.2. Under SD19A/0198 permission was sought for the demolition of the existing house and outbuildings and construction of a four-storey building containing 21 no. apartments. The proposed structure was similar to that proposed under the current application with an additional apartment at both second and third floors resulting in a slightly larger development in terms of mass and scale. The proposed vehicular access was in the location of the existing access i.e. the north east corner of the site. The planning authority refused permission for four reasons: (i) the intensification of traffic in proximity to a controlled junction and onto a heavily trafficked regional road would result in increased traffic hazard, (ii) the proposed development would be visually obtrusive and would adversely impact visual and residential amenity, (iii) overbearing impact on houses to the south would be contrary to the zoning objective, and (iv) the proposed development would be contrary to specific planning policy requirement (SPPR) 3 of the Building Height Guidelines (2018).
- 7.1.3. A subsequent application was made to the planning authority in 2020 under SD20A/0142. Alterations to the previous application included a reduction in the number of proposed apartments to 20 no. by the omission of a second floor apartment, with subsequent external alterations, and a second access/egress point on the south east corner of the site accessing Lucan Heights. Access to Lucan Road was to be via a left-in left-out arrangement. Further information was sought for an increased setback

to the south and a reduction in scale, a daylight and sunlight assessment, a building life cycle report, CGIs, and water services detail.

- 7.1.4. As part of the further information response the number of apartment units was reduced to 19 no. with subsequent external alterations. The apartment building subject to the current application is generally as per the further information response though the currently proposed building has some minor differences such as additional glazing to the south elevation of proposed no. 19 on the second floor and a reduction in glazing to the west elevation of proposed no. 11 on the third floor. The Planning Report deemed the further information responses to be acceptable and the application was granted.
- 7.1.5. This grant was subject of two separate appeals from local residents (ABP-309525-21). The inspector recommended a grant of permission, but the application was refused by the Board for the reason set out in paragraph 4.2 of this inspector's report. In deciding not to accept the inspector's recommendation the Board made a number of comments which are considered in the following section of this inspector's report, below.

7.2. Road and Traffic Safety (Planning Authority Reason for Refusal)

- 7.2.1. The planning authority refused permission for one reason as set out in section 3.1 of this inspector's report. The applicant is appealing against this decision while the observers consider that road and traffic safety is a significant concern at this location. I consider that this issue can be considered and assessed under sub-headings as follows.

Site location

- 7.2.2. I acknowledge initially that the existing/proposed site entrance is positioned in relatively close proximity, approx. 50 metres, from the existing Lucan Road/R835 and Chapel Hill/L1005 junction and I also acknowledge that this is a busy road with a number of different land uses in the vicinity such as education, ecclesiastical, and car parking, as well as residential.
- 7.2.3. The existing site access is the closest access to the east of the signalised junction. There are a number of junctions in closer proximity to the west of the signalised junction. There is a recently constructed left-in left-out junction, controlled by plastic

wands along the centre line of the road, to Presentation Sisters Mission House less than 10 metres from the signalised junction on Lucan Road/R835. On Chapel Hill/L1005 there is a vehicular access to/from St. Mary's Church car park less than 10 metres from the signalised junction with a very narrow yellow box road marking. This is a minor access point with the main access point being from Lucan Road, though I witnessed it being used on my site inspection. A second, combined, access point serving both the Canon Despard Centre and an ESB substation is located approx. 30 metres from the signalised junction on Chapel Hill. There is substantial 'keep clear' and 'caution' road markings in place.

- 7.2.4. In the context of the road network and access points in the immediate vicinity of the signalised junction, the subject site access is further away from the junction than these three access points.

Car parking provision

- 7.2.5. One of the concerns raised in observations is the provision of 11 no. car parking spaces to facilitate the 19 no. proposed apartments. Observers consider this to be too few spaces and would result in overspill car parking outside the site.
- 7.2.6. Maximum residential car parking standards are set out in table 12.26 of the SDCDP. In my opinion the site is in 'zone 2' where a lower maximum rate applies as the site is a brownfield/infill site within Dublin city and suburbs and it is within 400-500 metres of a high quality public transport service. The SDCDP includes a bus stop with a high quality service within this definition. The closest inbound bus stop i.e. towards the city, is stop no. 3374 (St. Mary's Church). I have calculated that between 7am and 10am (Monday to Friday) there are 25 no. buses at this stop, an average of a bus just over every seven minutes. Between 4pm and 7pm there are 26 no. buses stopping on Lucan Road at one of two stops within approx. 100 metres of the site, an average of a bus just under every seven minutes. These figures exclude the Airport Hopper service. In my view this comprises a high quality service as per zone 2 requirements. Appendix 2 to this inspector's report tabulates the public bus transport in the vicinity. There are no train or Luas stations in the vicinity.
- 7.2.7. Maximum residential car parking for 19 no. apartments for zone 2 is 17.5 spaces, as opposed to the 22.25 spaces required if it was in zone 1 (the general rate applicable throughout the county). Therefore there is a shortfall of 6.5 spaces. The SDCDP states that the maximum provision should not be viewed as a target and a lower rate of

parking may be acceptable subject to, inter alia, the proximity and quality of public transport (illustrated in the previous paragraph) and proximity to services that fulfil occasional and day to day needs. In this regard there are multiple schools in close proximity and the 'village centre' zoned area is approximately 350 metres to the west. Therefore I consider that the shortfall proposed is acceptable and I note the planning authority has not expressed a concern in this regard, or regarding autotrack, turning movements, refuse vehicles etc. I note the applicant has suggested a reduction in the number of spaces to five as part of the response to the grounds of appeal. I do not consider this to be a reasonable provision and, for clarity, this inspector's report is based on the provision of 11 no. spaces as originally applied for.

- 7.2.8. A reduction in car parking provision in this type of accessible location is also encouraged in the Compact Settlements Guidelines (2024) and the Apartment Guidelines (2023)

Bicycle parking

- 7.2.9. There is provision for a total of 20 no. bicycle spaces at two locations on site. Table 12.23 of the SDCDP requires one long term space per bedroom and one short term space for every two apartments. This results in a requirement for 32 no. long-term spaces and 9.5 (10) no. short term spaces. I consider this can be conditioned.

Previous planning application refusal

- 7.2.10. Traffic hazard was one of the reasons for refusal cited under SD19A/0198. The access was similar to that currently proposed. The applicant attempted to address this under SD20A/0142 by a left-in left-out arrangement to Lucan Road with a second vehicular access onto Lucan Heights at the south east corner of the site. This was acceptable to the planning authority and permission was granted but it was subject of third party appeals. A grant of permission was recommended by the inspector, however the Board refused permission for the reason set out in paragraph 4.2 of this inspector's report. In deciding not to accept the recommendation the Board considered that the secondary access would present both an unacceptable risk to pedestrians on the pedestrian link and an unacceptable level of additional traffic onto Lucan Heights. In the context of not accepting the second access the Board considered that right-turning vehicles accessing/egressing the R385 'would cause a significant traffic risk under the current road arrangements' and it could not be accommodated in the absence of

design solutions 'such as box junctions, traffic lights and/or pedestrian crossings to facilitate the development'. Therefore, the application was refused.

Proposed development

7.2.11. Further to the Board's explanation for not accepting the inspector's recommendation, the applicant has abandoned the proposal for the secondary access and includes the 'recommended road design solutions of a box junction and a pedestrian crossing to facilitate the development' (page 4 of the applicant's Planning Design Report). It appears that the pedestrian crossing refers to the footpath across the vehicular entrance. The planning authority's Roads Department stated in commentary that 'The applicant has not sufficiently addressed the intensification of the traffic accessing and egressing the site. As the congestion on the R835 is outside the control of the applicant there is no reasonable solution the applicant can propose, therefor [sic] the roads department have significant reason to recommend refusal for this development'. The wording of the Department's 'objection' is 'The proposed development would intensify the use of an access on to a congested road. The proposed access is in close proximity a junction [sic] that has traffic queuing past the vehicle access, thereby reducing driver visibility. This may lead to increasing the risk of a traffic accident, thereby endangering public safety by reason of a traffic hazard'.

7.2.12. Given the wording of the Board's reasoning for not accepting the inspector's recommendation I consider that the proposed development can be deemed acceptable with the provision of appropriate road design solutions. The applicant proposes a substantial yellow box junction to the two westbound lanes at the site entrance, approx. 17 metres wide. I consider this to be an acceptable and reasonable design solution to address the road and traffic safety issue. In coming to this conclusion I note:

- The proposed yellow box junction is consistent with the Board's comments and is a reasonable design solution. I consider that a signalised junction would be a disproportionate design response given the limited likely usage.
- There is an existing established vehicular access point to the site. The existing entrance will be reorganised to accommodate the increased vehicular movements.

- There are three existing junctions in closer proximity to the existing signalised junction than the subject site entrance. These are facilitated with left-in left-out turns facilitated by plastic wands on the road and road markings. It would not be reasonable, in my opinion, to refuse permission further away from the signalised junction and which accesses onto a wider and better engineered section of road.
- The application is for 19 no. apartments with 11 no. car parking spaces. This is a development of a modest scale and is not likely to result in significant car movements, particularly in the context of the existing road. This is an urban area and traffic congestion is inevitable and to be expected at certain times. The proposed development would have negligible impact on this. There is good public transport provision as set out previously.
- The planning authority Roads Department report states that the proposed development 'may lead to increasing the risk of a traffic accident ...' This would apply to the intensification of any access point and I do not consider it reasonable to refuse permission on this basis. While it is likely that minor obstructions may occur when accessing from/egressing to the right, this is no different to many similar developments in urban areas. The road is in good condition, there is a footpath, and sightlines would be adequate.

Conclusion

7.2.13. Having regard to the foregoing, I consider that the proposed development would not have any undue adverse impact on the carrying capacity of the road and would not unduly increase traffic hazard. A condition requiring entrance and box junction details to be agreed with the planning authority prior to commencement of development would be appropriate.

7.3. Zoning and Density

Zoning

7.3.1. The site is in an area zoned 'Objective RES' which is 'To protect and/or improve residential amenity'. Residential development is permitted in principle at this location under the zoning objective.

Density

- 7.3.2. The third party observers consider that the proposed density is excessive. 19 no. apartments on a site of 0.1925 hectares is a density of approx. 98.7 units per hectare.

South Dublin County Development Plan 2022-2028 (SDCDP)

- 7.3.3. Policy CS6 states that it is policy to 'Promote the consolidation and sustainable intensification of development within the urban settlements identified in the settlement hierarchy'. CS6 Objective 4 states it is an objective 'To promote higher densities (50+ units per hectare) subject to meeting qualitative standards at appropriate locations, in urban built-up areas, especially ... where it can be demonstrated that the necessary infrastructure is in place or can be provided to facilitate the development'. Section 12.6.8 outlines criteria to be considered with infill sites of less than 0.5 hectares. This includes a degree of integration with the surrounding built form through density, among other issues.

- 7.3.4. Appendix 10 (Building Height and Density Guide) of the Plan is relevant, however specific density ranges are not set out.

Compact Settlement Guidelines (2024)

- 7.3.5. As Lucan is part of Dublin city and suburbs as per the SDCDP, I consider that the relevant classification of the area in the Compact Settlement Guidelines 2024 is 'City – Suburban / Urban Extension', specifically a suburban area. These are defined as 'the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20th and early 21st century It is a policy and objective of these Guidelines that residential densities in the range 40 dph to 80 dph (net) shall generally be applied at suburban and urban extension locations in Dublin and Cork, and that densities of up to 150 dph (net) shall be open for consideration at 'accessible' suburban / urban extension locations (as defined in Table 3.8)'.

- 7.3.6. While the proposed density is above the generally applicable density, table 3.8 defines an 'accessible' location 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'. As set out in paragraph 7.2.6 of this inspector's report I have calculated that there are buses approximately every seven minutes at rush hour from stops within 130 metres of the site along Lucan Road (see also appendix 2). Therefore, theoretically, a density of up to 150 units per hectare could be entertained at this location. However, I note the content of section 3.3.6 which states that 'In the case of very small infill sites that are not of sufficient scale to define their own character and density, the need to

respond to the scale and form of surrounding development, to protect the amenities of surrounding properties and to protect biodiversity may take precedence over the densities set out in this Chapter’.

Apartment Guidelines (2023)

- 7.3.7. Page 5 of the Guidelines acknowledge that accessible urban locations are suitable for higher density apartment developments (including small-scale). Accessible locations include ‘Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. min 10 minute peak hour frequency) urban bus services’. As previously outlined, I consider this location is an accessible location.

Conclusion

- 7.3.8. The application, in terms of the proposed structure and number of apartments, is the same as that previously granted by the planning authority. The Board did not have a concern in relation to density under the appeal and the planning authority stated in its Planning Report that ‘the proposed density would be acceptable in principle ...’ Having regard to the brownfield nature of the subject site, its proximity to public transport, and the policy framework requirement to make efficient use of zoned land in urban areas to ensure compact growth, I consider the proposed 98.7 unit per hectare density is acceptable, subject to the detailed considerations in the following two sections relating to the amenity of future residents and impact on adjacent residential amenity.

7.4. Site Layout, Design, and Residential Amenity for Future Occupants

- 7.4.1. Though no particular concern was expressed in relation to the residential amenity of future occupants, this section briefly summarises relevant aspects and standards of the proposed development.

Site layout

- 7.4.2. The layout is as per previous applications. Open space is in the south west area of the site with the vehicular access/circulation and car parking along the eastern boundary. The proposed apartment building provides a presence along the streetscape. The layout is acceptable.

Design

- 7.4.4. The proposed design is as per the previous application. It is two to four storeys in height and is a departure in design from the existing residential, religious, and

educational structures in the vicinity. It has a contemporary design, and it is visually interesting. Three photomontage views were provided as part of the application (dwg. no. PL4-101). I consider it to be acceptable.

Compliance with the Apartment Guidelines (2023)

- 7.4.5. The applicant submitted a 'Schedule of Accommodation' with the application. In addition, the various floor and private open space areas are outlined on the floor plan drawings. I am satisfied that the various areas set out are adequate to ensure an appropriate level of residential amenity in line with the Guidelines.

Daylight & sunlight

- 7.4.6. A Daylight Analysis & Overshadowing report was submitted with the planning application. This report states that every proposed bedroom and kitchen/living/dining (KLD) room (51 no. in total) exceeds the BRE Guidelines (BS 8206-2:2008) for average daylight factor (ADF). I consider that future occupants would have an acceptable standard of daylight.

Communal open space

- 7.4.7. Communal amenity space is required at a rate of 5sqm per one bedroom unit and 7sqm per two bedroom unit as per appendix 1 of the Apartment Guidelines (2023). This results in a requirement for 121sqm. A communal area of approx. 200sqm is provided in the south east area that can only be accessed by residents.

7.5. Impact on Adjacent Residential Amenity

- 7.5.1. The impact of the proposed development on adjacent residential amenity has been cited in the third party observations. Notwithstanding that permission was granted for the proposed development by the planning authority under the previous application and a road-related issue was the reason for the Board's subsequent refusal and the planning authority's refusal under this application, I consider the concerns can be addressed under the following sub-headings.

Principle of apartments at this location

- 7.5.2. I am satisfied that apartment development is acceptable at this location. It is an accessible location given the proximity of good quality public bus transport. Notwithstanding the nature of the residential development to the south and east, the structures adjacent to the west of the site are substantial structures. I note that there

is a three-storey apartment building (Chapel View) approx. 150 metres to the west on Lucan Road so apartment development is present in the vicinity. The principle of apartment development at this location has not been cited as a reason for refusal in the planning history on site and, having regard to the foregoing, I consider the principle of development is acceptable.

Scale, mass, and overbearing impact

- 7.5.3. The proposed structure is four storeys in height along the northern boundary, providing an urban streetscape to the road frontage and two storeys to the south where it is closer to existing residential development. Section 1.9 of the Building Height Guidelines (2018) states 'these guidelines require that the scope to consider general building heights of at least three to four storeys, coupled with appropriate density, in locations outside what would be defined as city and town centre areas, and which would include suburban areas, must be supported in principle at development plan and development management levels'.
- 7.5.4. While the prevailing building height to the south and east of the site is generally two storeys, the subject site is also part of the streetscape to the west, notwithstanding the slight bend on Lucan Road at the signalised junction. While it is unfortunate that no contiguous streetscape elevation was provided to illustrate the proposed development in the context of these existing structures i.e. Presentation Sisters Mission House, St. Mary's Church, Scoil Mhuire Girls National School, and St. Joseph's College, these are all substantial structures in terms of their mass, scale, and height. In my view the proposed development is not a particularly tall building in the context of the existing built environment to the west. It should be noted that the height of the proposed structure is reduced to the south to reduce impact on the adjoining residential properties, acknowledging the lower nature of those properties.
- 7.5.5. The proposed density is considered to be acceptable at this location. Though not referred to in the SDCCP, other factors in considering mass and scale are plot ratio and site coverage. These figures are 0.86 and 26.4% respectively; not figures which imply a site is overdeveloped. More than adequate communal open space is provided. The most significant heights are provided away from existing houses.
- 7.5.6. Having regard to the foregoing I consider that the proposed development is acceptable in terms of mass and scale and would not result in an undue overbearing impact to adjacent properties in this urban area.

Impact on protected structures

- 7.5.7. There are two protected structures to the west; St. Joseph's Presentation Convent (a detached two-storey convent, RPS no. 032) and St. Mary's Roman Catholic Church (detached gable-fronted church, RPS no. 037). The respective curtilages of the subject site and the protected structures are clearly defined. Immediately to the west of the subject site is a car park and there is approximately 30 metres between the site boundary and the protected structure.
- 7.5.8. Impact of the proposed development on the protected structures was not cited as a reason for refusal in previous applications. The Board sought observations from The Heritage Council, Fáilte Ireland, the government's Development Applications Unit, An Chomhairle Ealaíon, and An Taisce in this current application regarding the potential for impact on the protected structures. No response was received.
- 7.5.9. I am satisfied that the proposed development would not have any undue adverse impact on the setting of the protected structures.

Overlooking

- 7.5.10. I note initially that SPPR 1 of the Compact Settlements Guidelines (2024) states, inter alia, 'When considering a planning application for residential development, a separation distance of at least 16 metres between opposing windows serving habitable rooms at the rear or side of houses, duplex units and apartment units, above ground floor level shall be maintained'.
- 7.5.11. Windows to the north elevation overlook the public road. On the western elevation, windows/balconies to proposed unit nos. 4, 7, and 10 are approx. 5.6 metres to the site boundary with the Presentation Sisters site and they overlook a car park area. There is no structure within approx. 35 metres. Western elevation windows/balconies to the two and three storey section are approximately 18 metres from the western site boundary.
- 7.5.12. The two storey section ranges between approx. 3.4 metres and 5.8 metres from the boundary with no. 4 Lucan Cloisters to the south. There are three windows at first floor level. Two of them serve a bathroom and an en-suite. The elevation drawing cites these as having obscure glazing. A south east corner window serves a bedroom. This would not have a view of the garden area to the rear of no. 4. The southern side of the

balcony to this apartment (proposed no. 17) can be fitted with obscure glazing to avoid overlooking. At second floor level there are three windows facing south, including a KLD. These would be approx. 11 metres to the south boundary. The KLD window is labelled as an obscure window on the elevation drawing. The KLD window and balcony to the third floor proposed no. 11 is approx. 14 metres from the southern boundary. Other southern elevation windows/balconies are a minimum of approx. 20 metres from the boundary.

7.5.13. Eastern elevation windows overlook the car parking area and the pedestrian link outside the site. There is a separation distance of 14 metres to the eastern site boundary.

7.5.14. Having regard to the foregoing, subject to a condition requiring obscure glazing to be fitted to the south balcony elevation of proposed no. 17, I do not consider that any undue overlooking impact would occur. This does not take into account any existing boundary trees etc. that are in place, or that may be retained or provided as part of a landscaping plan.

Daylight & sunlight

7.5.15. I note initially that the proposed apartment building is directly north of houses on Lucan Heights and therefore any shadowing impact would be negligible.

7.5.16. Notwithstanding, a Daylight Analysis & Overshadowing report was submitted with the planning application. This contains existing and proposed overshadowing images for the site at March, June, September, and December 21st. Section 3 indicates there would be no impact on surrounding gardens and open space. Compliance is demonstrated with 33 no. surrounding windows in terms of the BRE guidance. I consider the windows identified are appropriate. I do not consider there would be any adverse daylight or sunlight impact on surrounding properties.

Devaluation of property

7.5.17. Devaluation of property has been referenced as a concern. Having regard to the zoning of the subject site, the NPF requirement to achieve compact growth within existing built-up areas, and the overall assessment contained within this inspector's report, I am satisfied that the proposed development would not seriously injure the amenities of the area to such an extent that it would adversely affect the value of property in the vicinity.

8.0 Appropriate Assessment (AA)

Appropriate Assessment (AA) Screening

Compliance with Article 6(3) of the Habitats Directive

- 8.1. The requirements of article 6(3), as related to screening the need for AA of a project under part XAB, section 177U of the Planning & Development Act, 2000 (as amended) are considered fully in this section.

Background on the Application

- 8.2. The applicant submitted an 'Appropriate Assessment Screening' report as part of the planning application. It was prepared by JM McConville & Associates and is dated August 2022.
- 8.3. The report states that it has been carried out in line with national guidance. Field inspections were carried out on 17th June 2019 and in March 2020. The proposed development and site are described. Six European sites within a 15km radius are identified and tabulated on page 4. An assessment of likely effects is briefly summarised. The applicant's report concludes that 'this screening has established that the project poses no potential for significant effects and as such requires no further appropriate assessment'.
- 8.4. Having reviewed the documents I am satisfied that the information allows for a complete examination and identification of any potential significant effects of the development alone, or in combination with other plans and projects, on European sites.

Submissions and Observations

- 8.5. No submission expresses any concern in relation to AA.
- 8.6. The planning authority Planning Report considers that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site.

Screening for AA – Test of Likely Significant Effects

- 8.7. The project is not directly connected with or necessary to the management of a European site and therefore it needs to be determined if the development is likely to have significant effects on a European site(s).
- 8.8. The proposed development is examined in relation to any possible interaction with European sites designated SAC and SPA (special protection area) to assess whether it may give rise to significant effects on any European site(s).

Brief Description of the Development

- 8.9. The proposed development is described in paragraphs 2.1 and 2.2 of this inspector's report and on page 2 of the applicant's AA screening report. It involves the demolition of an existing house and outbuilding and construction of 19 no. apartments in a two to four storey high structure.
- 8.10. The site contains a house, an outbuilding, and a domestic curtilage. The site is described on page 3 of the applicant's AA screening report.

European Sites

- 8.11. The development site is not located in or immediately adjacent to a European site. The nearest European site is Rye Water Valley/Cartron SAC approx. 3.5km to the west.
- 8.12. European sites within a zone of influence of a proposed development must be evaluated on a case by case basis. The applicant's AA screening report identifies six European sites within a 15km radius. It considers that the only potential impacts are restricted to foul and surface water discharge. Foul water is to be discharged to the public system. Surface water is to be infiltrated on site with an overflow to the public system. The applicant does not expect there to be any impact on European sites because of the minor scale of the proposed development and the distance to South Dublin Bay and River Tolka Estuary SPA and South Dublin Bay SAC.
- 8.13. I concur with the applicant that there would be no likely significant effect on any European site. The site is remote from any SAC or SPA and there are no hydrological or ecological links i.e. no source-pathway-receptor link, between the site and any European site. Foul discharge from the site is to the public foul sewer and only overflow surface water would be discharged to the public surface water system, the rest would be discharged to ground. Having regard to the foregoing, I do not consider that there is any European site relevant for AA.

In-Combination Effects

- 8.14. As there is no likelihood of the proposed development itself having a significant effect on any European site, it would not be likely to have a significant in-combination effect with any other plans or projects.

Mitigation Measures

- 8.15. 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.

Screening Determination

- 8.16. The proposed development was considered in light of the requirements of section 177U of the Planning & Development Act, 2000 (as amended). Having carried out screening for Appropriate Assessment of the project, it has been concluded that the project individually or in combination with other plans or projects would not be likely to give rise to significant effects on any European site, and Appropriate Assessment (and submission of a Natura Impact Statement) is not therefore required.
- 8.17. This determination is based on the following:
- the distance between the subject site and the nearest European site.
 - the absence of any direct hydrological link between the subject site and any European site.
 - the disposal of foul water to the public foul sewer system for required treatment.
 - the infiltration of surface water to the ground with any overflow being discharged to the existing public surface water system.

9.0 Recommendation

- 9.1. I recommend that planning permission should be granted subject to conditions, for the reasons and considerations as set out below.

10.0 Reasons and Considerations

Having regard to the zoning of the site and the other provisions of the South Dublin County Development Plan 2022-2028, and the nature and scale of the proposed

development, it is considered that, subject to compliance with the conditions as set out below, the proposed residential development would make efficient use of an appropriately zoned brownfield site within the built-up area of Lucan, would positively contribute to compact growth and an increase in housing stock in this urban area, would be acceptable in terms of design, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area, would not result in an undue traffic hazard, and would not affect the setting of the adjacent protected structures. 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, 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 indicated and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written approval of the planning authority the detailed design of the vehicular entrance layout, the footpath, and the box junction to the public road. These works shall be completed prior to the first occupation of the proposed development at the developer's expense.

Reason: In the interests of pedestrian, cyclist, and vehicular safety and the proper planning and sustainable development of the area.

3. (a) Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless

otherwise agreed in writing with the planning authority prior to commencement of development.

(b) Obscure glazing shall be provided to the south balcony elevation to proposed apartment no. 17.

Reason: In the interests of visual and residential amenity.

4. Proposals for a development name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

5. 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.

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

Reason: In the interests of amenity and public safety.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Reason: In the interests of public health and surface water management.

8. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

Reason: In the interest of public health.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose.

(b) A Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with the planning authority, prior to the occupation of the development.

(c) A minimum of 10% of the car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date.

(d) Revised plans for cycle parking shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The bicycle parking quantity shall be provided as per the bicycle parking standards of the South Dublin County Development Plan 2022-2028 and shall comply with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024. Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

Reason: To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

10. (a) The site shall be landscaped in accordance with the scheme of landscaping submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.

(b) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

11. 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 all communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

12. (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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations, and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity and to ensure the provision of adequate refuse storage.

13. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for Preparation of Resource and Waste Management Plans

for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

14. 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:

- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) location of access points to the site for any construction related activity;
- (c) location of areas for construction site offices and staff facilities;
- (d) details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details;
- (e) details of on-site car parking facilities for site workers during the course of construction;
- (f) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (g) measures to obviate queuing of construction traffic on the adjoining road network;
- (h) measures to prevent the spillage or deposit of clay, rubble, or other debris on the road network;

- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;
- (o) a community liaison officer shall be appointed for the duration of the construction works.

Reason: In the interests of amenities, public health, and safety.

15. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0900 to 1300 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.

16. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning & Development Act, 2000 (as amended), unless an

exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning & Development Act, 2000 (as amended), and of the housing strategy in the development plan of the area.

17. Prior to the commencement of development, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of apartment unit), pursuant to Section 47 of the Planning & Development Act, 2000 (as amended), that restricts all apartment units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

18. 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.

Reason: To ensure the satisfactory completion of the development.

19. 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 & 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 & 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.

I confirm that this report represents my professional planning assessment, judgement and opinion on 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.

Anthony Kelly

Planning Inspector

19th February 2024

Appendix 1 – EIA Preliminary Screening

An Bord Pleanála Case Reference	ABP-314994-22
Proposed Development Summary	19 no. apartments in a two-four storey block
Development Address	Hill House, Lucan Road, Lucan, Co. Dublin
The Board carries out a preliminary examination [Art. 109(2)(a) Planning & Development Regulations 2001 (as amended)] of, at least, the nature, size, or location of the proposed development having regard to the criteria set out in Schedule 7 of the Regulations	

	Examination	Yes / No / Uncertain
Nature of the Development Is the nature of the proposed development exceptional in the context of the existing environment? Will the development result in the production of any significant waste, emissions, or pollutants?	This is a residential development on a brownfield site within the built-up footprint of Lucan. There is relatively large ecclesiastical and educational development in the vicinity. It would not result in the production of significant waste, emissions, or pollutants.	No
Size of the Development Is the size of the proposed development exceptional in the context of the existing environment? Are there significant cumulative considerations having regard to other existing and/or permitted projects?	The site only comprises 1.925% of the 10 hectares area threshold and 3.8% of the 500 unit number threshold. It is not exceptional in the context of existing development. It is not an integral part of any larger project and there are no cumulative considerations.	No
Location of the Development Is the proposed development located on, in, adjoining, or does it have the potential to significantly impact on an ecologically sensitive site or location?	The site currently contains a house, an outbuilding, and domestic curtilage within the built-up area of Lucan. The site is of negligible ecological value.	No

Does the proposed development have the potential to significantly affect other significant environmental sensitivities in the area?	There is no potential for the proposed development to affect other significant environmental sensitivities.	
---	---	--

Conclusion

There is no real likelihood of significant effects on the environment and EIA is not required.

Inspector: _____ **Date:** _____

Appendix 2 – Public Bus Transport

Route	Stop Location / Distance from Site (metres (m))	From	To	Frequency (Off / On Peak)
C3	Lucan Road (130m inbound / 60m outbound)	Maynooth	Ringsend	Broadly every 30 minutes (M-S)
C4	Lucan Road (130m inbound / 60m outbound)	Maynooth	Ringsend	Broadly every 30 minutes (M-S)
C5	Lucan Road (130m inbound / 60m outbound)	Maynooth	Ringsend	Five times overnight seven days a week
C6	Lucan Road (130m inbound / 60m outbound)	Maynooth	Ringsend	Five times overnight seven days a week
L54	Lucan Road (130m inbound / 60m outbound)	River Forest (Leixlip)	Red Cow Luas	Broadly every 30 minutes (M-S)
X30	Lucan Road (130m / 100m outbound)	Doddsboro	UCD	Four times in the morning / two return times in the later afternoon (M-F)
X31	Lucan Road (130m inbound / 100m outbound)	River Forest (Leixlip)	Earlsfort Terrace	Three times in the morning and three return times in later afternoon (M-F)
X32	Lucan Road (130m / 100m outbound)	Hewlett Packard	Earlsfort Terrace	Twice in the morning and two return times in later afternoon (M-F)
Airport Hopper	Lucan Road (200m inbound / 100m outbound)	Maynooth	Dublin Airport	Every hour