



Planning and Development Acts 2000 to 2018

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 30th day of October 2018 by Cairn Homes Properties Limited care of McCutcheon Halley Planning Consultants, Kreston House, Arran Court, Arran Quay, Dublin 7.

Proposed Development:

A permission for a strategic housing development (circa 3.4 hectares) at Chesterfield, Cross Avenue, Blackrock, Co. Dublin, A94 PF82.

The subject site encompasses an area of 3.15 hectares and the balance of 0.25 hectares incorporates the public road, Cross Avenue, and is included to accommodate works to facilitate connections to surface water and potable water supply services.

The development will consist of;

1. The demolition of the non-original fabric of Chesterfield House (210 square metres gross floor area) and three number derelict sheds (combined 113 square metres gross floor area);
2. Internal reconfiguration and change of use of the existing 'Summer House' (59.3 square metres gross floor area) to caretaker's office and store;

3. The construction of 221 number residential units, with a cumulative gross floor area of 26,738 square metres comprising;
 - a) 211 number apartments in seven number blocks ranging in height from three storeys to seven storeys, incorporating 29 number one bed, 105 number two-bed and 77 number three-bed units, all with private amenity space;
 - b) Three number apartments (one number two-bed and two number three-bed units) contained within a re-constructed Chesterfield House, all with private amenity space; and,
 - c) Seven number two-storey, three-bedroom houses comprising one number detached and six number semi-detached houses to the north of Chesterfield House all with private amenity space.
4. The construction of a childcare facility with a gross floor area of 216 square metres an associated play area of 105 square metres and three number set-down parking spaces adjacent to the main access road;
5. The construction of a resident's amenity facility incorporating a gymnasium, meeting rooms and media room with a gross floor area of 450 square metres;
6. The construction of a concierge office (11.06 square metres gross floor area) and Electricity Supply Board sub-station (23.68 square metres gross floor area);
7. The provision of 274 number bicycle parking spaces and a total of 325 number car parking spaces comprising 302 number at basement level and 23 number at surface level;
8. Realignment of the existing on-site surface water feature, surface water attenuation measures and connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue, and the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue;

9. Two number future pedestrian access paths up to the boundary with Clonfadda to the south and Cherbury to the west;
10. Improvement works to the existing entrance on Cross Avenue including the construction of an ornate patterned steel panel (30 metres x 3.7 metres) incorporating signage (2.6 metres x 0.3 metres) to the east of the existing entrance and signage (2.2 metres x 1.5 metres) on the existing wall to the west; works to the public footpath in the form of a raised table pedestrian crossing, realignment of internal access road to 5.5 metres and construction of a public footpath of 2.0 metres from the Cross Avenue entrance;
11. Decommissioning of existing water tank;
12. All ancillary site development works including plant, waste storage, a garden square, communal amenity space, landscaping, boundary treatment, lighting and solar photovoltaic panels.

The proposed development consists of the carrying out of works to Chesterfield House which contains a protected structure, 'Original Drawing Room' (Record of Protected Structures Number 171). Importantly, the protected structure will be retained within the proposed re-constructed Chesterfield House.

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 policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (b) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (c) 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;
- (d) 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;
- (e) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- (f) Urban Development and Building Heights Guidelines for Planning Authorities
- (g) site's location adjoining in an established suburban area on lands zoned as 'A' 'To protect and / or improve residential amenity'
- (h) the nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport 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 character of the Protected Structure and would be acceptable in terms of pedestrian and traffic safety and would encourage permeability in line with national policy. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board considered the Screening Report for Appropriate Assessment, and 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 Screening Report for Appropriate Assessment 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

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 Report 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 on a generally greenfield site 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. The proposed development shall comply with the following pedestrian/cycle and roads requirements:
 - (a) The roads and traffic arrangements serving the site (including road 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 internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and set down area road access shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii. Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual. Clarification of cycle access to the basement car park shall be provided to the satisfaction of the planning authority.
 - (c) 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.

- (d) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access points shall meet up to site boundaries without the provision of a grass verge or ransom strip and the developer shall provide a gate in the development's inner boundary treatment, to allow for the potential future pedestrian / cyclist permeability links.
- (e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at the developer's expense.
- (f) A Mobility Management Plan for the development, to include parking management, shall be prepared and submitted to the planning authority for its written consent prior to the commencement of development.
- (g) Car parking and cycle parking shall comply with the requirements of the planning authority. The proposed cycle parking provision shall be revised such that cycle parking at basement level is distributed throughout the basement levels.
- (h) A public lighting plan shall be submitted to the planning authority.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interests of pedestrian, cyclist and traffic safety and to provide adequate bicycle parking in line with the applicable standards, including that set out in section 4.17 of the Design Standards for New Apartments.

3. The developer shall ensure the following be carried out:
 - (a) All required ducting shall be provided to allow for the future provision of electric vehicle charging points to all car spaces.
 - (b) 50% of the visitor cycle parking spaces shall be covered, in accordance with the planning authority's Standards for Cycle Parking and associated Cycling Facilities for New Developments requirements.

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

4. 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 be submitted to and agree in writing with the planning authority prior to commencement of development,
 - (a) A revised surface water drainage proposal that ensures adequate attenuation storage volumes and management;
 - (b) A stage 2 detailed design stage storm water audit;
 - (c) Upon completion of the development, a Stage 3 completion stage storm water audit;
 - (d) Implementation of mitigation measures in the site-specific Flood Risk Assessment.

Reason: In the interest of public health.

5. At least one car parking space shall be allocated to each residential unit within the scheme. Car parking units shall be sold in conjunction with the units and not sold separately, or let, to avoid non-take-up by residents.

Reason: In the interest of residential amenities.

- 6 Prior to commencement of development, the developer shall provide for the following:
- (a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.
 - (b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in October 2011. The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

7. (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of, the planning authority for:
- (i) A tree protection plan.
 - (ii) A programme of tree surgery works.
 - (iii) A detailed landscaping plan including specific details as to the plant sizes and species to be used.
 - (iv) Details of root zone design and specification for street trees proposed.
 - (v) Detailed design proposals for the proposed natural play area and kitchen garden.

- (vi) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (vii) Details of all boundary treatments.
- (b) All front and rear private garden spaces shall be soiled and seeded prior to the making available for occupation by the developer of any dwelling unit within each phase.
- (c) The central public open spaces shall be developed and left free from any development and shall not be enclosed by any means.
- (d) A suitably qualified Landscape Architect shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development in regard to the implementation and monitoring of tree protection measures outlined in the environmental report received by the planning authority.
- (e) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 7(a) above and shall be carried out and completed prior to the completion of development and prior to the occupation of any units hereby permitted.

Reason: To protect the amenity value of existing trees and ensure a high-quality landscape design throughout the scheme in the interest of proper planning and sustainable development.

8. The mitigation and monitoring measures outlined in the Ecological Impact Statement and Bat Survey submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment.

9. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the making available for occupation by the developer of the first residential unit.

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

10. Proposals for a street naming and apartment unit 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 apartment 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 urban legibility and to ensure the use of locally appropriate place names for new residential areas.

11. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed brick colour shall be altered to be a buff, rather than light red, colour.

Reason: In the interest of the visual amenities of the area.

12. 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.

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. 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.

15. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the proposed development, including hours of working, noise management measures, construction traffic management plan and off-site disposal of construction/demolition waste.

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

16. 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.

17. Prior to commencement of development, the developer 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

18. 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 lighting 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

19. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019