



An
Bord
Pleanála

Board Direction
BD-001946-18
ABP-302580-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 12/12/2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the policies and objectives in the Dun Loaghaire Rathdown County Development Plan 2016-2022;
- b) Rebuilding Ireland Action Plan for Housing and Homelessness;
- c) the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in December, 2018 and the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013; and the Architectural Heritage Protection Guidelines for Planning Authorities 2011.
- d) nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure including the Luas;
- e) pattern of existing and permitted development in the area, and

- f) submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and of the Protected Structure and Recorded Monument and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area

Environmental Impact Assessment:

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development at Glencairn, Murphystown Way, Dublin 18.
- (b) the Environmental Impact Assessment Report and associated documentation submitted in support of the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application,
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in Dublin.
- A significant direct effect on land and the landscape by the change in the use and appearance of a relatively large site from green-field to residential. Given the location of the site within the built up metropolitan area of Dublin and the public need for housing there, this effect would not have a significant negative impact on the environment.
- A significant potential negative effect on the architectural heritage of the area arising from the removal of the entrance portal to Glencairn House from its existing position which is mitigated by its relocation closer to the new entrance to the House to facilitate closer association with the House and protect the integrity of the structure.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.
- Potential indirect effects on water which will be mitigated during the occupation of the development by the proposed system for surface water management and attenuation with respect to stormwater runoff and the drainage of foul effluent to the city's foul sewerage system, and which will be mitigated during construction by appropriate management measures.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that subject to the implementation of the mitigation measures proposed, as set out in Chapter 15 of the EIAR "Summary of Mitigation and Monitoring Measures" and subject to compliance with the conditions set out herein, the effects on the environment of the proposed development by itself and in combination with other development in the vicinity would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in Chapter 15 of the Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. Prior to the commencement of development, unless otherwise stated, the following details shall be submitted to and agreed in writing with the Planning Authority:

(a) a revised taking in charge Plan which includes the areas identified by the Planning Authority in the Chief Executive Report submitted to An Bord Pleanála on 8th November 2018

(b) a revised Schedules Report which clarifies that all units within the scheme will have a floor to ceiling height of not less than 2.7m and includes the units omitted from the document submitted.

(c) a revised phasing plan which outlines that the open space in the wooded northern area and at the Castle will be publicly accessible prior to the occupation of any apartment unit in Phase 2 (Blocks 2-6);

(d) the following landscaping details shall be provided:-confirmation that access points in existing boundary wall to north will be retained, provision of specific details of linkages between the site and the adjoining residential developments including that these shall be provided prior to the making available by the developer for occupation of any residential units, a revised tree planting scheme, a specific plan for Lime Tree Avenue, lighting proposals for the woodland areas, proposed play rationale layout plan and details of the design of play equipment;

(e) Details of the materials, colours and textures of all the external finishes to the proposed buildings and details of a street naming and house/block numbering/naming scheme.

(f) Full signage detail shall be submitted for the crèche to be submitted to and agreed in writing with the Planning Authority.

Reason: in the interest of clarity and orderly development.

4. Prior to the commencement of Phase 2 of the proposed development the developer shall to submit to and agree in writing with the Planning Authority, a conservation plan for Murphystown Castle and the proposed open space which has been agreed with the National Monuments Service of the Dept. of Culture, Heritage and the Gaeltacht and which has been developed with other experts

such as the archaeologist, conservation architect and landscape architect. The Plan shall include appropriate landscaping which presents the known original extent of the castle, outlines the means of accommodating or preventing access to the existing fabric of the castle including the provision of any buffers, and provides details of the seating area, pathway surfaces, signage, interpretation design and public lighting.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

5. (a) the developer liaise with TII in respect of works proposed in the vicinity of the Luas line and TII requirements in that regard shall to be submitted to and agreed in writing with the Planning Authority prior to the commencement of development.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and curve radii.

(c) Prior to commencement of development, the detailed design including signal timings of the signalised junction shall be submitted and agreed in writing with the Planning Authority and shall include such requirements as considered necessary by the authority to operationally link the junction to other signalised junctions in the vicinity of the site. The roads and traffic arrangements serving the site (including signage and road markings) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(d) The proposed pedestrian and cycle network shall comply with the requirements of the National Cycle Manual.

(e) Public Lighting Plan shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

(f) Details of materials and surfaces for roads and pathways and all items to be taken in charge shall be submitted to and agreed in writing with the Planning Authority prior to commencement of development.

(g) revisions shall be made to the parking layout at Units C1/04 –C1/14 and D/16-D/24 and submitted to and agreed in writing with the Planning Authority.

(h) The development shall comply with TII's Code of Engineering Practice for works, on, near, or adjacent the Luas Light Rail system.

Reason: In the interests of traffic, cyclist and pedestrian safety.

6. (A) the developer shall ensure that the physical fabric and residual setting of Murphystown Castle is safeguarded.

(B)The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

7. (a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the residential amenities of property in the vicinity of the site.

8. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall to be submitted to and agreed in writing with the Planning Authority prior to commencement of development, unless otherwise stated:

(a) Full details of proposed green roofs including a construction and maintenance plan;

(b) Stage 2- detailed design stage stormwater audit;

(c) Upon completion of the development, a stage 3 completion stage stormwater audit;

(d) Design details of proposed concrete slab for the north-eastern attenuation system;

(e) implementation of mitigation measures in the site specific Flood Risk Assessment.

Reason: In the interest of public health.

9. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

10. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

11. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

12. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and

Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

13. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

14. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and Programme of Works, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of public safety and residential amenity.

15. (a) The development, including all roads, footpaths, cycle paths, verges, public lighting, open spaces, surface water drains, attenuation infrastructure and all other services, as permitted under this order, and as amended by the conditions of this permission, shall be carried out and completed in accordance with the “taking-in-charge” standards of the planning authority. The areas to be taken in charge, upon completion of the development, shall be agreed in writing with the Planning Authority.

(b) The areas not to be taken in charge, shall be maintained by a properly constituted private management company, details of which shall be agreed in writing with the planning authority prior to the making available by the developer for occupation of any of the apartments or duplex units.

(c) All of the areas of public open space, shall be maintained by the developer until such time as the development is taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested

in the planning authority, at no cost to the authority, as public open space.

Reason: In order to define those areas to be taken in charge, and those areas to be maintained by a private management company, in the interests of the amenities of the future occupants of the proposed development, and to comply with national policy in relation to the maintenance and management of residential estates.

16 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 interests of public safety and residential amenity.

17. 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.

18. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

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

Board Member

Date: 13/12/2018

Paul Hyde