



An
Bord
Pleanála

Board Direction
BD-003200-19
ABP-303804-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6/4/2019.

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 site's location close to Dublin city centre, within an established built-up area on lands with zoning objective A, which seeks to 'protect and/or improve residential amenity' in the Dún Laoghaire-Rathdown County Development Plan 2016-2022;
- (b) the policies set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022;
- (c) the policies set out in the Blackrock Local Area Plan 2015;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (e) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (f) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;

- (g) 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;
- (h) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices), 2009
- (i) the Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) the Architectural Heritage Protection, Guidelines for Planning Authorities, issued by the Department of Arts, Heritage and the Gaeltacht, 2004
- (k) the nature, scale and design of the proposed development;
- (l) the availability in the area of a wide range of social, community and transport infrastructure;
- (m) the pattern of existing and permitted development in the area;
- (n) planning history within the area;
- (o) the submissions and observations received, and
- (p) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenity of the area, would not detract from the character and setting of the Gate Lodge protected structure or other nearby protected structures, would be acceptable in terms of urban design, height and quantum of development 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.

Appropriate Assessment Screening

The Board noted that the proposed development is not directly connected with or necessary to the management of a European Site. In completing the screening for Appropriate Assessment, the Board had regard to the nature, scale and location of the proposed development, the documentation including submissions on file, and the Inspector's screening assessment.

The Board accepted and adopted the screening assessment carried out by the Inspector and the conclusion in the Inspector's report in respect of the identification of the European sites which could potentially be affected, and the identification and assessment of the potential likely significant effects of the proposed development, either individually or in combination with other plans or projects, on these European sites in view of the sites' conservation objectives. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on the following European sites: South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), in the light of their conservation objectives, having regard to the nature of the proposed development and the distances from the site to these European sites.

Appropriate Assessment

The Board was satisfied that the information before it was adequate to undertake an Appropriate Assessment in respect of the subject development, in relation to the remaining European sites identified by the Inspector, that is South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024). Having regard to the nature, scale and location of the development, the documentation including submissions on file, the Natura Impact Statement submitted by the applicant (including the mitigation measures set out in this statement, and the Inspector's report), the Board undertook an Appropriate Assessment in relation to the effects of the development on these European sites in view of their conservation objectives. The Board concurred with the analysis and conclusions of the Inspector and adopted his report. The Board was satisfied that the proposed development, either individually or in combination with other plans or projects, and having regard to the mitigation measures outlined by the applicant, would not adversely affect the integrity of these European sites, in view of the conservation objectives of these sites.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening determination of the proposed development and considered that the Environmental Impact Assessment Screening Statement submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, in a suburban area served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

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, such issues may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (a) Omission of Block C3 from the proposal and this area appropriately landscaped. The tenant amenity facilities located within Block C3 shall be relocated to another block, possibly Block C1 or C2. The number of residential units hereby permitted is 291 number.
 - (b) Revised site layout plan which clearly shows the proposed access roadways continuing right up to boundary of the site.
 - (c) Details of the interface between the southern boundary of the site and Rockfield Park.

Reason: In the interests of proper planning and sustainable development, to safeguard the architectural heritage of the area, to enhance permeability and to secure the integrity of the proposed development including the public park.

3. 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.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

4. The period during which the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

- (a) The roads and traffic arrangements serving the site (including signage) 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.

- (b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii.
- (c) Pedestrian crossing facilities shall be provided at all junctions.
- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) 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 traffic, cyclist and pedestrian safety and to protect residential amenity.

6. The proposed development shall make provision for the charging of electrical vehicles. All car parking spaces shall be provided with electrical connections, to allow for the provision of future charging points and in the case of all of the parking areas serving the apartments and 10% of the spaces serving the houses shall be provided with electrical charging points by the developer. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points and the provision for the operation and maintenance of the charging points (where they are not in the areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of pedestrian, cyclist and traffic safety, to protect residential amenity and in the interest of sustainable transportation.

7. The developer shall liaise with the National Transport Authority to agree the location and design of a bus stop along the Temple Road frontage of the subject site. The bus stop shall be provided prior to the commencement of development.

Reason: In the interests of proper planning and sustainable development.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

9. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) Specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development.
 - (b) Trees which are agreed in writing by the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.
 - (c) The developer shall retain the services of a suitably qualified Arborist throughout the life of the site development works, who shall ensure full implementation of the Arboricultural Method Statement.

Reason: In the interests of amenity, ecology and sustainable development.

10. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged, or dies, shall be replaced with others of similar size and species.

Reason: In the interests of amenity, ecology and sustainable development.

11. Mitigation and monitoring measures relating to ecology outlined in the plans and particulars, including the Natura impact assessment, ecological impact assessment, Woodland Management Plan and Construction Management Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:
 - (a) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for written agreement at least five weeks in advance of site clearance works.
 - (b) Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st to August 31st).
 - (c) All buildings proposed for demolition and all mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist, including an examination of internal roof features. If required, an National Parks and Wildlife Service derogation licence shall be obtained.
 - (d) Prior to commencement of development, the applicant shall submit a letter from their bat consultants, stating that they are satisfied that the final design of the external illumination proposed will be to the required specification and that the proposed roosts and important bat corridors are not illuminated.

(e) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification.

Reason: In the interest of protecting the environment and to address any potential impacts on biodiversity.

12. Where the public open space is not taken in charge, the proposed open spaces shall operate as public parks in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park.

13. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development and the landscaping of the site shall be in accordance with the details submitted with the application, unless variations are required to comply with the conditions of this permission or the prior written agreement of the planning authority has been obtained for minor departures from the submitted details.

Reason: In the interests of visual and residential amenity.

14. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenity of property in the vicinity and the visual amenity of the area.

15. Site development and building works shall be carried only out between 0800 to 1900 hours 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 amenities of property in the vicinity.

16. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development.

17. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

18. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of orderly development and the visual amenities of the area.

19. 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 carry out site testing and monitor all site investigations and other excavation works,
 - (c) adhere to the mitigation measures as included in the Archaeological Assessment (section 5, page 17) at pre-construction and construction phases, and
 - (d) 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 (in situ or by record) of any remains that may exist within the site.

20. The developer shall ascertain and comply with all requirements of the planning authority in relation to conservation matters and works to protected structures. In that regard:
- (a) The external walls of the Gate Lodge shall remain unpainted.
 - (b) All repair works shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection, Guidelines for Planning Authorities.
 - (c) All works are to be carried out under the professional supervision of an appropriately qualified person with specialised conservation expertise who

shall manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric and to certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: In the interests of architectural heritage.

21. 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

22. 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.

23. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement 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. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

24. A final site-specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding.

25. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

26. 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.

Board Member

Date: 04/06/2019

Paul Hyde