



An
Bord
Pleanála

Board Order

ABP-301334-18

Planning and Development Acts 2000 to 2017

Planning Authority: Dun Laoghaire Rathdown County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 27th day of March 2018 by Crekav Trading GP Limited care of Marlet Property Group Limited, 7th Floor, College House, Townsend Street, Dublin 2.

Proposed Development:

A strategic housing development at a site comprising Kylemore, Woodlawn, Smallacre and Rockwinds, Church Road; and number 66 Watson Drive, Killiney, County Dublin.

The proposed development will consist of the demolition of existing buildings to comprise the single storey dwellings Smallacre, Rockwinds and fire damaged Woodlawn located on Church Road, and the two storey number 66 Watson Drive, as well as the partial demolition and refurbishment of the former nursing home Kylemore Clinic of Church Road to include the demolition of outbuildings and partial demolition of the Gate Lodge relating to the former Clinic (total gross floor area of demolition circa 1,794 square metres). The three number existing vehicular accesses pertaining to Smallacre, Woodlawn and Rockwinds will be closed up and replaced with two number pedestrian and cycle accesses.

The proposed residential development will consist of the provision of 102 number residential units (total residential gross floor area circa 9,222 square metres) in a mix of 68 number apartments, 13 number courtyard units and 21 number houses as follows:

- 68 number apartments within six number blocks comprising five number four-storey blocks (Blocks C, D, E, J and K) with terraces/balconies on all elevations consisting of 11 number one-bed units and 51 number two-bed units, and one number three-storey partially demolished, partially retained and refurbished three-storey former Kylemore Clinic building (Block H) consisting of five number two-bed units and one number three-bed unit;
- 20 number two and three-storey terraced dwelling houses consisting of:
 - 12 number (circa 109.6 square metres) Type A three-bed units,
 - six number (circa 162.1 square metres) four-bed Type B units,
 - one number (circa 167.2 square metres) four-bed Type B1 unit, and
 - one number (circa 167.2 square metres) four-bed Type B2 unit;
- three number one-bed, eight number two-bed and two number three-bed single and two storey Type L and Type M courtyard style houses (13 number total);
- one number detached (circa 113 square metres) Type N three-bed single storey house within partially demolished, partially extended and refurbished Gate Lodge to be accessed off Church Road.

The development includes for the following:

- provision of a total 163 number car parking spaces consisting of 84 number surface bays and 79 number basement spaces within two underground parking facilities to include four number visitor parking bays, five number disabled parking bays, nine number motorcycle parking spaces, 22 number electric car parking spaces,
- bin and bike stores to serve apartment Blocks D, E, J, and K, and
- the provision of a new vehicular and pedestrian access route to serve the proposed development via Watson Road to be facilitated by the partial demolition of the northern stone boundary wall at a location generally between the existing dwellings Curraun and Slous,

- the provision of a new pedestrian and cyclist route to the west of the subject site via the to-be-demolished number 66 Watson Drive which will also facilitate surface and foul water connection to the existing public system in Watson Drive,
- the setting back of the front wall along the eastern boundary of the site to facilitate the proposed 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor Scheme,
- the maintaining of the existing right of way for the adjoining existing five number dwellings of St. Matthias Wood through the south east of the site to retain their existing vehicular access via the Kylemore gate lodge entrance and out to Church Road,
- the provision of all ancillary and associated site development works including one number Electricity Supply Board sub-station (circa 20 square metres),
- landscaping, public lighting, boundary treatment works, services provisions, plant and ancillary works including bin stores and bike storage.

All on lands measuring circa 2.39 hectares at Kylemore, Woodlawn, Smallacre and Rockwinds, Church Road, and number 66 Watson Drive, Killiney, County Dublin bounded generally to the east by the Church Road, to the west by housing known as St. Matthias Wood and by Watson Drive, and to the north by an existing dwelling known as Derriana.

Decision

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

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

- (a) the site's location on lands with a zoning objective for residential development and policy provisions in the Dun Laoghaire Rathdown County Development Plan 2016-2022 in respect of residential development and institutional lands,
- (b) the nature, scale and design of the proposed development, which is consistent with the provisions of the County Development Plan and appendices contained therein,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) 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,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing and Planning and Local Government in March 2018,
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, issued by the Department of the Environment, Heritage and Local Government in May 2009,
- (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 availability in the area of a wide range of social infrastructure,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received, and
- (k) the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below, 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 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 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 within a zoned and serviced urban area, the Stage 1 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.

Environmental Impact Assessment Screening

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental 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 concluded that the proposed development, having regard to its nature and scale, 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 proposed 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 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) Provision of a revised entrance at Watson Drive providing for a combined pedestrian/cyclist stile and maintenance access (minimum opening 2.5 metres).
 - (b) Provision of seven number motor cycle parking spaces within the basement car park.
 - (c) Revised north-west elevational drawings for Kylemore House accurately depicting fenestration detailing as per the proposed floor plans.
 - (d) Privacy screens on the western corner of the balconies of Units E-15 and E-16 within Block E.
 - (e) All rear gardens of houses shall be bounded by concrete block walls, 1.8 metres high, which shall be rendered on both sides and capped. Concrete post and timber panels shall not be used.
 - (f) Full details of proposed green roofs.

- (g) Full details of the boundary along Church Road which shall be set back/constructed behind the Church Road reservation line to accommodate the future R118 Wyattville Road to Glenageary Road upgrade and Quality Bus Corridor.
- (h) Details to ensure all basement and surface parking are constructed so as to accommodate future electric charging points for electrically operated vehicles.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

- 3. Pedestrian and cyclist linkages from Watson Drive to Church Road and all other access points shall be permanently made available for public use at all times upon the first occupation of the proposed residential development unless otherwise agreed in writing with the planning authority.

Reason: To enhance pedestrian and cyclist permeability.

- 4. Prior to commencement of development, the developer shall submit to the planning authority a schedule of ecological proposals as detailed in the Ecological Impact Assessment Report and the Construction Environmental Management Plan submitted with the application. The schedule shall set out the timeline for implementation of each proposal and assign responsibility for implementation. All of the proposals shall be implemented in full and within the timescales stated.

Reason: In the interests of clarity, protection of the environment and the proper planning and sustainable development of the area.

5. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the Schedule of Ecological proposals. Prior to commencement of development, the name and contact details of said person shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

Reason: In the interest of nature conservation.

6. (a) The badger setts identified as disused and/or inactive will be closed and excavated within three months of the granting of this permission as per best practice with the supervision of a badger specialist under licence from the National Parks and Wildlife Service. The details of this process and any National Parks and Wildlife Service licences will be provided to the planning authority prior to the instigation of badger setts/burrows and associated works, for agreement of the planning authority.
- (b) The retention of the sett/burrows (B1, B2 and B6) identified in the woodland will be protected from proposed works including the provision of three-metre high hoarding for the duration of the construction works.

Reason: To avoid death or injury to badgers which are protected under the Wildlife (Amendment) Act 2000.

7. Prior to commencement of development, the developer shall submit to the planning authority, for their written agreement, revised landscaping proposals comprising of revised planting proposals (plan drawing number 1394-3097) and revised planting schedule comprising the following amendments:
- (a) Provision of quantities in the planting list.
 - (b) Clear timescale for the implementation of all landscape works which shall occur prior to occupation of any residential unit including a post-planting landscape maintenance programme.
 - (c) Details and specifications of all play equipment including the provision of a 1.2-metre high steel painted railing along the western boundary of the junior play area.

The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works.

Reason: In the interest of residential and visual amenity.

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other

substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

9. The materials, colours and finishes of the proposed buildings within the development shall be agreed in writing with the planning authority prior to commencement of development. The roofs of the proposed houses shall be blue black or slate grey only in colour including ridge tiles.

Reason: In the interest of residential privacy.

10. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of orderly development.

11. 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 proper standard of development.

12. The internal road network, public footpaths within and outside the proposed development site, including car parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.

Reason: To ensure a satisfactory standard of development.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

14. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house/apartment.

Reason: In the interests of residential amenity and nature conservation.

15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority, other than as provide for in Condition 16 (b) of this permission.

Reason: In the interest of the amenities of the occupants of the proposed housing.

16. (a) Prior to commencement of development, a revised Taking in Charge Plan shall be submitted which provides for the taking in charge by the planning authority of the lands required to accommodate the future R118 Wyattville Road to Glenageary Road upgrade and Quality Bus Corridor, all of the pedestrian/cycle routes and of all public open spaces other than that to the north west of apartment Block Type E over the basement car park.
- (b) The communal open spaces directly associated with the apartments, internal road serving the apartments, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, as set out in (a), shall be maintained by a legally constituted management company.
- (c) Details of the management company contract and drawings/particulars describing the parts of the development for which the company would have responsibility, in accordance with (b) of this condition, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.
- (d) The areas of public open space shown on submitted drawings shall be developed as such and shall be maintained as such by the developer until the development is taken in charge. At the time of taking in charge, these open spaces shall be vested in the local authority, at no cost to the authority, as public open space.

Reason: To provide for the satisfactory future maintenance of the apartment areas of this development in the interest of residential amenity, and for the taking in charge of the remainder of the development including public open spaces in accordance with National Policy.

17. 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).

18. Site development and building works shall be carried out only 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 residential amenities of property in the vicinity.

19. 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) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) 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;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the construction management plan shall be kept for inspection by the planning authority.

Reason: To protect residential amenity, public safety and natural heritage.

20. 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.

21. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities 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.

22. 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

