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## **Planning and Development Acts 2000 to 2019**

### **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 10th day of May, 2019 by Durkan Estates Clonskeagh Limited care of Tom Phillips and Associates of 80 Harcourt Street, Dublin.

#### **Proposed Development:**

A planning permission for a strategic housing development on a site measuring approximately 1,969 hectares located on lands at Our Lady's Grove (which includes an existing childcare facility ('The Grove After School Care' (GAS), Our Lady's Grove, Goatstown Road, Dublin 14, D14 N8C2 and D14 V290), Goatstown Road, Goatstown Road, Dublin 14.

The subject lands are principally bounded by Jesus and Mary College Secondary School to the north and east; The Grove (a residential development) to the east; residences on Larchfield Road and Friarsland Avenue to the south; and residences on Friarsland Road to the west.

The development will consist of:

The demolition of the existing GAS building (966 square metres) (in addition to the removal of an associated single storey prefabricated structure (117 square

metres)); and the construction of a scheme comprising 132 number residential units consisting of:

19 number 4-bed, two storey houses (with habitable attic accommodation over); 3 number five storey apartment buildings with balconies (comprising Block A with a 3,520 square metres gross floor area (38 number units – 6 number 1-bed units, 30 number 2-bed units, and 2 number 3-bed units); Block B with a 3,520 square metres gross floor area (38 number units – 6 number 1-bed units, 30 number 2-bed units, and 2 number 3-bed units); and Block C with a 3,176 square metres gross floor area (33 number units – 6 number 1-bed units, 21 number 2-bed units, and 6 number 3-bed units)); and 2 number 3-bed duplex units above 2 number 2-bed ground floor level apartments to form a three storey terrace with First Floor balconies (395 square metres in total) (Block D).

The development will also consist of the construction of a 3,327 square metre basement level comprising car parking (96 number spaces), motorcycle parking (9 number spaces), storage facilities, bin stores, plant, etc., extending under Blocks A and B and public open space; and a one and part-two storey childcare facility (measuring 434 square metres) with terrace at First Floor Level on the western elevation.

The development will also consist of the provision of car parking (73 number spaces), motorcycle parking (9 number spaces), and bicycle parking facilities to accommodate 239 number bicycles, including 3 number bicycle/bin storage rooms (collectively measuring 130 square metres) all at surface level; internal routes; Sustainable Urban Drainage Systems including detention basins, permeable paving, attenuation tanks, and green roofs; renewable energy facilities (PV panels); substation; associated signage; hard and soft landscaping works including provision of public open space, boundary treatments and lighting, and changes in levels; piped services and drainage; and infrastructural works above and below ground.

The development will also consist of the temporary use of the Ground and First Floor Levels of Block D (apartment/duplex units) as a childcare facility (300 square metres) with an interim internal/external layout, pending the completion of the

proposed childcare facility. The development also includes all other associated site excavation and development works above and below ground.

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## **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 in respect of residential development and institutional lands,

(b) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 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 Planning Authorities on Sustainable Residential Development in Urban Areas, 2009,
- (e) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018,
- (f) the nature, scale and design of the proposed development,
- (g) the availability in the area of a wide range of social, community and transport infrastructure,
- (h) the pattern of existing and permitted development in the area,
- (i) the submissions and observations received, and
- (j) 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 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 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 Information for Screening for

Appropriate Assessment document submitted with the application, 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 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 on an urban 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.

**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 revised cycle parking layout that complies with the requirements of the planning authority's "Standards for Cycle Parking and associated Cycling Facilities for New Developments" (2018) in terms of location and layout.

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

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 proper standard of development.

4. The glazing to all the bathroom and ensuite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

**Reason:** In the interest of residential amenity.

5. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

**Reason:** In the interests of traffic safety and residential amenity.

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

(b) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads and Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the planning authority and all measures recommended by the Auditor should be undertaken unless the planning authority approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.

**Reason:** To ensure a satisfactory standard of development.

7. 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.

8. 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, and

(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.

9. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

**Reason:** in the interest of sustainable transportation.



10. All mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

**Reason:** In the interest of protecting the environment and in the interest of public health.

11. 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.

12. 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 in full 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.

13. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

14. 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

15. 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 Owner's 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.

16. 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.

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 social and affordable housing in accordance with the requirements of section 96 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 (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

18. The submitted phasing programme for the development shall be strictly adhered to, unless otherwise agreed in writing with the planning authority.

**Reason:** To provide for the orderly development of the site.

19. Prior to occupation of the childcare facility, full signage details shall be submitted for the written approval of the planning authority.

**Reason:** In the interest of visual amenity.

20. 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.

21. 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 a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

22. 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 unit.

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

23. 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.

24. 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.

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

Dated this        day of        2019