



An  
Bord  
Pleanála

# **S. 6(7) of Planning and Development (Housing) and Residential Tenancies Act 2016**

## **Inspector's Report on Recommended Opinion ABP-306473-20**

---

<b>Strategic Housing Development</b>	200 no. apartments, creche and associated site works.
<b>Location</b>	Lisieux Hall, Murphystown Road, Leopardstown, Dublin 18
<b>Planning Authority</b>	Dun Laoghaire Rathdown County Council
<b>Prospective Applicant</b>	Ketut Limited
<b>Date of Consultation Meeting</b>	3 <sup>rd</sup> March 2020
<b>Date of Site Inspection</b>	1 <sup>st</sup> March 2020
<b>Inspector</b>	Sarah Moran

## 1.0 Introduction

- 1.1. Having regard to the consultation that has taken place in relation to the proposed development and also having regard to the submissions from the planning authority, the purpose of this report is to form a recommended opinion as to whether the documentation submitted with the consultation request under section 5(5) of the Planning and Development (Housing) and Residential Tenancies Act 2016 - (i) constitutes a reasonable basis for an application under section 4, or (ii) requires further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

## 2.0 Site Location and Description

- 2.1. The site is located in the suburban area of Leopardstown, west of the M50 and close to the British Embassy Glencairn. It is bound by Murphystown Road to the north, Murphystown Way to the east, Ballyogan Road to the south and Kilgobbin Road to the west. The Luas green line runs directly east of the site with the closest stop at Glencairn c. 150m to the north. There are bus stops on Kilgobbin Road and Murphystown Way. Murphystown Road is a cul-de-sac at this location as there are bollards preventing vehicular access to the Kilgobbin Road, however it is used as an informal pedestrian and cycle connection to the Glencairn Luas stop.
- 2.2. The site has a stated area of c. 1.19 ha and comprises lands within the grounds of the protected structure Lisieux Hall (stated area of the total grounds is 1.85 ha). As per the Architectural Heritage Impact Assessment on file, the current grounds are part of a much larger area of lands originally associated with the house. The grounds are surrounded by 2.5m high stone walls that are not contemporaneous to the house and relate to recent road construction in the vicinity. The grounds of the house are described as an 'island site' due to being surrounded by roads and high stone walls. The overall associated grounds include landscaping and mature trees, a stable yard and a tennis court. Access to the site is via a formal gated vehicular entrance to the northern boundary on Murphystown Road, which is not contemporaneous with the house. The site is on the northern side of the grounds with the access from Murphystown Road. There is a walled garden at the location of the proposed development.

### 3.0 Proposed Strategic Housing Development

3.1. The proposed development involves 200 no. apartments as follows:

UNIT TYPE	NO. OF UNITS	%
Studio	20	7%
1 bed apartment	72	24%
2 bed apartment	100	33%
3 bed apartment	8	3%
<b>TOTAL</b>	<b>200</b>	

3.2. The development has a stated density of 167 units /ha and involves four no. 5 to 7 storey blocks with the highest element at the Ballyogan Road / Murphystown Road junction. The Planning Report states the following in relation to the nature of the proposed residential development:

*While not a Specific BTR development, as per SPPRs 7 and 8 of the 2018 Apartment Guidelines, the scheme does include a range of features and communal amenities to facilitate its management as a rental development under single ownership rather than for private sale.*

3.3. The development also involves:

- Communal amenities comprising meeting / function rooms (133 sq.m.), gymnasium (200 sq.m.) and concierge office facilities (60 sq.m.)
- Crèche (356 sq.m.) on ground floor of Block 1, associated external play area and car parking. Capacity for 60 no. children.
- Basement car parking (183 spaces) including universal access parking (6 spaces), electrical charge points (14 spaces), bicycle parking (228 spaces), motorcycle parking (8 spaces). Total of 11 no. surface car parking spaces including one no. universal access space, 2 electrical charge point spaces and 24 no. bicycle parking spaces.

- Landscaping, lighting, ESB substation. 40% of the site area is communal open space. Existing boundary walls to the east, north and west of the development are to be lowered to allow visibility from the street and passive surveillance.
- An existing walled garden in the grounds of Lisieux Hall is to be removed to facilitate the development. The following rationale is provided in the Architectural Heritage Impact Assessment:

*The walled garden has not been maintained as well and its layout has changed repeatedly over the years. Most of the walls surrounding the walled garden are modern and none are original and the glasshouse that first appears in the 1907 Ordinance map is long gone. The removal of the walled garden must be regarded as a heritage loss, but the walled garden is much altered and could not be considered a historically significant walled garden. It is proposed to reuse stone from any parts of the walls that can be identified as early original, for the creation of landscape features in the new development.*

- Access from Murphystown Road with part of the existing wall at this boundary to be removed to facilitate the proposed entrance. New access to Lisieux Hall from Murphystown Way via the southern end of the proposed development, which will also serve as an emergency access for the proposed scheme.
- Part V requirement of 20 units, to be transferred to the planning authority.
- Foul connection to existing system at Meadowfield.
- Surface water drainage system including SUDS measures comprising green roofs, permeable paving, infiltration trenches, attenuation pond.

3.4. The site is sub-threshold for EIA with regard to schedule 5, Part 2, Class 10(b) of the Planning and Development Regulations 2001 (as amended). An AA Screening Report is submitted.

## 4.0 Planning History

### 4.1. D16A/0547 PL06D.248082

- 4.1.1. On 3<sup>rd</sup> August 2017, ABP upheld a decision by DLRCC to grant permission for 69 residential units (17 no. houses and 52 no. apartments) in the grounds of Lisieux

Hall. The permitted development comprises two no. 5 story apartment blocks and 17 no. 3 storey houses. Stated density 56 units/ha. Parking provision of 86 spaces including 50 basement spaces and 9 surface parking spaces for the apartments and 27 no. spaces for the houses. The permitted development involved the retention of the existing walled garden at the development site.

## **5.0 National and Local Planning Policy**

### **5.1. Section 28 Ministerial Guidelines**

5.1.1. Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the planning authority, I am of the opinion that the directly relevant section 28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual')
- Design Standards for New Apartments Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets (DMURS)
- The Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated 'Technical Appendices')
- Childcare Facilities Guidelines for Planning Authorities
- Urban Development and Building Heights Guidelines for Planning Authorities
- Architectural Heritage Protection Guidelines for Planning Authorities

### **5.2. Dun Laoghaire Rathdown County Development Plan 2016-2022**

5.2.1. The development site is zoned 'Objective A' in the development plan, 'to protect and / or improve residential amenity'. Residential development is 'permitted in principle' under this zoning objective while childcare service is 'open for consideration'. Lisieux Hall is a protected structure, RPS no. 1662.

5.2.2. Development plan policy RES 3 applies:

*It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities*

*and the established character of areas, with the need to provide for sustainable residential development.*

Development plan section 2.1.3.3 states:

*Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.*

Also:

*In some circumstances higher residential density development may be constrained by Architectural Conservation Areas (ACA) and Candidate Architectural Conservation Areas (cACA) designations, Protected Structures and other heritage designations. To enhance and protect ACA's, cACA's, Heritage Sites, Record of Monuments and Places, Protected Structures and their settings new residential development will be required to minimise any adverse effect in terms of height, scale, massing and proximity.*

Policy RES4: Existing Housing Stock and Densification applies:

*It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.*

Policy RES7: Overall Housing Mix applies:

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

5.2.3. Development plan section 4.2, policies on open space and green infrastructure including Policy OSR5: Public Open Space Standards:

*It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual - A Best Practice Guide'.*

5.2.4. Development Plan Built Heritage Strategy including Policy AR1: Record of Protected Structures:

*It is Council policy to:*

- i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).*
- ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.*
- iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).*
- iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure.*

Policy AR8: Nineteenth and Twentieth Century Buildings, Estates and Features. It is Council policy to:

- i. Encourage the appropriate development of exemplar nineteenth and twentieth century buildings and estates to ensure their character is not compromised.*
- ii. Encourage the retention of features that contribute to the character of exemplar nineteenth and twentieth century buildings and estates such as roofscapes, boundary treatments and other features considered worthy of retention.*

5.2.5. Development plan Community Strategy Policy SIC11: Childcare Facilities

*It is Council policy to encourage the provision of affordable and appropriate childcare facilities as an integral part of proposals for new residential developments and to improve/expand existing childcare facilities across the County. In general at least one childcare facility should be provided for all new residential developments subject to demographic and geographic needs. The Council will encourage the provision of childcare facilities in a sustainable manner to encourage local economic development and to assist in addressing disadvantage.*

5.2.6. Policy UD6: Building Height Strategy:

*It is Council policy to adhere to the recommendations and guidance set out within the Building Height Strategy for the County.*

The Building Height Strategy is set out in development plan Appendix 9. The site is located in a residual suburban area not included within cumulative areas of control. It adjoins the boundary of the Ballyogan and Environs Local Area Plan 2019-2025, however no LAP specifically applies to the site. Section 4.8 of the Building Height Strategy states that a general recommended height of two storeys will apply at such locations. Apartment developments to a maximum of 3-4 storeys will be permitted at appropriate locations, e.g. on prominent corner sites, on large redevelopment sites or adjacent to key public transport nodes, providing they have no detrimental effects on existing character and residential amenity. This maximum is to apply subject to 'upward modifiers' and 'downward modifiers'. A development must meet more than one 'upward modifier'. Upward modifiers that may apply at the subject site:

- Urban design benefits
- Major planning gain, e.g. significant improvements to the public realm
- Development would contribute to the promotion of higher densities in areas with exceptional public transport accessibility (areas within 500m walkband on either side of the Luas corridor, 100m walkband on either side of a QBC).

The following 'downward modifiers' may apply at the development site:

- Residential living conditions through overlooking, overshadowing, or excessive bulk and scale.
- The setting of a protected structure.

Section 4.8 states:

*There will be occasions where the criteria for Upward and Downward modifiers overlap and could be contradictory ... In this kind of eventuality a development's height requires to be considered on its own merits on a case-by-case basis. The presumption is that any increase or decrease in height where 'Upward or Downward Modifiers' apply will normally be one floor or possibly two.*

## 6.0 Forming of the Opinion

6.1. Pursuant to section 6(7) of the Act of 2016, regard is had in the forming of the opinion to the documentation submitted by the prospective applicant; the planning authority submissions and the discussions which took place during the tripartite consultation meeting. I shall provide a brief detail on each of these elements hereunder.

### 6.2. Documentation Submitted

6.2.1. The prospective applicant has submitted information pursuant to section 5(5)(a) of the Planning & Development (Housing) and Residential Tenancies Act 2016 and Article 285 of the Planning and Development (Strategic Housing Development) Regulations 2017. This information included, inter alia, the following:

Completed application form; Planning Report and Statement of Consistency; Schedule of Accommodation; Part V proposal; Site Location Plan; Site Layout Plan; Architects Drawings; Landscape Drawings; Engineering Drawings; Tree Survey & Plans; Architectural Design Statement; Housing Quality Assessment; Architectural Heritage Impact Assessment; Visual Impact Assessment; Landscape Design Statement; Arboricultural Report; Pre-Planning Engineering Report; Site Specific Flood Risk Assessment; Outline Construction Management Plan; Construction and Demolition Waste Management Plan; Travel Plan.

6.2.2. Section 5(5)(b) of the Act of 2016 requires the submission of a statement that, in the prospective applicant's opinion, the proposal is consistent with both the relevant objectives of the development plan or local area plan concerned, and the relevant guidelines issued by the Minister under section 28 of the Act of 2000. These statements have been submitted, as required.

6.2.3. I have reviewed and considered all of the above-mentioned documents and drawings.

### 6.3. Planning Authority Submission

6.3.1. In compliance with section 6(4)(b) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun Laoghaire Rathdown County Council, submitted a copy of their section 247 consultations with the prospective applicant and also their opinion in relation to the proposal. These were received by

An Bord Pleanála on 16<sup>th</sup> April 2019. The planning authority's 'opinion' included the following matters.

- Incorporates reports of the Drainage Planning Section dated 13<sup>th</sup> February 2020; Transportation Planning Section dated 17<sup>th</sup> February 2020; Conservation Section dated 15<sup>th</sup> January 2020.
- Applicant requested to clarify if the development is a Build to Rent scheme.
- The applicant states that the cumulative GFA of residential accommodation comprises only 72% of the cumulative GFA of residential accommodation and other uses. This is considered to be an error given that childcare services are the only non-residential uses and these have a GFA of 356 sq.m. Request clarification from the applicant.
- The proposed residential and childcare uses are in accordance with the residential zoning objective for the site. The site also benefits from a live permission for a residential development. The development is therefore acceptable in principle.
- Whilst the proposed residential density is significantly greater than that of the immediate surrounding area, the area has benefited from significant investment in transport infrastructure. There is, therefore, a requirement to provide development at adequate densities in order to maximise the return on public infrastructure and promote sustainable means of transportation. There are two Luas stops within 10 minutes of the site. The site is also close to Sandyford Business District, a major employment base. The proposed density is acceptable in principle, ref. development plan policy RES3.
- The extant permission at the site established the principle of splitting the site in two with residential development on the northern side of the site. The severance was accepted on the basis that sufficient grounds were retained on the southern side of the site to provide a setting for the protected structure. The Conservation Officer has raised concerns in relation to the scale, height and massing of the development in the context of the protected structure. On balance, it is considered that the proposed separation distances are sufficient and respectful of the setting of the protected structure.

- The applicant seeks to fully remove the existing walled garden. The report of the Conservation Officer states that the development does not conserve the significant built heritage and landscape features of the site such as the walled garden, historic avenue and parkland setting. ABP Inspector's Report of PL06D.248082 is noted in this regard. This confirms the heritage value of the walled garden. The applicant is required to justify the proposed removal of the walled garden.
- The overall area is low rise. However, recent permissions in the area granted heights ranging between 5 and 7 storeys. Ref. development plan policy UD6. It is considered that the Upward Modifiers have been met in this instance, i.e. the site is large enough and is close to public transport. This would allow for up to 6 storeys. However, a Downward Modifier also applies due to proximity to the protected structure. It is considered that the proposed 7 storey building materially contravenes the development plan. Block 4 could have a dominant presence over Lisieux Hall due to its height and ground levels. It is considered that a three storey block with an additional storey set back would be more appropriate on this part of the site. The applicant is required to demonstrate that the proposed height is adequate in the site's context particularly in the context of the protected structure, with regard to the Building Height Guidelines.
- The cloister layout follows the principles of the perimeter block and is considered to be appropriate for the site and in line with best design practice. The palette of materials is considered to be appropriate for the site. The design, form and layout are considered to be acceptable overall subject to clarification on some matters.
- Concern about the distances between Blocks 1 and 2 and Blocks 3 and 4. Concern that narrow windows to some units may not provide sufficient light for those units to be considered dual aspect. The applicant is requested to clarify and address this issue with regard to SPPR 4 of the Apartment Guidelines.
- Applicant to submit a revised VIA including winter views and a view from Kilgobbin Road showing impacts on the protected structure. The proposed tree removal should be reflected in the photomontages.
- The proposed housing mix is acceptable.

- Communal amenity space – it is considered that the proposed locations for the children’s play area near the southern site boundary are not adequate given their proximity to the emergency access and the access to Lisieux Hall. Their relocation to the central communal open space would allow for passive surveillance and would be more appropriate. Concern that the second area of open space will not achieve necessary levels of amenity and usability required in order to be considered as part of the overall communal open space provision, due to the presence of the emergency access hammerhead. Parts of this area should be accounted for as ‘residual open space’. The boundary treatment to the south should be high quality and respectful of the protected structure. The significant loss of trees is a concern from an ecological perspective. Applicant requested to submit an Ecological Impact Assessment including bat report / survey.
- The PA considers that a lowered boundary wall without a railing would significantly enhance the public realm along Murphystown Way, would allow a positive visual interaction between the proposed scheme and the public space and would contribute to a positive public realm. The applicant should also be encouraged to set back the boundaries to allow for visual softening of the public realm. Possibility of a footpath at Murphystown Road as there is none at present.
- The proposed car parking ratio is considered appropriate for this location. The cycle parking provision should be in accordance with the Apartment Guidelines.
- Applicant requested to provide DMURS compliant pedestrian infrastructure for the development, particularly on Murphystown Road.
- Applicant requested to confirm if the proposed communal amenities will be for residents use only.
- The proposed childcare facility is considered acceptable in the context of development plan policy and the Childcare Guidelines.
- Limited technical information submitted in relation to drainage. Engagement with the Drainage Dept. prior to submission of an SHD application is advised.

#### 6.4. Irish Water

6.4.1. Irish Water has issued a Confirmation of Feasibility for 160 residential units. The applicant has since increased the total no. of units to 200. This increase has been reviewed by Irish Water and has been confirmed as feasible. The development is a standard connection requiring no network or treatment plant upgrades for water or wastewater by either the customer or Irish Water.

#### 6.5. Consultation Meeting

6.5.1. A section 5 Consultation meeting took place at the offices of An Bord Pleanála on the 3<sup>rd</sup> March 2020. Representatives of the prospective applicant, the planning authority and An Bord Pleanála were in attendance. An agenda was issued by An Bord Pleanála prior to the meeting.

6.5.2. The main topics raised for discussion at the tripartite meeting were based on the Agenda that issued in advance and contained the following issues:

1. Design and layout of the proposed residential development, ancillary uses and associated open spaces
2. Conservation issues. Impacts of the setting of the adjacent Protected Structure Lisieux Hall. Impacts of the Walled Garden.
3. Building height in the context of national and local policy
4. Traffic and Transportation issues. Vehicular, cycle and pedestrian connections.
5. Car and cycle parking
6. Drainage and flood risk
7. A.O.B

6.5.3. In relation to the design and layout of residential development, ancillary uses and associated open spaces, ABP representatives sought further elaboration / discussion on:

- Whether the development is 'Build to Rent' as defined in the Apartment Guidelines. Applicant to consider the costs of long term management of the development as an owner occupied scheme, in particular the Building Lifecycle Report, there may be potential implications under the MUD Act 2011.

- Clarification on the use of open spaces within the scheme. Justification on the location of the playground and PA concerns regarding the water feature and play areas.
- Overall % of dual aspect units within the development with regard to national policy as per the Apartment Guidelines.
- Access to daylight and sunlight within the development.
- Impacts on visual and residential amenities.

6.5.4. In relation to conservation issues; impacts on the setting of the adjacent Protected Structure Lisieux Hall; impacts on trees and on the Walled Garden, ABP representatives sought further elaboration / discussion on:

- Comments of DLRCC Conservation Officer in relation to the Walled Garden
- Impacts on the setting of Lisieux Hall including the buffer between the development and the remaining grounds of the house, the proposed new entrance to Lisieux Hall, the removal of the walled garden.
- Issues relating to the removal of mature trees at the site and the protection / long term survival of the remaining specimens.

6.5.5. In relation to building height in the context of national and local policy, ABP representatives sought further elaboration / discussion on:

- Height of the development with regard to the Building Height Guidelines and Building Height Strategy in the DLR County Development Plan. Applicant to consider if the development materially contravenes development plan building height policy.

6.5.6. In relation to traffic and transportation issues; vehicular, cycle and pedestrian connections and car and cycle parking, ABP representatives sought further elaboration / discussion on:

- Vehicular access to the development from Murphystown Way.
- Car and cycle parking quantum.
- Pedestrian and cycle connections to the Luas stop.

- 6.5.7. In relation to Drainage and Flood Risk, ABP representatives sought further elaboration / discussion on:
- Matters raised in DLRCC drainage report.
- 6.5.8. In relation to any other matters, ABP representatives sought further elaboration / discussion on:
- Justify and submit a rationale for the childcare provision.
- 6.5.9. Both the prospective applicant and the planning authority were given an opportunity to comment and respond to the issues raised by the representatives of ABP. Those comments and responses are recorded in the 'Record of Meeting ABP-306473-20' which is on file. I have fully considered the responses and comments of the prospective applicant and planning authority in preparing the Recommended Opinion hereunder.

## 7.0 Conclusion and Recommendation

- 7.1. Based on the entirety of the information before me, it would appear that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.
- 7.2. I have examined all of the information and submissions before me including the documentation submitted by the prospective applicant, the submissions of the planning authority and the discussions which took place at the tripartite meeting. I have had regard to both national policy, via the section 28 Ministerial Guidelines, and local policy, via the statutory development plan for the area.
- 7.3. Having regard to all of the above, I recommend that the Board serve a notice on the prospective applicant, pursuant to Section 6(7)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016, stating that it is of the opinion that the documentation submitted with the consultation request under section 5(5) of the Act **constitutes a reasonable basis for an application** under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

7.4. I would also recommend that the prospective applicant be notified, pursuant to article 285(5)(b) of the 2017 Regulations, that specified information (as outlined hereunder) be submitted with any application for permission that may follow. I believe the specified information will assist the Board at application stage in its decision making process. I am also recommending that a number of prescribed bodies (as listed hereunder) be notified by the prospective applicant of the making of the application.

## 8.0 Recommended Opinion

8.1. An Bord Pleanála refers to your request pursuant to section 5 of the Planning and Development (Housing) and Residential Tenancies Act 2016. Section 6(7)(a) of the Act provides that the Board shall form an opinion as to whether the documents submitted with the consultation request (i) constitute a reasonable basis for an application under section 4 of the Act, or (ii) require further consideration and amendment in order to constitute a reasonable basis for an application under section 4.

8.2. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, and submissions received from statutory consultees referred to under Section 6(10) of the Act, An Bord Pleanála is of the opinion that the documentation submitted **would constitute a reasonable basis for an application** for strategic housing development to An Bord Pleanála.

8.3. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that, in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission:

1. Housing Quality Assessment with regard to the standards set out in the Sustainable Urban Housing Design Standards for New Apartments Guidelines for Planning Authorities. Clarification of the long term ownership and management of the development with regard to the requirements of SPPRs 7 and 8 of the

Apartment Guidelines. In this regard, the applicant is also advised to submit a Building Lifecycle Report.

2. Notwithstanding that the documentation submitted would constitute a reasonable basis for an application, a rationale for proposed building height with regard to the Building Height Strategy set out as Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Urban Developments and Building Height Guidelines for Planning Authorities 2018. The applicant is to consider whether the development constitutes a Material Contravention of the Building Height Strategy set out as Appendix 9 of the Dun Laoghaire Rathdown County Development Plan 2016-2022. If considered necessary, the applicant is to submit a Material Contravention Statement and to publish a Newspaper Notice in accordance with the requirements of section 8(1)(a)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016.
3. Photomontages, contextual elevations, cross sections, visual impact analysis, shadow analysis and landscaping details to indicate potential impacts on visual and residential amenities, to include views from the wider area and adjacent residential properties, in particular Murphystown Road, Murphystown Way and the Kilgobbin Road. The VIA should include views of the development with both winter and summer vegetation and to include any plant or other structures on the roof of the proposed development, in order to give as accurate a representation as possible.
4. Cross sections to indicate levels of adjacent public roads and residential properties, access roads and open spaces within the proposed development and the attenuation pond and basement car park.
5. A detailed landscaping plan for the site which clearly sets out proposals for hard and soft landscaping including street furniture, SUDS measures and water feature (if provided) and play area / play equipment, also details of any existing trees / other vegetation / walls or other features to be retained within the proposed development and details of boundary treatments including along the road frontages of Murphystown Way, Murphystown Road, Kilgobbin Road and

the new boundary with the remaining grounds of Lisieux Hall. Additional cross sections, CGIs and visualisations should be included in this regard.

6. Rationale for proposed play area provision with regard to relevant development plan policy.
7. Tree Survey, Arboricultural Report and Impact Assessment, to provide a detailed tree survey of the development site and assessment of the quality and quantity of the specimens to be removed, along with measures to protect trees to be retained during construction, to include consideration of potential impacts associated with basement construction and impacts on the water table.
8. Ecological Impact Assessment, to consider in particular potential ecological impacts associated with the proposed removal of existing mature trees and other vegetation at the development site, to include impacts on any bat roosts / potential bat roosts and foraging corridors.
9. Architectural Heritage Impact Assessment to address matters raised in the report of DLRCC Conservation Officer dated 7<sup>th</sup> February 2020, to include a rationale for the proposed removal of the Walled Garden within the development site, along with potential impacts on the setting of the protected structure Lisieux Hall (RPS 1662), including boundary treatments and existing vegetation.
10. Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers of the proposed development, which includes details on the standards achieved within the proposed residential units and in private and shared open spaces. The analysis should also consider potential overshadowing impacts on adjoining residential areas and on Lisieux Hall.
11. Statement of Compliance with the Design Manual for Urban Roads and Streets (DMURS).
12. Rationale for the proposed quantum of car parking to include consideration of the following matters:
  - Traffic and Transport Impact Assessment
  - Accessibility to public transport
  - Mobility Management

- Ongoing car parking management within the development
- Provision of car club spaces
- Quantum of car parking to be dedicated to each of the uses within the development
- Cycle parking provision.

13. Details of works to the public realm at Murphystown Road, to include provision of pedestrian and cycle facilities and vehicular access to the development including sight distances with regard to DMURS, also consents from relevant landowners if necessary.

14. Rationale for proposed childcare provision with regard to the relevant standards in the Childcare Facilities Guidelines for Planning Authorities and the Apartment Guidelines and to the existing availability of childcare facilities in the area.

15. Additional drainage details having regard to the report of DLRCC Drainage Planning Section dated 13<sup>th</sup> February 2020.

8.4. Pursuant to article 285(5)(a) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is informed that the following authorities should be notified in the event of the making of an application arising from this notification in accordance with section 8(1)(b) of the Planning and Development (Housing) and Residential Tenancies Act 2016:

1. Irish Water
2. Transport Infrastructure Ireland
3. National Transport Authority
4. Dun Laoghaire Rathdown County Council Childcare Committee
5. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
6. The Heritage Council,
7. An Taisce-the National Trust for Ireland,
8. An Comhairle Ealaoin,

## 9. Failte Ireland

### **PLEASE NOTE:**

Under section 6(9) of the Planning and Development (Housing) and Residential Tenancies Act 2016, neither the holding of a consultation under section 6, nor the forming of an opinion under that section, shall prejudice the performance by the Board, or the planning authority or authorities in whose area the proposed strategic housing development would be situated, of any other of their respective functions under the Planning and Development Acts 2000 to 2016 or any other enactment and cannot be relied upon in the formal planning process or in legal proceedings.

---

Sarah Moran

Senior Planning Inspector

18<sup>th</sup> March 2020