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**Planning and Development Acts 2000 to 2021**

**Planning Authority: Dun Laoghaire Rathdown County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Bord Pleanála on the 22<sup>nd</sup> day of December 2021 by Oval Target Limited care of Brock McClure Planning and Development Consultants of 63 York Road, Dun Laoghaire, County Dublin.

**Proposed Development comprises of the following:**

A new residential and mixed-use scheme of 493 number residential units and associated residential amenities, a childcare facility and café in the form of:

- (a) a combination of new apartment buildings (A1-C2 and D1-E2);
- (b) the subdivision, conversion and re-use of 'Saint Teresa's House' (Block H);  
and
- (c) the dismantling, relocation and change of use from residential to café of 'Saint Teresa's Lodge' (Block G) within the site development area.

The proposal provides for the demolition (total circa 207 square metres gross floor area) of:

- (a) a single storey return (approximately 20 square metres) along the boundary with The Alzheimer's Society of Ireland;
- (b) the ground floor switch room (approximately 24.9 square metres);
- (c) ground floor structures northwest of Saint Teresa's House (26.8 square metres);

- (d) basement boiler room northwest of Saint Teresa's House (17.0 square metres);
- (e) ground floor structures northeast of Saint Teresa's house (22.0 square metres)
- (f) basement stores northeast of Saint Teresa's house (67.8 square metres) and;
- (g) a non-original ground floor rear extension (approximately 28.5 square metres) associated with the Gate Lodge.

The new development will provide for the construction of a new mixed-use scheme of 487 number apartment units in the form of 11 number new residential development blocks as follows:

- Block A1 (five storeys) comprising 37 number apartments (33 number one-bed units and four number two-bed units)
- Block B1 (10 storeys) comprising 55 number apartments (37 number one-bed units, 10 number two-bed units, eight number three-bed units)
- Block B2 (eight storeys) comprising 42 number apartments (28 number one-bed units, nine number two-bed units and five number three-bed units)
- Block B3 (eight storeys) comprising 42 number apartments (28 number one-bed units, nine number two-bed units and five number three-bed units)
- Block B4 (five storeys) comprising 41 number apartments (four number studio units, four number one-bed units, 27 number two-bed units and six number three-bed units)
- Block C1 (three storeys) comprising 10 number apartments (one number studio units, three number one-bed units and six number two-beds)
- Block C2 (three storeys) comprising six number apartments (two number one-bed units and four number two-bed units) together with a creche facility of 392 square metres at ground floor level and outdoor play area space of 302 square metres.
- Block C3 (one storey over basement level) comprising residential amenity space of 451 square metres.

- Block D1 (six storeys) comprising 134 number apartments (12 number studio units, 22 number one-bed units, 90 number two-bed units and 10 number three-bed units).
- Block E1 (six storeys) comprising 70 number apartment units (34 number one-bed units, 26 number two-bed units and 10 number three-bed units).
- Block E2 (six storeys) comprising 50 number units (one number studio units, 29 number one-bed units, 18 number two-bed units and two number three-bed units).

Each new residential unit has associated private open space in the form of a terrace or balcony.

The development also provides for Block H, which relates to the subdivision and conversion of 'Saint Teresa's House' (three storeys) into six number apartments (five number two-bed units and one number three-bed unit) including the demolition of non-original additions and partitions, removal and relocation of existing doors, reinstatement of blocked up windows, replacement of windows, repair and refurbishment of joinery throughout and the upgrade of roof finishes and rainwater goods where appropriate.

It is also proposed to dismantle and relocate 'Saint Teresa's Lodge' (one storey - gross floor area 69.63 square metres) from its current location to a new location, 180 metres southwest within the development adjacent to Rockfield Park. Saint Teresa's Lodge (Block G) will be deconstructed in its original location and reconstructed in a new location using original roof timbers, decorative elements and rubble stonework, with original brickwork cleaned and re-used where appropriate. A non - original extension (approximately 28.5 square metres) is proposed for demolition. The current proposal seeks a new extension of this building (approximately 26.8 square metres) and a change of use from residential to café use to deliver a Part M compliant single storey building of approximately 67.4 square metres.

Total Open space (approximately 15,099.7 square metres) is proposed as follows:

- (a) Public open space (approximately 11,572.3 square metres) in the form of a central parkland, garden link, woodland parkland (incorporating an existing folly), a tree belt; and

- (b) Residential communal open space (approximately 3,527.4 square metres) in the form of entrance gardens, plazas, terraces, gardens and roof terraces, for Blocks B2 and B3. Provision is also made for new pedestrian connections to Rockfield Park on the southern site boundary and Temple Hill along the northern site boundary.

Basement areas are proposed below Blocks A1, B1 to B4 and D1 (circa 7,295 square metres gross floor area). A total of 252 number residential car parking spaces (161 number spaces at basement level and 91 number spaces at surface level); 1056 number bicycle spaces (656 number at basement level and 400 number at surface level); and 20 number motorcycle spaces at basement level are proposed. eight number car spaces for creche use are proposed at surface level.

The proposal also provides for Bin Storage areas, Bike Storage areas, electricity supply board substations and switch rooms with a combined floor area of 356.2 square metres at surface level.

The development also comprises works to the existing entrance to St. Teresa's; the adjoining property at 'Carmond'; and residential development at St. Vincent's Park from Temple Hill (N31) National Road/(R113) Regional Road. Works include the realignment and upgrade of the existing signalised junction and associated footpaths to provide for improved and safer vehicular access and egress to the site and improved and safer access and egress for vehicular traffic to and from the property at 'Carmond' and the adjoining residential development at St Vincent's Park.

Emergency vehicular access and pedestrian and cyclist access is also proposed via a secondary long established existing access point along Temple Hill. There are no works proposed to the existing gates (Protected Structure) at this location.

The associated site and infrastructural works include provision for water services; foul and surface water drainage and connections; attenuation proposals; permeable paving; all landscaping works including tree protection; green roofs; boundary treatment; internal roads and footpaths; and electrical services including solar panels at roof level above Blocks A1, B1 - B4, C1-C3, D1, E1, E2 all located on lands located at St. Teresa's House (Protected Structure) and Saint Teresa's Lodge (Protected Structure) Temple Hill, Monkstown, Blackrock, County Dublin.

## 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 location of the site in the established urban area of Dún Laoghaire-Rathdown in an area zoned for residential (under 'Objective A' with the associated land use objective 'to protect and-or improve residential amenity') with public open space to be located in an area zoned Objective F under the Development Plan 'to preserve and provide for open space with ancillary active recreational amenities';
- (b) The policies and objectives as set out the Dún Laoghaire-Rathdown Development Plan 2016-2022;
- (c) The provisions of Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) The provisions of Housing for All, A New Housing Plan for Ireland issued by the Department of Housing, Local Government and Heritage September 2021;
- (e) The provisions of 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 provisions of the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 and particularly Specific Planning Policy Requirement 3;
- (g) The provisions of the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020;
- (h) The provisions of 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 2019, as amended;
- (i) The provisions of Architectural Heritage Protection, Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht October 2011;
- (j) The nature, scale and design of the proposed development and the availability in the area of public transport and water services infrastructure;
- (k) The pattern of existing and permitted development in the area, including previously approved Strategic Housing Development application on the site An Bord Pleanála Reference Number ABP- 303804-19;
- (l) The planning history of the area;
- (m) The submitted Environmental Impact Assessment Report;
- (n) The Appropriate Assessment Screening Report in relation to potential effect upon European Sites;
- (o) The provision of section 37(2)(b) of the Planning and Development Act 2000, as amended, whereby the Board is not precluded from granting permission for a development which materially contravenes a Development Plan;
- (p) The submissions and observations received;
- (q) The Chief Executive Report from Dún Laoghaire-Rathdown County Council and specifically the recommended reasons for refusal; and
- (r) The report of the Planning Inspector.

The Board 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 be appropriate to the historic sensitivity of the site and would otherwise be acceptable in terms of pedestrian and traffic safety and convenience. 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 European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, submissions on file, the information submitted as part of the applicant's Appropriate Assessment Screening Report and the Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Inspector and that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have effects 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 of the proposed development, taking into account:

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

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

The Board agreed with the summary and examination, set out in the Inspector's report, of the information contained in the Environmental Impact Assessment Report and associated documentation submitted by the applicant and submissions made in the course of the application. The Board is satisfied that the Inspector's report sets out how these were addressed in the assessment and recommendation including environmental conditions and are incorporated into the Board's decision.

### **Reasoned Conclusions on the Significant Effects**

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, provided information which is reasonable and sufficient to allow the Board to reach a reasoned conclusion on the significant effects of the proposed development on the environment, taking into account current knowledge and methods of assessment and the results of the examination set out in the Inspector's Report. The Board is satisfied that the information contained in the Environmental Impact Assessment Report is up to date and complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU. The Board considered that the main significant direct and indirect effects of the proposed development on the environment are those arising from the impacts listed below. A Construction Management Plan is the overarching general mitigation relevant to the project design and delivery for the construction stage.



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

**Population and human health** - positive impacts in relation to the provision of new homes on lands zoned for housing, increased economic activity and with the provision of new public open space. Capacity is identified in relation to social infrastructure to support the future population of the development. Mitigation has been incorporated through the application of measures in a Construction Management Plan to reduce impact upon human health. The overall design including terms of energy efficiency and material finish is also highlighted as mitigation.

**Biodiversity** – with mitigation in place, no long-term significant impacts are expected. No residual impact upon internationally or nationally significant receptors will arise with mitigation in place. Residual impact upon biodiversity will be locally significant, with suitable mitigation in place to reduce impact on high value receptors. Mitigation includes the implementation of measures to limit and control impact during the construction phase, including measures to protect trees and reduce risk of discharge from the site, and ensure sensitivity to birds, badgers and bats. Removal of vegetation will be avoided during bird breeding season or require inspection by an ecologist prior to removal. During the operational phase, the incorporation of a range of measures, including landscape management informed by a Woodland Management Plan will reduce impact.

**Land, soils, geology, water, air quality or climate** - with the implementation of construction management measures, as well as surface water management, attenuation, drainage of foul waters and through the design of buildings, no significant negative impacts are envisaged.

**Noise and vibration** – during the construction phase, negative impacts are anticipated. These impacts will be on a short-term, temporary basis and will be mitigated through measures in the Construction Management Plan. During the operational phase, sound insulation will be incorporated into the buildings. With mitigation in place, impact during operational phase will be neutral, long-term and ranging from imperceptible.



**Transportation** – the main impact from the development will be during the operational phase, with the use of mitigation measures described in the Construction Traffic Management Plan limiting any residual impact during construction which will be temporary and short-term. During the operational phase, no mitigation is described as the development is predicated to have a 'not significant' impact on the operational of local roads and junctions. In relation to the access to the site, this is demonstrated to operate within capacity in the opening years, approaching capacity level in the design year 2040. The EIAR also considers that positive impacts will arise from increased pedestrian and cyclist activity and demand for public and alternative transport created by the proposed development. Overall, impact will be within acceptable parameters.

**Material Assets - Archaeology and cultural heritage** - no significant permanent adverse impacts upon archaeological cultural heritage are anticipated, with the application of mitigation measures. Amendments are necessary to improve the relationship of the proposed development to the historic context of the site, including the omission of Block C3. With the incorporation of these amendments, no significant residual adverse impact arises. Mitigation also includes the incorporation of conservation practice standards to the repair and refurbishment of historic demesne fabric on the site.

**Material Assets – Utilities and waste** – in relation to utilities, during the construction phase, service disruption maybe unavoidable, but will be temporary, and impact is concluded to be imperceptible. No significant adverse impacts are anticipated in relation to utilities during the operation of the development, with positive effect concluded as a result of the expansion of the network. In relation to waste, implementation of mitigation measures including waste management during construction and operation, ensure imperceptible and neutral impact would result from the proposed development, over the short-term period during construction and a long-term period during operational phase. Overall, impact will be within acceptable parameters.



**Landscape and visual impacts** – During construction, negative visual impact will be short-term and mitigated through construction management measures. During the operational phase, amendments are necessary to improve the visual and landscape impact of the development, including the omission of Block C3 and Block B4. With the incorporation of these amendments, positive effects upon landscape character and visual environment will result during operation.

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

### **Conclusions on Proper Planning and Sustainable Development**

The Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, or historic environment, would be acceptable in terms of urban design, height, scale, mass, 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. In coming to this conclusion, specific regard was had to the Chief Executive's Report from the planning authority and particularly the recommended reasons for refusal, which was addressed in detail in the Inspector's Report. It was considered that while the height, scale and mass of the development was generally acceptable, Block B4 should be omitted, in order to preserve the open character of the site and ensure an appropriate relationship to the street and with protected structures on the site. Cognisant of the planning authority's recommended reasons for refusal, the Board concluded that the development would not result in overbearance or undue overlooking of adjacent sites or within the proposed development itself and would represent an acceptable standard of quality for the proposed accommodation, but that the amendments described to the development

would consequently improve the visual impact on this historically sensitive site and to Temple Road. The Board therefore concluded that the height, scale and mass of the proposed development would be appropriate following amendments secured by conditions and that the proposed development was acceptable in all other respects.

In not agreeing with the Inspector's recommendation to omit Block C3, the Board noted that the planning authority's Conservation Officer had no objection in principle to the proposed Block C3, and considered that the impact on the protected structure would be positive, that the separation distance from the protected structure would be sufficient, and that the setting of the protected structure as viewed from Temple Road would be improved due to added interest that would be provided by the simple and contemporary design and form of Block C, and would not significantly reduce the prominence of the rear of the protected structure from the Temple Road.

The Board considered that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the statutory plans for the area, a grant of permission could materially contravene

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 in relation to the density and policy RES3, the removal of trees on a site subject to an objective to protect and preserve trees and woodlands, and the dismantling and reconstruction of the Gate Lodge which is a protected structure on the site; as well as the Blackrock Local Area Plan 2015, extended to 2025, in relation to building height (exceeding the height ranges for the site), residential mix (in terms of the provision of 100% apartments), density (exceeding the range under the plan), the removal of trees and the dismantling and reconstruction of a protected structure on a site with objectives protecting both trees and built heritage, and the non-orthogonal arrangement to Temple Road.

The Board considers that, having regard to the provisions of section 37(2) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and Blackrock Local Area Plan 2015, extended to 2025, would be justified for the following reasons and consideration.



In relation to section 37(2)(b)(i) of the Planning and Development Act 2000, as amended:

The strategic nature of the site for the delivery of housing, on a site that is strategically important for the delivery of housing in Blackrock in Dún Laoghaire-Rathdown with excellent public transport accessibility and for a significant number of new homes, which follows the principles described in national planning policy documents and guidelines which promote compact growth.

In relation to section 37(2)(b)(ii) of the Planning and Development Act 2000, as amended:

The Blackrock Local Area Plan 2015, extended to 2025, contains conflicting objectives with policy UD6 and the Height Strategy in Appendix 9 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.

In relation to section 37(2)(b)(iii) of the Planning and Development Act 2000, as amended:

With respect to height, the characteristics of the subject site reflect the national planning policy approach in relation to compact growth, as described in the Urban Development and Building Heights Guidelines for Planning Authorities, issued by the Department of Housing, Planning and Local Government in December 2018 and the proposed development satisfies the criteria under section 3.2 of those guidelines and Specific Planning Policy Requirement 3. With respect to the dismantling and reconstruction of the Gate Lodge protected structure on the site, the exceptional circumstances that have been satisfied under the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht October 2011. With respect to density and the loss of trees on the site, the characteristics of the subject site reflect national planning policy guidelines that promote increased housing delivery on appropriate sites, including Rebuilding Ireland Action Plan for Housing and Homelessness 2016 and Project Ireland 2040 National Planning Framework in relation to compact growth, particularly Objectives 33 and 35 of the Project Ireland 2040 National Planning Framework which seek to prioritise the provision of new homes at locations that can support sustainable development and seeks to increase densities in settlements, through a range of measures. As well as 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, which promote increased densities on appropriate sites, including intuitional lands where the open character of the site is optimised through design, and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020 which identify the characteristics of sites suitable for higher density development. With respect to mix, and the provision of 100% apartment units on this site with characteristics that reflect the national planning policy approach in relation to compact growth, as described in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December 2020.

Specifically, as a result of the site being located in a central and accessible area, being situated a 10 minute walking distance to Dublin Area Rapid Transport services at Blackrock Station, where higher density and development wholly comprising apartments is supported.

In relation to section 37(2)(b)(iv) of the Planning and Development Act 2000, as amended:

Section 37(2)(b)(iv) in relation to the pattern of development and permissions granted in the area since the adoption of the Blackrock Local Area Plan 2015, extended to 2025 and Dún Laoghaire-Rathdown County Development Plan 2016-2022, of particular relevance, the Board have previously approved an apartment development on the site in exceedance of the heights described in the Blackrock Local Area Plan 2015, extended to 2025, with a non-orthogonal arrangement to Temple Road, which included the dismantling and reconstruction of the gate lodge a protected structure, as well as with a similar quantum of tree removal from the site.



## 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, or as otherwise stipulated by conditions hereunder, 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) Amendment of the first floor to Block C2 to change the use of this from residential to childcare.
  - (b) Omission of Block B4 and this area appropriately landscaped.
  - (c) Revised floor plans at levels 00 and 01 in Block D1, showing the combination of floor area to the studio situated adjacent to a 1 bed unit, with these areas combined and amended to form a 2 bed unit on each floor respectively.
  - (d) Revised details of the boundary treatment and interface between the southern section of the site adjacent to Blocks E1 and D1 and Rockfield Park. Boundary treatment should align and enclosure the proposed buildings, and not the public open space, which should be freely accessible to members of the public on a permanent and 24hr basis from the park.
  - (e) The inclusion of obscure glazed windows within opposing elevations for Blocks A1 and B1; and E1 and E2, for at least one window in all direct window facing relationships.

- (f) The location of a bus stop along Temple Road to be determined in liaison with the National Transport Authority.
- (g) Details of the access ramp to the basement cycle storage areas to demonstrate adequate accessibility for cyclists.

Revised plans and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the relevant 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 proper planning and sustainable development, to safeguard the architectural heritage of the area, to ensure an appropriate relationship to the street, preservation of the open character of the site, to ensure an appropriate mix of units, to enhance permeability and to secure the integrity of the proposed development including the public park.

- 3. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with this application as set out in Chapter 19 of the Environmental Impact Assessment Report 'Summary of Mitigation Measures', 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.

- 4. The development shall be carried out on a phased basis, in accordance with a phasing scheme to be submitted and approved by the planning authority prior to commencement of any development.

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.



5. No residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.

**Reason:** To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

6. Public and free access shall be retained to all open spaces with the site and between Rockfield Park and the open spaces within the site, without gated access and unrestricted at all times.

**Reason:** In order to accommodate unrestricted access at all times through public open spaces in the subject site.

7. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the landscape scheme submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority or management company.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

8. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and buildings shall be as submitted with the application, unless otherwise 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 interest of visual amenity.

9. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed, including providing details of visitor parking and car club spaces (minimum number of six number spaces).

**Reason:** To ensure that adequate parking facilities are permanently available to serve the proposed residential units and the remaining development.

10. Electric charging facilities shall be provided for bicycle parking and proposals shall be submitted to and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric bicycles.

11. A minimum of 10% of all communal car parking spaces should be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of electric vehicle charging points or stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority prior to the occupation of the development.

**Reason:** To provide for and or future proof the development such as would facilitate the use of electric vehicles.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, access road to site and Saint Vincent's Park and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in 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 2019, as amended. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

13. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development.

**Reason:** To ensure the satisfactory completion and maintenance of this development.

14. (a) 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

15. Detailed specifications of the sedum roof areas to be submitted to and approved by the planning authority prior to the commencement of the development.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area and to ensure ecological best practice.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -
- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation including hydrological and geotechnical investigations relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall monitor all site investigations and other excavation works,

- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove,
- (d) should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Housing, Local Government and Heritage with regard to the necessary mitigating action e.g. preservation in situ or excavation and should facilitate the archaeologist in recording any material found, and the planning authority and the Department of Housing, Local Government and Heritage shall be furnished with a report describing the results of the monitoring.

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

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

17. All works to the protected structure, shall be carried out in accordance with the submitted conservation report and under the supervision and in accordance with the requirements of a qualified professional with specialised conservation expertise (Royal Institute of the Architects of Ireland Grade 2 or higher).

**Reason:** To secure the authentic preservation of the protected structure and to ensure that the proposed works are carried out in accordance with best conservation practice.

18. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

Prior to commencement of development the developer shall submit to the Planning Authority for written agreement a Stage 2 - Detailed Design Stage Storm Water Audit.

Upon Completion of the development, a Stage 3 - Completion Stormwater Audit to demonstrate Sustainable Urban Drainage System measures have been installed and are working as designed and that there has been no misconnections or damage to storm water drainage infrastructure during construction, shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of public health and surface water management.

19. Prior to commencement of development, the developer shall enter into water and or wastewater connection agreement(s) with Irish Water.

**Reason:** In the interest of public health.

20. (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 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.
- (c) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of retained trees, as submitted with the application, shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected, and all branches are retained.
- (d) No trench, embankment or pipe run shall be located within three metres of any trees or hedging which are to be retained on the site.

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

21. 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.

22. During the construction phase, the developer shall adhere to the 'Guidelines for the Treatment of Badgers prior to the Construction of National Road Schemes', published by the National Roads Authority in 2006. In particular, there shall be no blasting or pile driving within 150 metres of an active badger sett during the breeding season (December to June) or construction works within 50 metres of such an active sett during the breeding season.

**Reason:** In the interest of wildlife protection.

23. Bat roosts shall be incorporated into the site and the recommendation of the Environmental Impact Assessment Report shall be carried out on the site to the written satisfaction of the planning authority and in accordance with the details submitted to An Bord Pleanála with this application unless otherwise agreed in writing with the planning authority

**Reason:** To ensure the protection of the natural heritage on the site.

24. 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. The plan 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 in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.



25. The construction of the development shall be managed in accordance with a Construction Environmental 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 with measures to reflect mitigation described in the submitted Ecological Impact Assessment for the application, in addition to the following:
- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
  - (b) Location of access points to the site for any construction related activity, which shall be from Temple Road only;
  - (c) Location of areas for construction site offices and staff facilities;
  - (d) Details of site security fencing and hoardings;
  - (e) Details of on-site car parking facilities for site workers during the course of construction;
  - (f) 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;
  - (g) Measures to obviate queuing of construction traffic on the adjoining road network;
  - (h) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network and for the cleaning of the same;
  - (i) 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;
  - (j) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
  - (k) 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;

- (l) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (n) 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:** In the interest of amenities, public health and safety.

26. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

27. 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.

28. No additional development shall take place above roof parapet level, including 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 amenities of property in the vicinity and the visual amenities of the area.

29. Proposals for an estate and 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 or 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.

30. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.



31. 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.

32. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

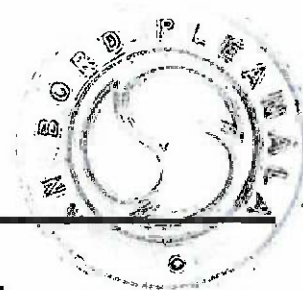
33. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.



Michelle Fagan

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



Dated this 14<sup>th</sup> day of April 2022