

An
Bord
Pleanála

Board Order
ABP-315488-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dublin City Council

Planning Register Reference Number: LRD 6003/22-S3

Appeal by Pat Desmond and others care of Ken Kennedy Solicitors of 31 Heytesbury Lane, Ballsbridge, Dublin and by others against the decision made on the 13th day of December, 2022 by Dublin City Council in relation to an application by Cairn Homes Montrose Limited care of RMLA Limited of Unit 3B Santry Avenue Industrial Estate, Santry Avenue, Dublin for permission for the demolition of the former RTÉ Sports and Social Club (circa 1,233 square metres), all structures associated with the former Fair City set (circa 604 square metres), extensions to Mount Errol House and adjacent stable building (circa 100 square metres) (a Protected Structure, RPS reference number 7846), one number shed (circa 31 square metres) and removal of one number security hut (circa five square metres) to the north-west of the site and associated ancillary structures. One number 1.5 metres high wall running east-west adjacent to the internal road is proposed to be taken down and re-used for the construction of entrance piers at Ailesbury Close. All car existing car parking on site is to be removed. The proposed development comprises a Large-scale Residential Development of 688 number apartments comprising of 272 number Build to Sell units and 416 number Build to Rent units, one number hotel (with 192 number rooms and associated restaurant and ancillary facilities); one number childcare/creche facility; two number residential amenity areas, one number management suite, two number parcel collection facilities; and seven number substations. The total gross internal floorspace area of the proposed

development is circa 91,646 square metres which is comprised of circa 79,963 square metres of residential floorspace and circa 11,683 square metres of commercial floorspace. The proposed blocks will consist of:

- Block 1 (four to five storeys) comprises 29 number residential units (four number studio units, eight number one-bed units, 15 number two-bed units and two number three-bed units), residential amenity area (circa 657 square metres) over ground floor and first floor levels to include parcel collection area, bicycle store (circa 71 square metres), bin store (circa 50 square metres), plant room (circa 27 square metres) all at ground floor level and solar photovoltaic panels at roof level with a maximum height of 17.3 metres (31.1 metres OD);
- Block 2 (five to eight storeys) comprises 76 number residential units (four number studio units, 31 number one-bed units, 36 number two-bed units and five number three-bed units), bicycle store (circa 76 square metres) and plant room (circa 29 square metres) at ground floor level and solar photovoltaic panels at roof level with a maximum height of 26.3 metres (40.875 metres OD);
- Block 3 (five to eight storeys) comprises 76 number residential units (four number studio units, 31 number one-bed units, 36 number two-bed units and five number three-bed units), bicycle store (circa 76 square metres) and plant room (circa 29 square metres) at ground floor level and solar photovoltaic panels at roof level with a maximum height of 26.3 metres (40.875 metres OD);
- Block 4 (five to eight storeys) comprises 76 number residential units (four number studio units, 31 number one-bed units, 36 number two-bed units and five number three-bed units), bicycle store (circa 76 square metres) and plant room (circa 29 square metres) at ground floor level and solar photovoltaic panels at roof level with a maximum height of 26.3 metres (40.875 metres OD);
- Block 5 (nine to 16 storeys) comprises 80 number residential units (64 number one-bed units and 16 number two-bed units), one number hotel (circa 10,276 square metres) with 192 number rooms and associated restaurant and ancillary

facilities, gym (circa 394 square metres) over basement and ground floor levels, bin store (circa 37 square metres) and plant room (circa 68 square metres) at ground level, provision of telecommunications infrastructure comprising four number steel support pole frames allowing for 24 number broadband panel antennas, 30 number 0.3 metres and 10 number 0.6 metres microwave links all at roof level, together with associated ancillary equipment and cabinets; and plant and solar photovoltaic panels at roof level with a maximum height of 55.6 metres, (70 metres OD);

- Block 6 (four to six storeys) comprises 36 number units (20 number one-bed units and 16 number two-bed units), residential amenity area (circa 667 square metres) over ground floor and first floor levels, bicycle store (circa 55 square metres), bin store (circa 33 square metres) and plant room (circa 29 square metres) at ground floor level, and solar photovoltaic panels at roof level with a maximum height of 20.45 metres (34.85 metres OD);
- Block 7 (six to 10 storeys) comprises 103 number residential units (six number studio units, 39 number one-bed units, 52 number two-bed units and six number three-bed units), bicycle store (circa 60 square metres) and plant room (circa 29 square metres) at ground floor level and solar photovoltaic panels at roof level with a maximum height of 32.75 metres, (48.4 metres OD);
- Block 8 (six to 10 storeys) comprises 103 number residential units (six number studio units, 39 number one-bed units, 52 number two-bed units and six number three-bed units), bicycle store (circa 60 square metres) and plant room (circa 29 square metres) at ground floor level and solar photovoltaic panels at roof level with a maximum height of 32.75 metres, (48.4 metres OD);
- Block 9 (six to 10 storeys) comprises 94 number residential units (38 number one-bed units, 51 number two-bed units and five number three-bed units), residential amenity area (circa 180 square metres) comprising management suite, meeting room, parcel collection area, store and WC, childcare/creche facility (circa 418 square metres), bicycle store (circa 54 square metres), bin

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store (circa nine square metres), plant room (circa 27 square metres.) at ground floor level, and solar photovoltaic panels at roof level with a maximum height of 33.35 metres, (48.85 metres OD); and

- Block 10 (two to three storeys) comprises 15 number Age Friendly residential units (13 number one-bed units and two number two-bed units), bin store (circa 11 square metres), plant room (circa 27 square metres) consultation room (circa 15.5 square metres) and treatment room (circa 9.8 square metres) at ground floor level and solar photovoltaic panels at roof level with a maximum height of 10.85 metres (23.45 metres OD).

A single level basement of circa 18,919 square metres accessed from the Stillorgan Road (R138) Airfield Junction to provide 457 number car parking spaces, 490 number cycle parking spaces and 20 number motorcycle spaces and other ancillary services for residential and other uses in the scheme, including gym (basement level), bin stores, comms rooms, plant rooms, sprinkler plant/tanks, water tanks, compactors, boiler/CHP plant areas, air source and heat pump plant room, stores, generator rooms, hotel back of house areas (BOH), hotel plant/sprinkler and water tank areas. At surface level and within the public areas with access from the Stillorgan Road (R138) Airfield Junction, 21 number car parking spaces are provided (five number car parking spaces adjacent to the proposed crèche, 13 number car parking spaces for Blocks 2 to 4, and three number car parking spaces for the hotel and associated coach set-down). At surface level with access from Ailesbury Close, a total of 12 number parking spaces are provided for Mount Errol House and Block 10 (seven number car parking spaces and one number accessible parking space for the Age Friendly Living units at Block 10, and one number accessible parking space and three number visitor parking spaces at Mount Errol House). 679 number cycle spaces are provided at surface level with 89 number visitor cycle spaces to be provided throughout the public areas at ground level in the form of Sheffield stands adjacent to the entrances to the various blocks. The proposed development delivers a new urban neighbourhood with circa 9,727 square metres of public open space across two main landscape areas within the Cairn landholding and other ancillary services for residential and other uses in the scheme. A change of use is sought for

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Mount Errol House (a Protected Structure, RPS reference number 7846) from commercial offices and studios to a restaurant and café (circa 449 square metres). It is intended to refurbish the associated stable building adjacent to Mount Errol House to provide a change of use to one number artisan food shop (circa 146 square metres). Vehicular and pedestrian entrances to the site are provided via the Stillorgan Road (R138) Airfield Junction, which will be the main entrance to the proposed scheme, with pedestrian/cyclist access and limited vehicular access from Ailesbury Close to the serve the Age Friendly Living units in Block 10 and Mount Errol House and stable building (a Protected Structure, RPS reference number 7846). Two pedestrian/cyclist entrances are also provided to the south along the Stillorgan Road (R138) with two number further pedestrian-only entrances located between Blocks 7 and 8 and adjacent to the Stillorgan Road (R138) Airfield Junction. The proposed development includes an upgrade to the existing 150 millimetres diameter sewer at Ailesbury Close to a 225 millimetres diameter sewer to facilitate a foul drainage connection from the proposed development. Amendments and upgrades to the shared access road from the Stillorgan Road (R138) Airfield Junction to the south-east, including provision of a kerbed carriageway of 5.5 metres width and the provision of a 2.5 metres wide footpath along the northern boundary. The proposed development includes the removal of part of the boundary wall on the western side of the Airfield Junction to facilitate landscaping and signage, all enabling and site development works, landscaping, play areas, lighting, green roofs, services and connections, boundary treatments, signage, waste management and all other site ancillary works, all on a circa 4.155-hectare site which previously formed part of the overall RTÉ Campus at Montrose, Donnybrook, Dublin in accordance with plans and particulars lodged with the said Council (which decision was to grant subject to conditions a permission).

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Decision

REFUSE permission for Block 5 (nine to 16 storeys) comprising 80 number residential units (64 number one-bed units and 16 number two-bed units), one number hotel (circa 10,276 square metres) with 192 number rooms and associated restaurant and ancillary facilities, gym (circa 394 square metres) over basement and ground floor levels, bin store (circa 37 square metres) and plant room (circa 68 square metres) at ground level, provision of telecommunications infrastructure comprising four number steel support pole frames allowing for 24 number broadband panel antennas, 30 number 0.3 metres and 10 number 0.6 metres microwave links all at roof level, together with associated ancillary equipment and cabinets; and plant and solar photovoltaic panels at roof level with a max. height of 55.6 metres, (70 metres OD) based on the reasons and considerations marked (1) under and

GRANT permission for the remainder of the proposed development in accordance with the said plans and particulars based on the reasons and considerations marked (2) under and subject to the conditions set out below.

Reasons and Considerations (1)

In deciding not to grant permission for Block 5 (nine to 16 storeys comprised of 80 number residential units, one number hotel with 192 number rooms and associated restaurant and ancillary facilities, gym over basement and ground floor level and all associated works), the Board considered the specific performance criteria in Table 4 of Appendix 3 of the Dublin City Development Plan 2022-2028 as it relates to the performance criteria to be met to justify the provision of landmark/tall buildings and, in particular, the criteria relating to exemplary architecture, visual impact and tall building clusters, which it is considered would not be satisfied by the specific design proposal for Block 5. The proposed landmark building (Block 5) is located within an area not specifically designated for landmark/tall buildings within the Dublin City Development Plan 2022-2028 and where there is a general presumption against

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landmark/tall buildings unless in exceptional circumstances. Having regard to the specific siting and design of Block 5 within the site, and its relationship with the overall development, the Board did not consider that the specific design proposed for Block 5 provides a compelling architectural and urban design rationale which would facilitate the consideration of exceptional circumstances. The Board accepted the principle of development in this particular location, notwithstanding the refusal of permission for Block 5. The proposed Block 5 would seriously injure the visual amenities of the area, would be contrary to policy SC18 and Section 15.5 of the Dublin City Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Reasons and Considerations (2)

Having regard to:

- (a) the location of the site on lands with a zoning objective for residential development,
- (b) the policies and objectives set out in the Dublin City Development Plan 2022–2028, including, but not limited to, the performance criteria (as relates to height and density) as set out in Appendix 3 of the development plan,
- (c) the nature, scale and design of the proposed development,
- (d) the pattern of existing development in the area,
- (e) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018,
- (f) the Sustainable Urban Housing: Design Standards for New Apartments, 2020,
- (g) the Urban Development and Building Heights Guidelines for Planning Authorities 2018,
- (h) the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009),

- (i) the submissions and observations received in connection with the planning application and the appeal, and
- (j) the Inspector's report,

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 be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment: Stage 1:

The Board considered the Natura Impact Statement submitted with the application, and all the other relevant submissions on file, and carried out an appropriate assessment in relation to the potential effects of the proposed development on the South Dublin Bay Special Area of Conservation (Site Code: 000210), the North Dublin Bay Special Area of Conservation (Site Code: 000206), the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), the North Bull Island Special Protection Area (Site Code: 004006) and the Wicklow Mountains Special Area of Conservation (Site Code: 002122). The Board agreed with the screening assessment and conclusion carried out in the Inspector's Report that the South Dublin Bay Special Area of Conservation (Site Code: 000210), the North Dublin Bay Special Area of Conservation (Site Code: 000206), the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), the North Bull Island Special Protection Area (Site Code: 004006) and the Wicklow Mountains Special Area of Conservation (Site Code: 002122) are the only European Sites in respect of which the proposed development has the potential to have a significant effect in view of the Conservation Objectives for the sites and that Stage 2 Appropriate Assessment is, therefore, required.

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Appropriate Assessment: Stage 2:

The Board considered the Natura Impact Statement, and all the other relevant submissions on file, and carried out an appropriate assessment of the implications of the proposed development on the South Dublin Bay Special Area of Conservation (Site Code: 000210), the North Dublin Bay Special Area of Conservation (Site Code: 000206), the South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), the North Bull Island Special Protection Area (Site Code: 004006) and the Wicklow Mountains Special Area of Conservation (Site Code: 002122) in view of the sites' Conservation Objectives. The Board considered that the information before it was sufficient to undertake a complete assessment of all aspects of the proposed development in relation to the sites' Conservation Objectives using the best scientific knowledge in the field. In completing the assessment, the Board considered, in particular, the following:

- (a) the site-specific Conservation Objectives for the European Sites,
- (b) the likely direct and indirect impacts arising from the proposed development, both individually or in combination with other plans or projects, and
- (c) mitigation measures which are included as part of the current proposal.

In completing the appropriate assessment, the Board accepted and adopted the appropriate assessment carried out in the Inspector's Report in respect of the potential effects of the proposed development on the aforementioned European Sites.

In overall conclusion, the Board was satisfied that the proposed development would not adversely affect the integrity of the European Sites in view of the sites' Conservation Objectives and that there is no reasonable scientific doubt as to the absence of such effects.

Environmental Impact Assessment

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, and
- (d) the 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 was 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 was 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

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examination set out in the Inspector's Report. The Board was 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 Environmental 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 – There will be residual significant positive impacts on population and human health due to the increase in housing stock within the local area.

Material Assets, Cultural Heritage and the Landscape - Long term significant negative impacts on Mount Errol (a Protected Structure) and associated Stable Building have been mitigated by appropriate protections in place during the construction stage and by the overall design strategy proposed for the site, which seeks to preserve the setting of same. There will be residual significant positive impacts on visual amenity resulting from views towards the development from particular viewpoints. Furthermore, there will be residual significant positive impacts on architectural heritage resulting from the refurbishment and reuse of Mount Errol (a Protected Structure) and the Stables Building, and the opening up of views towards Mount Errol from Stillorgan Road.

Biodiversity – There will be residual short-term, significant, negative impacts on particular habitats (dry meadows and grassy verges, broadleaf and broadleaf/conifer woodland and hedgerow habitat) until the proposed planting and landscaping becomes established, subsequent to which there will not be any long-term significant impacts on habitats. Other potential significant impacts have been avoided through mitigation measures, including measures to protect water quality at construction stage, replacement planting and pre-construction surveys (in relation to badgers).

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Land, Soil and Water - Potential significant impacts at construction stage have been avoided through mitigation measures as set out in the Environmental Impact Assessment Report and the Outline Construction Management Plan, including measures to protect water quality at construction stage and measures into the handling, storage and disposal of water.

Conclusions on Proper Planning and Sustainable Development

The Board considered that the proposed development is acceptable in principle at this site with regard to the relevant zoning objectives of the Dublin City Development Plan 2022-2028. The proposed development would result in a significant contribution to the housing stock, in a time of housing need. The provision of a development of the nature and scale of proposed development at this location is desirable having regard to its location on a main thoroughfare into the city, close to Donnybrook Village, and within 3.5 kilometres of the city centre. The density of the development was considered appropriate for this location particularly when combined with the nature and existing development within the wider area, which is characterised by large areas of low-density residential development on larger plots and, therefore, generally in accordance with the Dublin City Development Plan 2022-2028. The scale of development is appropriate also having regard to the site's proximity to high, frequency, high-capacity bus services, and having regard to the existing pedestrian and cycle infrastructure facilities. In addition, the site is located within an area with a wide range of employment opportunities and social infrastructure facilities. The Board was satisfied that the height, bulk and massing, detailed design and layout of the scheme (excluding Block 5) are acceptable, and that, furthermore, the proposed development would result in significant positive impacts on visual amenity of the area, when viewed from particular locations, and would result in significant positive impacts on architectural heritage, as a result of the proposed refurbishment and reuse of Mount Errol (a Protected Structure) and associated Stables building, as well as from the opening up of views toward same from Stillorgan Road. Overall, the Board was of the view that the proposed development complies with those performance criteria as set out in Tables 3 and 4 of

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Appendix 3 of the Dublin City Development Plan 2022-2028 having regard to the proposed six to 10 storeys proposed for Blocks 7, 8 and 9 considering the site's location and context. The proposed development also complies with the performance criteria as set out in Section 3.2 of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). The Board was also satisfied that the proposed development would not have any significant adverse impacts on the amenities of the surrounding area, subject to conditions. The future occupiers of the scheme will also benefit from a high standard of internal amenity. The overall provision of car parking and cycle parking is considered acceptable and the Board was satisfied that there will be no significant adverse effects on the surrounding road network, subject to conditions. The Board also concluded that the proposed development was acceptable in all other respects.

In deciding not to accept the Inspector's recommendation to grant the proposed development in full, it is considered that the proposed landmark building (Block 5) is located within an area not specifically designated for landmark/tall buildings within the Dublin City Development Plan 2022-2028 and where there is a general presumption against landmark/tall buildings unless in exceptional circumstances. Having regard to the specific siting and design of Block 5 within the site, and its relationship with the overall development, the Board did not consider that the specific design proposed for Block 5 provides a compelling architectural and urban design rationale which would facilitate the consideration of exceptional circumstances.

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Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed 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. Within six months of the date of this Order, the developer shall submit revised plans and particulars to the planning authority showing the omission of Block 5 from the proposed development.

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

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

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

4. Mitigation and monitoring measures outlined in the plans and particulars, including the Environmental Impact Assessment Report submitted with the 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.

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5. The proposed development shall be revised as follows:

- (a) Privacy screens using obscure glazing or an alternative material and of a minimum height of 1.8 metres shall be provided to balconies on the side (east and west) elevations of Blocks 1, 2, 3, 4 and 10 where potential overlooking issues arise in relation to adjacent residential properties.
- (b) The balcony railings to the first-floor rear apartments of Block 10 shall be replaced with obscure glass panels.

Development shall not commence until revised plans, drawings and particulars showing the above amendments have been submitted to, and agreed in writing with the planning authority, and such works shall be fully implemented prior to the occupation of the buildings.

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

6. Details of the materials, colours and textures of all the external finishes to the proposed 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.

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7. Prior to commencement of the Build-to-Rent element of the proposed development, the developer shall submit, for the written agreement of the planning authority, details of a proposed covenant or legal agreement which confirms that the Build-to-Rent units permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual Build-to-Rent residential units shall be sold separately for that period. The period of 15 years shall be from the date of occupation of the first residential unit within the scheme.

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

8. Prior to the expiration of the 15-year period referred to in the covenant, the developer shall submit for the written agreement of the planning authority ownership details and management structures proposed for the continued operation of the Build-to-Rent scheme. Any proposed amendment or deviation from the Build-to-Rent model, as authorised by this permission, shall be subject to a separate planning application.

Reason: In the interest of orderly development and clarity.

9. The communal resident facilities shall be occupied as part of the development and shall not be occupied as separate commercial facilities. Details of the management and operation of same shall be submitted to, and agreed in writing with, the planning authority prior to the operation of the facilities.

Reason: In the interest of orderly development.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays, and not at all on Sundays or public holidays. Deviation from these times shall 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.

11. Site development and construction works shall be carried out in such a manner as to ensure that the adjoining roads are kept clear of debris, soil and other material, and cleaning works shall be carried on the adjoining public roads by the developer and at the developer's expense on a daily basis.

Reason: To protect the residential amenities of property in the vicinity.

12. Proposals for the development name and dwelling numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and dwelling 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 placenames for new residential areas.

13. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any dwelling.

Reason: In the interest of amenity and public safety.

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14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Any relocation of utility infrastructure shall be agreed with the relevant utility provider. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

15. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

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

16. (a) The developer shall be responsible for the maintenance and management of the public open spaces. The public open spaces shall operate as public park/public realm in perpetuity, with public access and use operated strictly in accordance with the management regime and rules and regulations, including any byelaws for public open space of the planning authority, at all times.

(b) 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 by the planning authority to secure the protection of existing trees to be retained on or adjacent to the site and to make good any damage caused by construction, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any trees adjacent to or 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

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from the substantial completion of the development with others of similar size and species, or to apply to new tree planting in the local area. The amount of the security shall be determined by the Helliwell or Cavat method by the developer's arboriculturist. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of an agreement, shall be referred to An Bord Pleanála for determination.

- (c) Prior to commencement of development, the developer shall retain the professional services of a qualified Arboriculturist throughout the life of the site development works. The Arboriculturist shall advise and supervise all works associated or in proximity to the existing trees to ensure their retention and condition. All trees shown to be retained on the site and adjacent to the site shall be adequately protected during the period of construction as per BS 5837, such measures shall include a protection fence beyond the branch spread, with no construction work or storage carried out within the protective barrier, and as recommended in the tree survey report and associated plans (the tree protection measures shall have regard to the Guidelines for Open Space Development and Taking in Charge, copies of which are available from the Parks and Landscape Services Division).

Reason: In the interest of visual amenity and orderly development and in order to ensure the satisfactory development of the public and communal open space areas, and their continued use for this purpose.

17. (a) Prior to commencement of development, and on appointment of the demolition contractor, a Demolition Management Plan shall be submitted to the planning authority for written agreement. This plan shall have regard to Mitigation Measures outlined in the Environmental Impact Assessment Report, the Outline Construction Environmental Management Plan and the Outline Construction Traffic Management Plan and shall provide details of intended demolition practice for the proposed development, including traffic management, hours of working, noise, dust and drainage management measures and off-site disposal of construction/demolition waste. All HGV and general demolition traffic shall use the R138 Stillorgan Road, Airfield Junction.
- (b) Prior to commencement of development, and on appointment of a contractor, a Construction Environmental Management Plan having regard to Mitigation Measures outlined in the Environmental Impact Assessment Report, the Outline Construction and Environmental Management Plan and the Outline Construction Traffic Management Plan shall be submitted to the planning authority for written agreement. This plan shall include intended construction practice for the proposed development, including phasing and programme, hours of working, construction compound and materials storage, dust, noise and drainage management measures, waste management and off-site disposal, and all construction mitigation measures, and shall incorporate a construction traffic management plan. All HGV and general construction traffic shall use the R138 Stillorgan Road Airfield Junction.

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

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18. (a) The developer shall undertake to implement the measures outlined in the Mobility Management Plan, including the Car Parking and Cycle Management Plan, and shall ensure that future tenants of the proposed development comply with these strategies. A Mobility Manager shall be appointed to oversee and co-ordinate the plan.
- (b) The developer shall liaise with the National Transport Authority throughout the final design and construction process to ensure that the development is compliant with and integrated with the proposed Bray to City Centre Core Bus Corridor (CBC) along the Stillorgan Road.
- (c) The proposed development shall be carried out on a phased basis, in accordance with a phasing scheme, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (d) Cycle parking shall be secure, conveniently located, sheltered and well lit. Electric bike charging facilities shall be provided. Key/fob access shall be required for bicycle compounds.
- (e) Prior to commencement of development, all works proposed on the public road, and any areas to be taken in charge, shall be agreed in writing with the Environment and Transportation Department of the planning authority. All works to the public road shall be at the developer's own expense. All works shall be fully completed prior to occupation of the residential and commercial units.
- (f) Car parking spaces shall be permanently allocated to the proposed use and shall not be sold, rented or otherwise sub-let or leased to other parties.

Reason: In the interest of traffic safety and residential amenity.

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19. (a) A conservation expert with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works relating to the protected structures on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained buildings and facades, structure and/or fabric.
- (b) All works to the protected structures shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Environment, Heritage and Local Government. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features in the vicinity of the proposed works shall be protected during the course of the refurbishment works.
- (d) All repair of original fabric shall be scheduled and carried out by appropriately experienced conservators of historic fabric.
- (e) The architectural detailing and materials in the new work shall be executed to the highest standards so as to complement the setting of the protected structures and their setting.
- (f) The fabric from the historic garden wall shall be incorporated into the new development in line with the recommendations in the Architectural Heritage Impact Assessment.

Prior to commencement of development, the developer shall submit details, including relevant drawings, to the planning authority for written agreement indicating how these requirements have been complied with.

Reason: To safeguard the special architectural interest of the protected structures on the site.

pm

20. Water supply and drainage arrangements, including the attenuation and disposal of surface water and foul water, shall comply with the requirements of the planning authority for such works and services.

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

21. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann (formerly Irish Water) prior to commencement of development.

Reason: In the interest of public health.

22. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

Reason: To comply with the planning authority's taking in charge standards.

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

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

24. The developer shall notify the Irish Aviation Authority of its intention to commence crane operations with at least a minimum of 30 days prior notification.

Reason: In the interest of aviation safety.

pm

25. 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.

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

26. 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 operations (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, and
- (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.

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.

pm

27. 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.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion or maintenance of any part of the development. The form and amount of the security shall be as agreed between the planning authority and the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

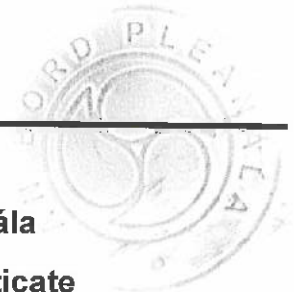
pm

29. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure, open space 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.



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



Dated this 12th day of July, 2023.