



An  
Coimisiún  
Pleanála

# Inspector's Addendum Report

**ABP-319621-24**

## **Development**

The demolition of the existing single storey dwelling and the construction of a new neighbourhood centre and residential development. The development consists of 80 no. residential apartment units and associated residential amenity space, a supermarket and associated off licence, a restaurant / bar and associated winter garden, 2 no. retail units, an ATM area, a health centre and a café. Further information amended to include a creche.

## **Location**

Crohamhurst, Sandyford Road, Dublin 18, D18 W9Y5

## **Planning Authority**

Dun Laoghaire Rathdown County Council

## **Planning Authority Reg. Ref.**

D23A/0456

## **Applicant(s)**

Blathas Property Limited

## **Type of Application**

Permission

<b>Planning Authority Decision</b>	Grant
<b>Type of Appeal</b>	First & Third Party
<b>Appellant(s)</b>	Blathas Property Limited. Sean and Olga Maguire. Kevin Cullen.
<b>Observer(s)</b>	Denis & Marion McCarthy.
<b>Date of Site Inspection</b>	7 <sup>th</sup> August 2024
<b>Inspector</b>	Jennifer McQuaid

## 1.0 Introduction

1.1. This report is an addendum report to the Inspector's report in respect of ABP-319621-24 dated 21<sup>st</sup> March 2025.

1.2. A notice under Section 137 of the Planning and Development Act 2000, as amended, issued to the parties as per the Commission Direction dated 14<sup>th</sup> May 2025, giving the last date for receipt of response as being on or before 3<sup>rd</sup> June 2025. The Commission sought the views of the parties in relation to the following:

*“The Board proposes to take into account the following.*

*The relevant provisions of the “Sustainable and Compact Settlements, Guidelines for Planning Authorities”, published in January 2024.*

*Specifically, with regard to the form, extent and location of the development subject of this appeal, the Board considers that a cross referencing of the appropriateness or otherwise of the proposed density of the residential component of the development, to the content of the 2024 Guidelines (with a particular focus on Table 3.1 and Table 3.8 therein) is warranted.*

*In this context the Board notes the category “City – Suburban/Urban Extension” as set out in Table 3.1, which would appear to reflect the subject site location, and the accessibility criteria as set out in Table 3.8.”*

1.3. The Board received a response to the Section 137 notice by the applicant and the appellant within the statutory timeframe.

1.4. This addendum report has been prepared to assess the responses received from the applicant and the appellant.

## 2.0 Response of Applicant and Appellant to the Board's Notice to Parties

2.1. The applicant submitted the following main points:

- Dun-Laoghaire-Rathdown County Development Plan 2022-2028 (CDP) recognises the need to increase residential densities as a means through

which to secure sustainable development, page 83 states: “Density plays an important role in ensuring that the best use is made of land intended for residential development. The Development Plan seeks to maximise the use of zoned and serviced residential land. Consolidation through sustainable higher densities allows for a more compact urban growth that, in turn, more readily supports an integrated public transport system. This together with the “10-minute” neighbourhood concept, has the potential to reduce the urban and carbon footprint of the County”.

- Policy PHP18 (Residential Density), it is 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”.
- The CDP does not state a specific residential density (other than a general default minimum of 35 dwellings per hectares (dph)) and states it should be in accordance with Sustainable Residential Development in Urban Areas: Guidelines for Planning Authorities (2009). These guidelines have been replaced by Sustainable Residential Development and Compact Settlements – Guidelines for Planning Authorities (2024) (Compact Settlement Guidelines).
- The National Planning Framework (2017) (NPF) recognises the benefits of securing greater densities in existing urban areas to achieve scale, critical mass, vibrancy and a positive shift in infrastructural and land use. The NPF states:

“well designed and located higher density housing will assist:

- Fast-growing urban areas to achieve much needed scale.
- Medium-sized urban areas to find a route to quality in a new competitive framework.
- All urban areas to increase vibrancy and vitality.
- Increased efficiency and sustainability in the use of energy and public infrastructure”.

The NPO 4, 8, 20 & 45 seek to increase residential densities and development intensities within existing settlements.

- The Compact Settlement guidelines refer to Table 3.3 and the applicant is of the opinion that the site falls within the “City-Suburban/Urban Extension” location. This location is defined as:

“Suburban areas are the lower density car-orientated residential suburbs constructed at the edge of cities in the latter half of the 20<sup>th</sup> and early 21<sup>st</sup> century, while urban extension refers to greenfield lands at the edge of the existing built-up footprint that are zoned for residential or mixed-use (including residential) development. 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)”.

The guidelines refer to “generally”, this does not state that the density “must” be applied. The Planning Authority and An Coimisiún Pleanála have to be in compliance with the CDP and have regard to SPPRs.

The guidelines further provide information relating to “Refining Density”, this requirement is intended to incorporate the nuances of individual sites, pushing their densities up and down within the range set by the Guidelines. The steps are proximity and accessibility to services and public transport. The site is located within a ‘peripheral’ location (only due to the infrequency of bus services).

The applicant has provided an assessment of:

1. Proximity and accessibility to services and public transport, Lamb's Cross junction recently underwent significant cycle and pedestrian infrastructure upgrade, the site is well served by with respect to a range of important services, facilities and amenities all within a 12 minute/1km walk. The applicant is of the opinion that this trumps the need to be proximate to public transport, especially as 'working from home' and flexible work arrangements remain commonplace, it is of greater importance being able to walk or cycle to services rather than public transport alone. The subject site itself will offer a range of services including supermarket, retail units, restaurants/bar, café, health centre. Additionally, the site is within a 11-minute walk to a number of bus routes and approximately 1.6km/21-minute walk to Luas Stop.
2. Character, Amenity and Natural Environment – the site is adjacent to a single storey dwelling, but due to the design and orientation however, no impacts predicted, and it is argued that a single storey dwelling on the adjacent site should not dictate the future pattern and scale of development in its environment. The site is adjacent to Fitzsimons Wood, pNHA, however it is not considered that it places a direct restriction on an appropriate density.
  - Precedence set with recent applications in the area of varying densities from 85.4dph to 139.9 dph. The proposed development is 131.6dph (net)/104dph (gross). The permitted densities show appropriate precedent and are evidence of the undertaking of appropriate local assessment, as sought by the Guidelines.
  - It is noted that the site is prominently located at a key junction with notable site frontages to the south and east, where a higher density can yield a stronger built form and street edge.
  - The site is partly zoned as NC where mixed, neighbourhood uses, and a greater concentration of development is sought.

- The site is of a generally regular, rectangular shape, which simplifies the design process and is conducive to achieving a coherent, higher density development.

2.2. The third-party appellant states the following:

- The compact guidelines outline a 2-step process to determining the appropriate density of any new residential development. The proposal can be considered as City-Suburban/Urban Extension; however, due regard must be given to the remoteness of Lambs Cross and the site's location with respect to the provision of public transport. Step 1: Regarding "Accessibility"; The nearest Luas is located at Glencairn at a distance of 1.5km. The bus service is directly served by 114 and 44B bus services, the 114 has peak frequency of 25-30 minutes and 60mins for the rest of the day, the 44B services only has 5 services a day with none on weekends. The two other bus services 44 is located 700m from Lambs Cross and the 47 bus stop is located at 1.3km from Lambs Cross. In accordance with Table 3.8 – Accessibility, the site must be described as Peripheral i.e., Lands that do not meet the proximity or accessibility criteria for either Intermediate, accessible or high-capacity node locations. The Bus Connect Scheme will increase bus frequency, but this will be offset by the loss of a direct bus connection with the Dart at Blackrock.

Step 2: Regarding capacity of the existing Character, Amenity and the Natural Environment of the local area to absorb the planned development. It could be argued that the proposed site lies within the "enclosure" of the Barnacullia Landscape Character Area (LCA) along with Fitzsimons Wood. Any other situation would require a hiatus in the LCA boundary as it crosses the Blackglen Road from the South at Lambs Cross. The proposed site is clearly contrary to Policy Objective GIB2. The proposed high rise apartment development cannot be considered as remotely in compliance with maintaining the rural character of the area. The local built character and rural setting of the area is seen in the housing located along both sides of the Blackglen Road. The imposition of this high-density, high-rise apartment development on the existing low rise built environment is unacceptable.

Furthermore, the devastating impact of the development on the cottage on the adjoining site immediately to the west is totally unacceptable.

- Sandyford is a rural area with predominately one-off houses which are not connected to main sewer, no gas connection, the area is not suitable for large developments. It is unfair that the proposed apartments can get connected to these services. Houses should be built not apartments, reduce the density and height.
- Impact on view to Dublin Mountains will be destroyed.
- The drilled basement will affect the water table and flooding.
- The proposal contravenes the Local Character Assessment.

2.3. The observation states the following:

- Scale & Density: the proposed development combined with the recently permitted schemes will allow the construction of circa 280 units within a 100-metre radius of Lambs Brook Cross. The observer's home will be completely entombed by 5 high-rise developments, most of which are positioned on elevated sites relative to our home. The population will potentially increase 40-fold, this is a confined space located 20 minutes' walk from the Luas, and it is served by a single bus per hour.
- Destruction of the existing low-rise streetscape of the Lambs Cross area. The character of the area will be destroyed and charm of the existing streetscape. The area is predominantly one to two storey dwellings. The proposed development of six storeys in the middle of this streetscape; would be totally inappropriate to the setting and would completely destroy the mature, semi-rural charm and character of Lambs Cross, a setting that is adjacent to the historic and proposed preservation landscape of Fitzsimons Wood.
- The proposal contravenes policy RES4 of the CDP which states that development should "...not be injurious to the existing built form, scale, character, heritage and residential amenity of the area concerned".

- Proposed inclusion of a supermarket and bar. The proposed supermarket will compound existing traffic congestion in the area. The Sandyford area is already well serviced by a range of supermarkets – one in Balally, another in Sandyford Hall, one in Stepaside, Leopardstown, Belarmine, Glenview and an existing corner shop at Lambs Cross. A larger Creche is considered more suitable as there is a considerable demand.

A gym is more preferable rather than another bar/public house.

2.4. A submission was received from Dun-Laoghaire-Rathdown County Council (DLR), the following comments were noted:

- The initial assessment was carried out prior to the final publication of the Sustainable Residential Development and Compact Settlement Guidelines (2024). The density was set out in the Planner's Report signed and dated 31 August 2023; permission was ultimately granted by DLR. DLR accepted c.104uph with regard to Policy Objective PHP18 of the CDP.

“Although the subject site as noted above falls just short of being located within circa 1 kilometre pedestrian catchment/10 minute walking time of a rail station, Luas line, Core/Quality Bus Corridor and/or 500metres/5 minute walking time of a Bus Priority Route, and/or 1 kilometre/10 minute walking time of a Town or District Centre, given the site area, its otherwise close distance to Sandyford and Dundrum, the relatively short distance to the bus/Luas, as well as the “NC” and “A” zoning of the site at the crossroads of an important and newly updated junction, balancing national and county level policy provisions, the characteristics of the immediate receiving environment, and the emerging pattern of development in the local area, it is considered that the site has the potential of accommodating densities of well in excess of 45 units per hectare and in accordance with the NPF’s principle of a “tailored approach”.

- It is acknowledged that the site is classified as a City-Suburban/Urban Extension, as per Table 3.1, and is located in a “Peripheral” location as per Table 3.8 of the Compact Guidelines.

In regard Table 3.1:

“It is a policy and objective of these Guidelines that residential densities in the range of 40dph to 80dph (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) section 3.3.6 of the Compact Guidelines addresses exceptions to the recommended density ranges set out in that document.

3 no. parameters are provided in that regard:

- (a) There is a presumption in these Guidelines against very high densities that exceed 300 dph (net) on a piecemeal basis. Densities that exceed 300 dph (net) are open for consideration on a plan-led basis only and where the opportunity for densities and building heights that are greater than prevailing densities and building height is identified in a relevant statutory plan.
- (b) Strategic and sustainable development locations of scale (described in Section 4.4.4 of the Development Plans Guidelines for Planning Authorities 2022) will be capable of defining densities or density ranges across different neighbourhoods on a plan led basis, based on considerations such as proximity to centre, level of public transport service and relationship with surrounding built form. Densities within strategic and sustainable development locations may, therefore, exceed the ranges set out in Section 3.3 on a plan-led basis.
- (c) 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.

It is considered that none of the criteria above directly relate the subject site and its development context.

- Section 3.4 of the Compact Guidelines relates to “Refining Density”. Step 1 refers to proximity and accessibility to services and public transport.

Reference is made to the requirements to use the NTA's Public Transport Accessibility Level (PTAL) tool. The tool indicates that the subject site is subject to low levels of public transport accessibility. As such, it is accepted that exceptions to the relevant recommended density range of 40-80uph do not apply to the subject site with regard to public transport accessibility. Step 2 relates to Considerations of Character, Amenity and the Natural Environment. The relevant criteria include, *inter alia*, matters of local and historic character, and environmental concerns.

- The site is partially zoned "NC" or neighbourhood centre. It is considered that this zoning reflects of the importance of the location of the subject site at the Lambs Cross junction, and its proximity to the comparatively recently constructed residential developments at Aikens Village and Belarmine, as well as the hinterlands of Sandyford and Dundrum. The subject proposal provides for, *inter alia*, a supermarket, a pharmacy, and a restaurant/bar, in addition to the 80no. residential units.
- The recently completed Blackglen Road improvement scheme permits a greater level of safe walking and cyclist travel from lands located to the west of the subject site than was previously the case.
- It is considered that with regard to the site specific context, the pattern of constructed and approved development in the wider area (including a grant of permission for ABP Ref: 313443 at Sandyford Road, which approved a density of c.140uph on a site that has similar access levels to frequent public transport), is indicative that the subject site is capable of accommodating a density level in excess of the 40-80 uph range typically applicable to a site of this nature.
- A recent ABP decision under reference 309965 at the subject site is also considered to be of relevance. That application proposed a residential density of c.165uph (143 no. units on a site of c.0.8ha). The application was refused but no reference to density was quoted, the refusal relates to hydrology/hydrogeology, scale, bulk and design, and building height concerns.

- A recent Part 8 scheme directly across the Sandyford Road to the east was approved for a density of c.112uph.
- It is considered that those planning decisions, and the strategically important location of the site at the junction of Lambs Cross, Sandyford Road, Hillcrest Road, and Blackglen Road are broadly indicative that the subject site has a specific context that would allow a deviation from the recommended density range of 40-80uph.
- In considering impact on character and amenity as part of the assessment of a planning application, it will be important to detail the evaluation process and to draw clear and reasoned conclusions in relation to the nature and extent of potential impacts. It may not be possible in all cases to mitigate against negative impacts on character (including historic character) and amenity. In such cases, the significance of impact will need to be determined and where it is intended to grant permission for a development justified by reasoned conclusions.
- The Planning Authority formed the view that the proposed development successfully addressed concerns with regard to, *inter alia*, impacts on residential amenity, the transitional character of the subject site and its environs, and prospective ecological impacts on Fitzsimons Wood.
- The Planning Authority consider that there is an element of flexibility with the Compact Guidelines that could be applied in this instance, such as:
  - The sections on density are merely guidelines, and not SPPRs, as with other parts of the Guidelines.
  - Section 3.2.1 envisages “deviation(s)” as part of the decision-making process for a planning application”.
  - Table 3.1 states that densities in the 40-80 uph range shall “generally” be applied.
  - Section 3.4 cites “considerations of centrality and accessibility to services and public transport”, which is broader scope than merely public transport

and one that applies more favourably to this scheme which is delivering retail and services.

### **3.0 Assessment**

3.1. The Commission proposes to take into account the relevant provisions of the Compact Settlement Guidelines. Specifically, with regard to the form, extent and location of the development, the Commission considers that a cross referencing of the appropriateness or otherwise of the proposed density of the residential component of the development, to the content of the 2024 Guidelines (with particular focus on Table 3.1 and Table 3.8 therein) is warranted. In this context the Commission notes the category “City-Suburban/Urban Extension” as set out in Table 3.1, which would appear to reflect the subject site location, and the accessibility criteria as set out in Table 3.8. Therefore, in accordance with section 137 of the Planning and Development Act, 2000 (amended), the applicant, appellant, observers and the Planning Authority has been invited to submit a submission or observation in relation to the matters raised above.

3.2. I reviewed my initial assessment and I note in relation to density I considered that the category “City-Urban Neighbourhood” location as per Table 3.1 of the Compact Settlement Guidelines as appropriate to reflect the subject site location. The “City-Urban Neighbourhood” category identifies residential densities in the range of 50 uph to 250 dph shall be generally applied in urban neighbourhoods of Dublin and therefore I accepted the proposed density. I considered this category as appropriate due to its location within compact medium density residential neighbourhoods around the city centre and lands around existing or planned high-capacity public transport nodes or interchanges i.e. the proposed Bus Connect routes 86, 87, 88 and L33 in addition to the location of the nearest Luas stop at 1.6km from the subject site. However, having regard to the further submissions and evidence submitted, I consider that “City-Suburban/Urban Extension” is more appropriate for the subject site given its location at over 1km from the nearest high-capacity urban public transport node or interchange as per table 3.8 of the Compact Settlement Guidelines.

3.3. The applicant has stated in the submitted documentation that the proposed development is within the “City-Suburban/Urban Extension” location as per Table 3.1 of the Compact Guidelines. The applicant has outlined the reasons as to why they consider the subject site complies with “City-Suburban/Urban Extension”. It is noted that suburban areas are generally lower density car-orientated residential suburbs. It is a policy and objective of the 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)”. The applicant has highlighted that the guidelines refer to “generally”, this does not state that the density “must” be applied. The guidelines further provide information relating to “Refining Density” as per section 3.4. The density range should be considered on centrality and accessibility to services and public transport, and considerations of character, amenity and the natural environment.

3.4. The applicant has provided an assessment in accordance with “Refining Density”. In regard to step1: proximity and accessibility to services and public transport. The site is located within a ‘peripheral’ location (only due to the infrequency of bus services). Lamb’s Cross junction recently underwent significant cycle and pedestrian infrastructure upgrade, the site is well served with respect to a range of important services, facilities and amenities all within a 12 minute/1km walk. The applicant is of the opinion that this trumps the need to be proximate to public transport, especially as ‘working from home’ and flexible work arrangements are in place, it is of greater importance being able to walk or cycle to services rather than public transport alone. The subject site itself will offer a range of services including supermarket, retail units, restaurants/bar, café, health centre. Additionally, the site is within a 11-minute walk to a number of bus routes and approximately 1.6km/21-minute walk to Luas Stop.

3.5. In regard to step 2: Character, Amenity and Natural Environment – the site is adjacent a single storey dwelling, but due to the design and orientation there are no impacts predicted, and it is argued that a single storey dwelling on the adjacent site should not dictate the future pattern and scale of development in its

environment. The site is adjacent to Fitzsimons Wood, pNHA, however it is not considered that it places a direct restriction on an appropriate density.

3.6. I note further submissions were received from the appellants and from the observer, the concerns raised state the site can be considered as City-Suburban/Urban Extension, however, due regard must be given to the remoteness of Lambs Cross and the site's location with respect to the provision of public transport. In accordance with Table 3.8 – Accessibility, the site must be described as Peripheral i.e., Lands that do not meet the proximity or accessibility criteria for either Intermediate, accessible or high-capacity node locations. The Bus Connect Scheme will increase bus frequency, but this will be offset by the loss of a direct bus connection with the Dart at Blackrock. Regarding capacity of the existing Character, Amenity and the Natural Environment of the local area to absorb the planned development. It could be argued that the proposed site lies within the "enclosure" of the Barnacullia LCA along with Fitzsimons Wood. The proposed site is clearly contrary to Policy Objective GIB2. The local built character and rural setting of the area is predominately single to two storeys.

3.7. The Planning Authority also made a submission and have outlined why they consider the proposed density is acceptable and complies with the Compact Settlement Guidelines. The Planning Authority consider that there is an element of flexibility with the Compact Guidelines that could be applied in this instance, such as:

- The sections on density are merely guidelines, and not SPPRs, as with other parts of the Guidelines.
- Section 3.2.1 envisages "deviation(s)" as part of the decision-making process for a planning application".
- Table 3.1 states that densities in the 40-80 uph range shall "generally" be applied.
- Section 3.4 cites "considerations of centrality and accessibility to services and public transport", which is broader scope than merely public transport and one that applies more favourably to this scheme which is delivering retail and services.

3.8. I have assessed the proposed density in accordance with Table 3.1 of the Compact Settlement Guidelines and I consider the site should be considered in regard to category “City-Suburban/Urban Extension” location due to the distance from a high capacity urban public transport node or interchange, whereby the policy and objective of these Guidelines for residential densities in the range of 40 dph to 80 dph (net) shall generally be applied, 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). Section 3.4 of the Compact Guidelines refers to Refining Density, whereby the density ranges set out in Section 3.3 should be considered and refined, generally within the ranges set out, based on consideration of centrality and accessibility to services and public transport, and considerations of character, amenity and the natural environment.

3.9. Section 3.4.1 outlines step 1: Consideration of Proximity and Accessibility to Services and Public Transport. Densities above the ranges are “open for consideration” at accessible suburban and urban extension locations to maximum set out in Section 3.3. Table 3.8 Accessibility defines the subject site as “peripheral”, which states lands that do not meet the proximity or accessibility criteria detailed above, i.e. not within 1km of an existing or planned high capacity urban public transport node or interchange, or within 500 metres of an existing or planned Bus Connect “Core Bus Corridor” stop, not within 500 metres of existing or planned high frequency urban bus services, not within 500-1000 metres of existing or planned high frequency urban bus services or lands within 500 metres of a reasonably frequent urban bus service. I note that Lamb’s Cross junction was recently upgraded and includes significant cycle and pedestrian infrastructure upgrades, there are two bus services at the junction of Lambs Cross and the site is within a 11 minute walk to a number of bus routes and approximately 1.6km/21 minute walk to Luas Stop, in addition the site is well served by a range of services, facilities and amenities all within a 12 minute/1km walk which may reduce the need to public or private transport.

3.10. I have examined the NTA’s Public Transport Accessibility Level (PTAL) tool which recognises the site as having a low level of services. However, I consider given the location of the subject site within a walkable and cyclable distance to

additional public transport requirements, the higher density can be justified and considered suitable at this location.

3.11. In regard to step 2, the development should respond to the receiving environment in a positive way and should not result in a significant negative impact on character (including historic character), amenity or the natural environment. My initial inspectors report dated 21<sup>st</sup> March 2025, assessed the potential impacts of the proposed development on the character of the area, the amenity and the natural environment, in my opinion, I do not consider that the proposed development will negatively impact the area and can be successfully integrated into the subject site and surrounding area at Lambs Cross. In addition, I also consider that given the location of the subject site at a key junction with site frontage to the south and east will provide act as a landmark or notable building at this junction point where higher height and density can be accommodated.

3.12. I further note that the subject site complies with policy objective PHP18: Residential Density of the CDP which encourages higher density to promote compact urban growth while ensuring the balance between the protection of existing residential amenities and the established character of the surrounding area. As I have outlined above, the site is well serviced by public transport including facilities and amenities for the area, as well as the proposed on-site services. Therefore, I consider the proposed development complies with policy objective PHP18 of the CDP.

3.13. It is in my opinion, given the location of the subject site on a prominent junction, on lands zoned partially as “NC” or Neighbourhood Centre, the inclusion of services on site, the current and proposed public transport options along with the options for further public transport within a relatively short distance, the pattern of development in the area and the submissions received in response to the Commission request for further information, I conclude that the subject site is within the category of “City-Suburban/Urban Extension” location as per Compact Settlement Guidelines. I acknowledge that whilst the densities are above the density range of 40 dph to 80 dph (net) quoted in the Compact Settlement Guidelines, densities of up to 150 dph (net) shall be open for

consideration at “accessible” suburban/urban extension locations (as defined in table 3.8). Therefore, having regard to my referenced evidence base above, it is in my opinion that the higher densities are acceptable at this location and in accordance with the Compact Settlement Guidelines and in accordance with Policy Objective PHP18 of the CDP.

3.14. Therefore, having regard to the Compact Settlement Guidelines, I consider the higher net density of 131.6 dwellings per hectares (net) can be successfully accommodated at this location and comply with table 3.1 of the Compact Settlement Guidelines.

## **4.0 Recommendation**

4.1. I recommend that permission be granted subject to the conditions as set out below.

## **5.0 Reasons and Considerations**

5.1. Having regard to the policies and objectives of Dun Laoghaire Rathdown County Development Plan 2022-2028, the residential and mixed use zoning on site, the design of the proposed development, separation distance to nearby properties, and the unlikely impact on the species identified in the nearby Gorse Hill and Fitzsimon’s Wood, pNHA, the unlikely impact on the hydrogeology of the area and the provision of adequate public transport and accessible road linkages to the site, in addition having regard to the location of the subject site within category “City-Suburban/Urban Extension” as per Sustainable Residential Development and Compact Settlement Guidelines and the Urban Development and Building Height Guidelines, it is considered that the proposed development, subject to compliance with the conditions as set out below, would not seriously injure the residential or visual amenities of the adjoining properties of the area and would be acceptable in terms of pedestrian and traffic safety and will protect the species identified in Gorse Hill and Fitzsimon’s Wood, pNHA and would therefore be in accordance with the proper planning and sustainable development for the area.

## **6.0 Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 10<sup>th</sup> day of July 2023, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason: In the interest of clarity.**

2. Prior to commencement of development, the applicant/developer is required to provide architectural and landscaping plans for an alternative location for the open space associated with the creche/childcare facility that is more readily accessible to the staff and children at the facility. The availability of communal open space adjacent to the creche/childcare facility, is noted, and it is considered that a portion of this may be reallocated, with the proposed creche open space at roof level reallocated for residents of the development.

**Reason: In the interest of proper planning and sustainable development.**

### **Drainage**

3. The attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

**Reason: In the interest of public health.**

4. Prior to the commencement of development, the developer shall enter into a Connection Agreement (s) with Uisce Éireann (Irish Water) to provide for a service connection(s) to the public water supply and/or wastewater collection network.

**Reason: In the interest of public health and to ensure adequate water/wastewater facilities.**

## **Transportation**

5. Prior to commencement, the applicant/developer shall submit revised drawings and details of the vehicular entrance layout for agreement with the Planning Authority. The revised design shall be updated in order to prioritise pedestrian and cyclist movements over infrequent large vehicle movements and agreed with the Transportation Planning Department prior to commencement.

**Reason: In the interest of sustainable transportation.**

6. (a) Safe and secure bicycle parking spaces shall be provided within the site. Provision should be made for a mix of bicycle types including cargo bicycles and individual lockers. Details of the layout and marking demarcation of these spaces and the cycle storage facility shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.  
(b) Electric charging points to be provided at an accessible location for charging cycles/scooters/mobility scooters. Details to be submitted to and agreed in writing with the planning authority.

**Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.**

7. All the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason: In the interest of sustainable transportation.**

8. All accepted recommendations made within the submitted Quality Audit by MHL & Associated Ltd Consulting Engineers dated 20<sup>th</sup> December 2023 shall be implemented and at the Applicants/developers expense a Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit, DMURS Street Design Audit and a Walking Audit) shall be carried out Stage 2 for the detailed design stage and at Stage 3 for the post construction stage. All audits shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) Standards. The independent audit team(s) shall be approved in writing by the Planning Authority and all measures recommended by the Auditor shall be undertaken unless the Planning Authority approves a departure in writing.

**Reason: In the interest of sustainable transportation.**

## **Landscaping**

9. The landscaping scheme, as submitted to the planning authority on the 15<sup>th</sup> day of March 2024 shall be carried out within the first planting season following substantial completion of external construction works.  
All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

**Reason: In the interest of residential and visual amenity.**

10. The areas of public open space shown on the lodged plans shall be reserved for such use. These areas shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscaping scheme submitted to the planning authority on the 15<sup>th</sup> day of March 2024. This work shall be completed before any of the residential units are made available for occupation unless otherwise agreed in writing with the planning authority.

**Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.**

11. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.  
(b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.

**Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.**

### **Construction**

12. Prior to the commencement of any excavation or rock breaking activities a detailed plan shall be submitted and approved by the Planning Authority. The plan shall include the selected methodology for rock breaking and how the selected method will best reduce environmental impacts including restricting the hours of breaking, setting specific noise limits that if breached will trigger a review of methodology and proposed methods for keeping affected residents informed as works progress.

**Reason: In the interest of public health and in order to safeguard the amenities of property in the vicinity.**

13. Site development and building works shall be carried out between the hours of 07.00 to 18.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason: To safeguard the amenity of property in the vicinity.**

14. All site development works, with the exception of the laying of the final dressing to the road surface, shall be completed prior to the commencement of construction of any of the dwelling units.

**Reason: To ensure the timely provision of infrastructural works for the development.**

15. 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 areas for construction site offices and staff facilities;
- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;

- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Provision of parking for existing properties during the construction period;
- (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;

**Reason: In the interest of amenities, public health and safety and environmental protection.**

16. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours, noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the

construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

**Reason: In the interest of environmental protection, residential amenities, public health and safety and environmental protection.**

17. Silt traps shall be provided on all surface water drainage channels. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason: To prevent water pollution.**

18. Surface water run-off from open excavated areas shall not be discharged directly to any watercourse. All such water shall be trapped and directed to temporary settling ponds.

**Reason: To prevent water pollution.**

19. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

**Reason: To prevent water pollution.**

20. Soil, rock and sand excavated during construction shall not be left stockpiled on-site following completion of works. Details of treatment of stockpiled materials shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason: In the interest of visual amenity and sustainably re-use materials.**

21. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

**Reason: In the interest of traffic safety and convenience.**

**Waste Management**

22. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the 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 proper planning and sustainable development.**

23. 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 [within each house plot and/or for each apartment unit] shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the agreed waste facilities shall be maintained, and waste shall be managed in accordance with the agreed plan.

**Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.**

### **Biodiversity**

24. (a) Prior to the commencement of development, the developer/applicant shall engage the services of a qualified Ecologist as an ecological consultant, from the commencement of construction and for the duration of the monitoring requirements as set out in the Ecological Impact Assessment (EclA), Hydrological Risk Assessment (HRA), Construction Environmental Management Plan (CEMP) and planning application documents including. All mitigation measures shall be implemented.
- (b) A Biodiversity Mitigation Plan shall be submitted to the Planning Authority for written approval at least 5 weeks in advance of site clearance and commencement of site works. The plan shall outline all of the biodiversity related mitigation measures for all phases of the development including clearance works, construction and operation of the development and will include all biodiversity measures relevant to the EclA, HRA, CEMP, Landscape Plan and pall associated documents. All mitigation measures relating to Biodiversity, outlined will be implemented, recorded and reported by a suitably qualified ecologist directly to the Planning Authority.
- (c) Prior to commencement of development, and prior to the demolition of the existing dwelling, a pre demolition bat survey, will be carried out by the suitably qualified bat specialist. NPWS must be consulted, and a licence obtained, if required.
- (d) Trees should be felled under the supervision of a suitably qualified ecologist and left intact on the ground for a period of at least 24 hours to

allow any bats (if present) to escape and if possible, they should be felled during the months of September or October when bats are not hibernating and still capable of flight.

- (e) Prior to commencement, the applicant shall submit a final lighting plan with input from a mammal and bat specialist including details regarding the wildlife corridor. The applicant shall submit to the Planning Authority a letter from the specialist/s, that they are satisfied that the final design of the lighting proposed for the development and that it is to the required specification to ensure no impacts on bats or nocturnal mammals. The lighting plan design will ensure that the wildlife corridor is unlit and there is no light spill to the wildlife corridor, Gorse Hill and Fitzsimons Woods pNHA, from the proposed site.
- (f) The applicant shall submit a report from the project ecologist to the Planning Authority confirmation that the installation of the lighting is operating according to their satisfaction and specification.
- (g) Prior to the commencement of the development, preconstruction surveys (February to June) of the site will be carried out for breeding amphibians (smooth newt and common frog) within features along and adjacent to the western boundary of the residential site (pond and seepage areas) by an amphibian specialist. NPWS must be consulted, if required and a licence obtained for the translocation of these species to wetland features in the surrounding area, subject to agreement with NPWD and the Planning Authority.
- (h) In terms of hydrogeological impacts and to reduce the risk of any temporary impact on water levels at the newt pond areas all mitigation measures outlined in the Hydrogeological Risk Assessment (HRA) and Ecological Impact Assessment will be implemented relating to groundwater and surface water.
- (i) Prior to the commencement of the development, a preconstruction mammal survey of the development site and Gorse Hill up to 150m by a suitably qualified ecologist will be completed to check for new setts. NPWS must be consulted, and a licence obtained, if required.

- (j) An Invasive Species Management Plan by an invasive species specialist, will be provided to the Planning Authority at least 5 weeks prior to the commencement of the development, for the treatment and removal of cherry laurel and/or any other invasive species.
- (k) No vegetation clearance should take place during the bird breeding season (March 1<sup>st</sup> to August 31<sup>st</sup>), any Prior to, during and after vegetation clearance shall be supervised by a suitably qualified ecologist and any features likely to be used by adult newt, lizard or frog, badger, hedgehog and pygmy shrew will be checked. Any translocation procedures can only proceed under licence from NPWS.
- (l) The installation of bird boxes including swift boxes and lures shall be carried out under the supervision of a suitably qualified ecologist.
- (m) A revised Landscape and Green Roof design shall be submitted at least 5 week prior to commencement for written agreement from the Planning Authority which will examine the option to use local soil from the site where feasible, to provide the basis for the green biodiversity roof areas which were planned for planting of wildflower seed and to instead use a local native seed source.
- (n) Given the proximity of the hardstanding shown on the landscape design drawings to the proposed wildlife corridor, the likely required maintenance of any adjacent vegetation and also the lighting associated with the development, it is considered that the applicant has not demonstrated the feasibility of the design for the wildlife corridor as a biodiversity refuge. Therefore, a wildlife corridor comprising a width of at least 4.5 metres and based on more detailed design including any lighting in proximity to it, will be developed in consultation with DLR Biodiversity Officer and will be submitted at least 5 weeks prior to the commencement of the proposed development for agreement with the Planning Authority.
- (o) The applicant will submit monitoring schedule and reports from their ecologist to the Planning Authority at intervals agreed with the Planning Authority, for all biodiversity related measures outlined in the Planning documents or as a result of consultations with DLR Biodiversity Officer

and/or NPWS and will confirm that the measures have been implemented according to specification. Actions required to be undertaken by the applicant as a result of the recommendations of monitoring will be reported to the Planning Authority.

**Reason: To ensure an adequate protection of biodiversity and to undertake any remedies if required. To mitigate the loss of bird habitat and to ensure that the appropriate advice and support obtained in relation to birds, to assist the success of the nest boxes.**

## **Part V**

25. 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 transfer of a percentage of the land, to be agreed with the planning authority, in accordance with the requirements of section 94(4) and section 96(2) and 96(3)(a), (Part V) of the Planning and Development Act 2000, as amended, and/or the provision of housing on lands in accordance with the requirements of section 94(4) and section 96(2) and 96(3) (b), (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate has been granted under section 97 of the Act, as amended. Where such an agreement cannot be reached between the parties, the matter in dispute (other than a matter to which section 96(7) applies) shall be referred by the planning authority or any other prospective party to the agreement, to An Bord Pleanála for determination.

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

## **Taking in charge**

26. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the

future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

#### **Signage**

27. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

**Reason: In the interest of visual amenity.**

#### **Archaeology**

28. The developer shall engage a suitably qualified licence eligible archaeologist (licensed under the National Monuments Acts) to carry out pre-development archaeological testing in areas of proposed ground disturbance and to submit an archaeological impact assessment report for the written agreement of the planning authority, following consultation with the National Monuments Service, in advance of any site preparation works or groundworks, including site investigation works/topsoil stripping/site clearance/dredging/underwater works and/or construction works. The report shall include an archaeological impact statement and mitigation strategy. Where archaeological material is shown to be present, avoidance, preservation in-situ, preservation by record [archaeological excavation] and/or monitoring may be required. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. No site preparation and/or construction works shall be carried out on site until the archaeologist's report has been submitted to and approval to proceed is agreed in writing with the planning authority. The planning authority and the National Monuments Service shall be furnished

with a final archaeological report describing the results of any subsequent archaeological investigative works and/or monitoring following the completion of all archaeological work on site and the completion of any necessary post-excavation work. All resulting and associated archaeological costs shall be borne by the developer.

**REASON: To ensure the continued preservation of places, caves, sites, features or other objects of archaeological interest.**

## **Contributions**

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

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

## **Bonds**

30. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such

other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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 that the public road is satisfactorily reinstated, if necessary.**

31. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of trees on the site.**

32. 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.**

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.

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Jennifer McQuaid

Planning Inspector

13<sup>th</sup> August 2025