



An
Bord
Pleanála

S. 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016

Inspector's Report ABP-301334-18

Strategic Housing Development

Demolition of existing buildings and construction of 102 no. residential units, existing vehicular accesses to be replaced with pedestrian and cycle accesses. Provision of new vehicular and pedestrian access route to serve the proposed development via Watson Road and all associated site works. Proposal also includes demolition of no. 66 Watson Drive to facilitate pedestrian and cyclist entrance.

Location

Site comprising of Kylemore, Woodlawn, Rockwinds, Smallacre, Church Road and No. 66 Watson Drive, Church Road, Killiney, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Crekav Trading Ltd.

Prescribed Bodies

1. National Transport Authority
2. Minister for Culture, Heritage and the Gaeltacht
3. Heritage Council
4. An Taisce
5. Irish Water
6. Dun Laoghaire Rathdown Council
Childcare Committee

Observer(s)

64. no submissions/observations

Date of Site Inspection

31 May 2018

Inspector

Joanna Kelly

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1.0 Introduction

This is an assessment of a proposed strategic housing development submitted to the Board under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016.

2.0 Site Location and Description

- 2.1. The development site falls within the jurisdiction of Dun Laoghaire Rathdown County Council is approx. 17kms south of Dublin City Centre and is approx. 1 km from the N11 which provides a link to the M50. The development site with a stated site area of c. 2.39ha incorporates the former Kylemore Clinic and the four adjacent residential properties known as Smallacre, Woodlawn and Rockwinds, Church Road and no. 66 Watson Drive. The site is an irregular shape and is bounded by the R-118, Church Road to the east and by residential developments on the other boundaries. There is a new QBC proposed for Church Road. The site is approx. 3.2km from Killiney Dart station.
- 2.2. The applicant refers to the site as containing two distinct parts: the upper comprising of Rockwinds, Smallacre and Woodlawn and the lower comprising of Kylemore House and 66 Watson Drive. The upper portion of the site is rectangular in shape and bounds Church Road. Woodlawn contains a fire-damaged bungalow, Smallacre a partially derelict bungalow and Rockwinds by a dormer bungalow. There are individual accesses from Church Road serving each of these properties which are currently blocked.
- 2.3. The lower portion of the site contains Kylemore Clinic and is accessed via an avenue from Church Road. This access also serves a large detached property 'Battlefort' and a small gated housing development 'St. Matthias Woods'. Kylemore Clinic is a large two storey over basement Victorian building with a gatehouse located at the entrance from Church Road. The applicant indicates that the site and building was used by the Kylemore Clinic, a charity, as a care facility from 1947 to 2009.
- 2.4. Kylemore house has distinct architectural merit set back from Church Avenue with lands which would have been the associated garden. There are courtyard stable style structures associated with the property. These structures appear to be later

additions to the property and are located to the north of Kylemore House along the party boundary of a single storey residential property along Watson Road. There are trees and a small orchard area located to the west of Kylemore House. There is currently a large wall to the perimeter of the lower section of the site along the north, south and west of the lands of Kylemore House (lower portion of the site).

- 2.5. It is proposed to demolish no. 66 Watson Drive, a two storey semi-detached dwelling which appears to be vacant. This property is located just south of the junction of Watson Drive with Watson Road.
- 2.6. Vehicular access is proposed via the current Watson Road cul-de-sac. There is a large perimeter wall at this location currently and the courtyard buildings back onto a section of this boundary. The dwellings on Watson Road cul-de-sac are two storey on the western side and are single storey on the eastern side. It is noted that no. 43 Watson Road, a vacant property, is within the applicant's ownership but does not form part of this application.
- 2.7. The development lands are within walking distance of a bus service on Churchview Avenue and Church Road. Killiney Shopping Centre is located approx. 400 m north of the site along Church Road. Ballybrack Shopping Centre is located approx. 500m south-west of the development along Churchview Avenue where there are other amenities such as public park, rugby club, athletics club, playground. Primary schools are also within walking distance.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development consists of the demolition of existing buildings comprising the single storey dwelling Smallacre, Rockwinds and fire damaged Woodlawn located on Church Road and to include the demolition of outbuildings relating to the former Clinic. It is proposed to demolish no. 66 Watson Road, a semi-detached property also. The three existing vehicular accesses pertaining to Smallacre, Woodlawn and Rockwinds will be closed up and replaced with two pedestrian and cycle accesses.

3.2. The proposed residential development consists of 102 residential units as follows:

Units Type	No of units	
Apartments		
1 bed	16	
2 bed	51	
3 bed	1	Total Apartments 68
Houses		
1 bed	3	
2 bed	8	
3 bed	15	
4 bed	8	Total Housing 34
Total Units Overall	102	

3.3. The development provides for the provision of 163 no. car parking spaces which include 84 no. surface bays and 79 no. basement spaces with two underground parking facilities. A new vehicular and pedestrian access route to serve the proposed development via Watson Road is to be facilitated by the partial demolition of the northern stone boundary wall at a location generally between the existing dwellings Curraun and Slous.

3.4. The provision of a new pedestrian and cyclist route is to be provided to the west of the subject site via no. 66 Watson Drive which is to be demolished and will also facilitate surface and foul water connection to the existing public system in Watson Drive. It is proposed to set back the front wall along the eastern boundary of the site (Church Road) to facilitate the proposed R118 Wyattville Road to Glenageary Road Upgrade and QBC Scheme. The existing right of way is to be maintained for the adjoining existing 5 no. dwellings of St. Matthias Wood through the south east of the site to retain their existing vehicular access via the Kylemore gate lodge entrance and out to Church Road.

3.5. The following table provides key details for the proposed development:

Detail	Proposal
No. of Units	102 (68 apartments, 13 courtyard units, 21 houses)
Site Area	2.39ha
Density	42.6 units per hectare
Existing Structures on site to be retained	Kylemore Clinic (two storey over basement) - conversion to 6 apartments Gate lodge (single storey) – retain as dwelling
Building Height	Houses 2 & 3 storey, New Apartment Structures 4 storey, Courtyard units single and 2 storey,
Public Open Space	Total 7288sq.m. consisting of four main areas 2,494sq.m, 523sq.m., 2,868sq.m., 1403sq.m.
Car parking	163 spaces (84 surface and 79 basement within two underground facilities)
Dual Aspect	100%

4.0 Planning History

4.1. Recent history associated with site

The more recent and most relevant applications/appeals pertaining to the site is noted as follows:

File Ref. No. D15A/0778/PL.246228 Permission refused for development consisting of: Demolition of three dwellings (Smallacre, Rockwinds, and fire damaged Woodlawn), Church Road and outbuilding and extensions to Kylemore clinic building; Replacement of three vehicular accesses onto Church Road with one pedestrian and cycle access. Construction of residential development with access onto Watson Road consisting of 65 units all with off street parking, Change of use of

former Kylemore Clinic from institutional to residential use accommodating 5 no. 2 bed apartments and 1 no. 3 bed apartment, Construction of 4 storey apartment block with 28 apartments (20 no. 2 bed and 8 no. 3 bed apartments), Redesign of No. 43 Watson Road to include removal of part of the house and provision of rear extension, resulting in a three bedroom house. Redesign of Gate Lodge to include removal of part of the house and provision of rear extension, resulting in a three bedroom house with access onto Church Road. The provision of 130 car parking spaces (both underground and surface) All associated site development, landscaping, boundary treatment works, services provisions, plant and ancillary works.

This application provided for a density of 27 units per hectare. It is noted that the planning authority included a reason for refusal pertaining to density i.e. too low however the Board did not include this reason for refusal.

The Board refused permission for this development for three reasons summarized as follows:

- the proposed development lacked in quality open space and compromised the integrity of the setting of the house and open character of the area and layout contrary to the section 8.2 development management Part (xi): Institutional lands
- layout of the development is deficient in terms of quality open space
- the Board was not satisfied that the applicant had adequately demonstrated that the foul drainage system in the wider area had sufficient capacity to accommodate additional flows even after the provision of the remedial works.

4.2. Relevant History in the area

File Ref. No. D17A/0868 / PL.301128

Application currently on appeal

Permission granted by planning authority for demolition of fire damaged 'Arranmore' (c.229 sqm) and fire damaged shed (c.13 sqm) and fire damaged 'San Michele' (c.250 sqm) at Church Road; the closing up of three existing vehicular accesses onto Church Road, while maintaining one as pedestrian/cycle access. Construction of residential development with new vehicular access through No. 19 Watson Road, consisting of 42 no. new residential units to include 18 no. dwelling houses

comprising 8 no. 2 storey terraced 3 bed Type A units, 7 no. 3 storey terraced 4 bed Type B units, 2 no. 3 storey semi-detached Type BB units, 1 no. 3 storey end of terrace 4 bed Type B1 unit and 24 no. apartments within 2 no. 4 storey Blocks C and D with Block C comprising 4 no. 1 bed units and 12 no. 2 bed units with balconies/terraces to south-east, north-west and south-west elevations and Block D comprising 8 no. 2 bed units with balconies to north-east, south-east, north-west and south (ground floor only) elevations. Redesign of No. 19 Watson Road (c.175 sqm) to include removal of part of the house to provide a new access road and provision of a new rear extension (redesigned unit to be c.153 sqm). All associated site development, landscaping, boundary treatment works, services provision and ancillary site works.

File ref. D15A/0777 / 06D.246229 Permission refused for residential development consisting of 15 no. houses and all associated site works at 'Arranmore' and 'San Michele'. The reason for refusal which is of relevance to the current application before the Board set out that

“the Board was not satisfied notwithstanding the proposed remedial works to the foul and surface water sewers in Watson Road, that the development could be adequately accommodated into the existing public foul and surface water systems, and in particular was not satisfied that the applicant had adequately demonstrated that the foul drainage system in the wider area had sufficient capacity to accommodate additional flows from the proposed development (and related proposed development under ABP Ref. No. PL06D.246228) even after the provision of these remedial works. The proposal would be considered prejudicial to public health.”

File Ref. No. D14A/0106 / PL.06D.244195 Permission refused for demolition of 'San Michele' and 'Arranmore', replace three access points with single access, construction of 8 houses, redesign 19 Watson Road. Reason for refusal pertained to additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road which would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying

capacity of the link road. The Board also noted that it was not satisfied that the development could be adequately accommodated into the existing foul and surface water systems, and in particular was not satisfied that the applicant had adequately demonstrated that the foul drainage system in the wider area had sufficient capacity to accommodate additional flows from the proposed development even after proposed remedial works. The Board did not consider it appropriate to seek further information on this matter having regard to the substantial reason for refusal.

File ref. No. PL.06D.244194 / D14A/0107 Permission refused for demolition of 'Smallacre' and 'Woodlawn' erection of 8 no. houses, alter/extend 43 Watson Road and replace two existing access points with single access all at 'Smallacre' and 'Woodlawn', Church Road and 43 Watson Road, Killiney. Reason for refusal pertained to additional traffic turning movements generated by the proposed development onto the heavily trafficked Church Road which would endanger public safety by reason of traffic hazard and would have a seriously adverse impact on the carrying capacity of the link road. The Board also noted that it was not satisfied that the development could be adequately accommodated into the existing foul and surface water systems, and in particular was not satisfied that the applicant had adequately demonstrated that the foul drainage system in the wider area had sufficient capacity to accommodate additional flows from the proposed development even after proposed remedial works. The Board did not consider it appropriate to seek further information on this matter having regard to the substantial reason for refusal.

5.0 Section 5 Pre Application Consultation

5.1. Overview

A section 5 pre application consultation took place at the office of An Bord Pleanála on 21 December 2017. The main topics raised for discussion at the tripartite meeting were based on the agenda that issued in advance as follows:

- Traffic and Transportation including pedestrian and vehicular connections
- Surface water drainage
- Existing residential amenity and separation distances to boundaries
- Landscaping and trees
- Architectural Heritage and archaeology
- Childcare
- Any other Matters

A copy of the Inspector's report and Opinion is on the file for reference by the Board.
A copy of the record of the meeting is also available on the file.

5.2. Notification of Opinion

An Bord Pleanála issued notification that it was of the opinion that the documents submitted with the request to enter into consultations require further consideration and amendment to constitute a reasonable basis for an application for strategic housing development. The following is a brief synopsis of the issues noted in the Opinion that needed to be addressed:

- Surface water management – Further consideration of documents as they relate to surface water management for the site. This further consideration should have regard to the requirements of the Drainage Division as indicated in their report dated 27 November 2017. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment which should in turn accord with the requirements of 'The Planning System and Flood Risk management' (Including the associated 'Technical Appendices).

The Opinion notification pursuant to article 285(5)(b) also referred to specific information that should be submitted with any application as follows:

- Additional photomontage images and a series of drawings, specifically detailed cross sections at appropriate intervals showing the proposed development and the relationship with existing dwellings adjoining the site and in particular the interface between the proposed courtyard units and the existing properties on Watson Road.
- Detailed demolition and construction plan for no. 66 Watson Drive including treatment of proposed new gable end and the pedestrian/cycleway proposed.
- An archaeological impact assessment should be submitted having regard to the comments of the Department of Culture, Heritage and the Gaeltacht.
- Childcare demand analysis.
- Detailed tree survey should indicate the quantum of trees proposed for removal and the planting proposed should outline in detail with the diversity of species to be addressed.
- Details of bat surveys undertaken and a lighting plan appropriate to recommendations of same.
- Full and complete drawings that details all boundary treatments.
- A phasing plan for the proposed development.
- A site layout that details areas to be taken in charge by the local authority.

5.3. Applicant's Statement

The applicant has submitted a statement of response to ABP Opinion's which sets out that ABP is referred to the enclosed AECOM ABP response document submitted. Since pre-application consultation meeting took place, additional consultation has taken place between the design team and the Council drainage department and Irish Water. A Stage 1 and 2 Site Specific Flood Risk Assessment report has been carried out and has been considered in tandem with the surface water management proposals for the development. A response is provided by the applicant to each of the items raised by DLRCC Drainage Division.

With regard to the specific additional information required the applicant has responded as follows:

- Additional photomontages, drawings and cross sections have been submitted to show the proposed development and the relationship with existing dwellings adjoin the site and in particular the interface between the proposed courtyard units and the existing properties on Watson Road.
- A detailed demolition and construction plan for no. 66 Watson Drive including the treatment of proposed new gable end and the pedestrian/cycleway proposed.
- With regards to archaeology a report has been submitted which describes the results of a programme of test trenching undertaken in 2018 in proximity to a recorded monument i.e. c. 65m north of the subject site. No features of archaeological significance were identified. The report includes a number of recommendations for archaeological conditions to be attached to a grant of permission.
- With regards to childcare demand analysis and likely demand arising from the proposed development a report has been submitted which assesses the vacancy rates within the local childcare facilities and to determine if the demand for places generated by the proposed development can be accommodated within the existing childcare facility provision.
- The Arboricultural Impact Assessment Report outlines in tabular form, the proposed extent of tree removal versus the proposed replacement tree planting. Details of proposed planting is also contained in the enclosed PC Roche Landscape Masterplan and Report.
- With regard to details of the bat surveys it is set out that an ecological report has been submitted and a lighting plan was developed in response to the pre-application consultation opinion of the Council. It is set out that the lighting and lux levels proposed are appropriate and will not impact potential bats or bat roosts.
- Details of the boundary treatments has been submitted.

- A site layout plan that details areas to be taken in charge by the local authority has been submitted.

A design statement has been submitted by Ferreira Architects which set out the urban design and architectural design principles that underlie the new proposed and to describe the urban context that informed the design decisions. It is submitted that the layout of the site tries to address orientation and the existing slope on site, while connecting into the wider context of Killiney and South County Dublin. The design statement makes reference to the 12 criteria set out in the Urban Design Manual and sets out how the design responds to each of the criteria headings.

6.0 Relevant Planning Policy

6.1. Project Ireland 2040 – National Planning Framework

The NPF includes a Chapter, No. 6 entitled ‘People, Homes and Communities’. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to “prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location”.

National Policy Objective 35 seeks “to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights”.

National Planning Objective 13 also provides that “In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected”.

6.2. Section 28 Ministerial Guidelines

The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.

- ‘Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas’ (including the associated ‘Urban Design Manual’)
- ‘Design Manual for Urban Roads and Streets’ (DMURS)
- ‘The Planning System and Flood Risk Management’ (including the associated ‘Technical Appendices’)
- ‘Childcare Facilities – Guidelines for Planning Authorities’
- ‘Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities’

6.3. Local Planning Policy

Dun Laoghaire-Rathdown County Development Plan is the statutory plan for the lands in question. Chapter 2 deals with ‘Sustainable Communities Strategy. The following are some of the more pertinent policies and objectives within the development plan which pertain to the lands in question.

Policy RES3: Residential Density provides that it is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- ‘Sustainable Residential Development in Urban Areas’ (DoEHLG 2009)
- ‘Urban Design Manual – A Best Practice Guide’ (DoEHLG 2009)
- ‘Quality Housing for Sustainable Communities’ (DoEHLG 2007)

- ‘Irish Design Manual for Urban Roads and Streets’ (DTTaS and DoEHLG 2013)
- ‘National Climate Change Adaptation Framework – Building Resilience to Climate Change’ (DoECLG 2013).

Policy RES7: Overall Housing Mix sets out that it is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

Policy RES14: Planning for Communities – it is Council policy to plan for communities in accordance with the aims, objectives and principles of ‘Sustainable Residential Development in Urban Areas’ and the accompanying ‘Urban Design Manual – A Best Practice Guide’. In all new development growth areas, and in existing residential communities it is policy to ensure that proper community and neighbourhood facilities are provided in conjunction with, and as an integral component of, major new residential developments and proposed renewal/redevelopment areas, in accordance with the concept of sustainable urban villages outlined under Policy RES15.

Chapter 2.2 of the development deals with Sustainable Travel and Transportation. Relevant policies and objectives in this section are referred to within the body of the assessment section.

Chapter 8 deals with Principle of Development. **Policy UD1: Urban Design Principles** provides that it is Council policy to ensure that all development is of high quality design that assists in promoting a ‘sense of place’. The Council will promote the guidance principles set out in the ‘Urban Design Manual – A Best Practice Guide’ (2009), and in the ‘Design manual for Urban Roads and Streets’ (2013) and will seek to ensure that development

proposals are cognisant of the need for proper consideration of context, connectivity, inclusivity, variety, efficiency, distinctiveness, layout, public realm, adaptability, privacy and amenity, parking, wayfinding and detailed design.

Section 8.2 (xi) Institutional Lands

The development plan provides that where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area's zoning objectives and the open character of the lands being retained. In order to promote a high standard of development a comprehensive masterplan should accompany a planning application for institutional sites. Such a masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. A minimum open space provision of 25% of the total site area (or a population based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council.

Policy 8.1.2.3 of the Development Plan states that it is the Council policy to adhere to the recommendations and guidance of the Building Height Strategy for the County. The aim of the Building Height Strategy (Appendix 9) is to ensure the protection of the built heritage of the County and general residential amenities while encouraging higher densities of quality where appropriate in accordance with national legislation and to ensure a plan-led approach to the assessment of taller buildings in the County.

6.4 Applicant's Statement of Consistency

The applicant has submitted a statement of consistency with relevant policy required under Section 8(1)(iv) of the Act which provides, *inter alia*:

- There is a very good provision of schools in the area.
- It is proposed to provide a net density of c. 42 units per hectare consistent with section 28 guidelines.
- The proposal incorporates design principles to reduce traffic speeds on streets with housing and to prioritise walking and cycling. The layout is accessible for all users, is legible with a clear distinction in design, character and treatment between distributor, local and shared surface streets.
- The architectural design statement approach reflects the advice set out in the 'In Practice' section of the Urban Design Manual. This statement demonstrates how the proposed development has regard to and has been developed in accordance with best practice in respect to urban design.
- A response is provided to each of the 12 criteria set out in the Urban Design Manual.
- A Housing Quality Assessment has been prepared which demonstrates the consistency of the proposed development with the relevant standards in the Quality Housing Sustainable Communities document and the County Development Plan where relevant.
- The proposed development is considered to be suitably located on the subject site, integrated within the landscape and well connected to adjacent facilities including public transport, and will provide high quality residential development on the site.
- The street and building design has had regard to the recommendations of DMURS as it includes proposals for buildings fronting onto streets, a mix of in-curtilage and on-street car parking, raised surfaces at locations within the scheme and the creation of a pedestrian and cycle friendly urban environment.

- The proposed road hierarchy has been developed in compliance with DMURS.

7.0 Observer Submissions

7.1. A total of 64 no. submissions were received in respect of the proposed development.

Table 3: List of Observers

ABP-301334-18 Observer List	
1	Ann Keogh
2	Anne Preston
3	Anthony and Mary Dalton
4	Anthony Jenkins
5	Brendan and Louise O' Regan
6	Brian and Marie Forrester
7	Church Road Property Maintenance Company Ltd
8	Conall McMullan
9	D. St. Michael Jenkins
10	David and Julie Kelly and Others
11	David and Roisin Byrne
12	David Homan
13	David Little
14	Denise Manning
15	Gerry and Laura McGrath
16	Gordon Mills
17	Heather Kuss
18	Helen and Peter Bruce
19	Henry Moore
20	Hugh McLoughlin
21	Hugh R Jones

22	Jennifer and Trevor Byrne
23	Joan Redmond
24	John and Margaret Wallace
25	John McCarthy
26	John McManus
27	John Treston
28	Joseph McMahon
29	Joseph Moore
30	Katrina and Padraig McCarthy
31	Ken and Julie Blackmore
32	Kevin O' Reilly
33	Laurence and Patrica Finnerty
34	M.B Cooper
35	Madeleine Murrin
36	Mary and Robert McPartland
37	Mary Pinder
38	Michael and Ann Igoe
39	Michael and Pascale Wolfe
40	Michael Good
41	Michael O' Brien
42	Michael Phillips
43	Michael Ryan
44	Michelle Galligan
45	Paddy and Stephana Goggin
46	Patricia and James Morris
47	Paula Dean
48	Regina and Richard Parnell
49	Richard and Marie Hooper
50	Robert and Rhoda Miller

51	Robert Wallace
52	Roger F Murphy
53	Rosalind Matthews
54	Rosemary Byrne
55	Roy and Carita McCarthy
56	Stephen Gilmore
57	Sue Holden and Paul Grauer
58	Terri Byrne
59	Thelma Welsh
60	Thomas and Mary Sullivan
61	Thomas O' Brien
62	Walter Hill
63	Watson Killiney Residents Association
64	William G Kidd

7.2. The planning issues/matters raised in the submissions/observations received are summarised under the following headings. The Board should note that a number of the same issues/concerns were raised by observers and in the interests of brevity have been amalgamated as follows:

Validation issue

- The applicant has failed to accurately portray dwellings named as 'Derriana' and 'Moriah' in the submitted planning application. The proposed site layout plan is of particular concern. The site contains two dwellings while only one has been included in the drawings. An apartment block with an underground car park is proposed along this boundary. The overbearing nature is greater than that indicated.

Demolition of no. 66 Watson Drive

- Proposed demolition does not take into consideration the impact on the adjoining property, no. 68 Watson Drive.
- No assurance of maintaining the structural integrity of no. 68 Watson Drive has been made.
- Strong objection to the disruption and inconvenience it will cause the home owner of no. 68 Watson Drive.

Water System

- Water system in the Watson estate has always been problematic with householders having to pay privately to have drains unblocked.
- No commitment from Irish Water regarding any upgrade.
- Increased likelihood of flooding.

Traffic

- Extra traffic will result in more congestion at the junction of Watson Road and Churchview Road.
- Road is barely wide enough when existing residents park outside their homes.
- Inadequate access for emergency vehicles, utility services and construction traffic.
- Greater traffic volumes on to Church Road which is currently the main route for HGV traffic between the ferry and N11/M50. The roundabout at the end of Church Road is already overloaded due to traffic from local schools.
- The Council urgently need to review the plans on Church Road and develop a sustainable strategy that will accommodate everybody's needs in the future. They have created a "pinch" point on Church Road between the dual carriage way on Wyattville Road and Sally Glen Road. Rather than develop Church Road to handle additional traffic they are comfortable diverting this significant increase in motor traffic through the narrow roads in the Watson estate.

- In 2010 the Council rejected a similar planning application as it would endanger public safety by reason of traffic hazard or obstruction of road users and also it would set a precedent for the future.
- Insufficient parking for residents, visitors and vital services resulting from cars being parked throughout the estate.
- Width of cul-de-sac is totally inadequate.
- There are two creches on Watson Road, No 1 and No. 12 as well as two large primary schools. The proposal would generate more traffic for the dangerous right turn from Watson Road onto Church View Road because of obscure vision.
- The proposal to close-up the existing three vehicular accesses onto Church Road is illogical given that all other houses along that road exit onto Church Road. One vehicular access onto Church Road should be retained for whatever future development is allowed for this site.
- This developer has other sites available to further amplify the damaging effects of this proposal and granting permission would only be the start of a cascade of cumulative effects and years of disruption.
- Why can access to this site not be gained via traffic lights onto Church Road as occurs in other areas rather than through a settled residential estate with narrow roads.
- There has already been a fatality on Watson Road directly at the site where it is proposed to open access onto Watson Road.
- Existing trip rates into and out of existing Watson estate are not credible. Killiney's location means that the peak times are earlier and later and analysis should be modified to reflect this.
- Levels of car-parking is excessive given the claims that the site is located along a public transport route which is not the case and is being used to justify higher density.

- ABP previously refused permission for development of eight houses with access onto Church Road for reason of traffic hazard. The proposal provides for significant increase in the number of dwellings provided.

Sewerage

- It is well known that the existing sewerage system in the area is inadequate for those houses already on site. The proposed development ignores previous An Bord Pleanála decisions regarding existing foul and surface water system deficiencies.
- History of collapsed pipes.
- A CCTV surveys (ref. D14A/107 & 108) has shown root ingress, collapsed pipes and deterioration in the extreme in the main sewer drainage infrastructure. An engineering report submitted with the appeal of the Resident's Association identifies the substantial deficiencies in the existing surface and foul water infrastructure at Watson Estate.
- Irish Water is unable to commit to a timeframe as to when the rehabilitation of the network will take place.

Design, Layout and Impact on residential amenity

- The three and four storey buildings will be out of keeping with the existing building heights.
- A terrace of three storey houses is shown on the plan directly over the wall separating Kylemore from no. 47 Watson Road. This terrace stretches from the front garden pillar (of no. 43) down the length of the garden and the gable end of the house and continues down the length of the garden and garage. The proposed terrace is a single storey building on plan. However, the two end of terrace houses have stairs, leading up to the attic which the roof is above average height thus facilitating future transformation of houses into two storey houses.
- Proposal does not respect the existing Kylemore House.

- Proposal to open up the area for pedestrians and cyclists will encourage anti-social behaviour.
- Details of previous planning history in the area and associated reasons for refusal.
- Unless a very high wall or hedges are put in place, residents in upper floors of the proposed apartments will have a direct view into the rooms in the bungalows completely destroying privacy for residents of the bungalows.
- Proposal is piecemeal development and does not provide for a comprehensive and orderly development of this overall area.
- Application site is zoned 'Zoning Objective A' which is to protect existing residential amenity and the proposal sets a dangerous precedent for any future development of the area.
- Clarity regarding boundary treatment particular to 'Solus' property, 45 Watson Road.
- High density is out of character with existing area. Applicant is proposing to replace an institutional use with dense residential development.
- Replacement of 5 houses with 102 units is overdevelopment of the area.
- Design of the apartments and houses is of a lower standard compared to other recent developments along Church Road and will lower the standard of design and lead to a decrease in value of existing dwellings in the area.
- Objection in principle to Block E which will negatively impact on adjoining properties. Significant changes should be made to Block E so as to protect existing residential amenity. Access to basement car-park should be re-located and applicant should provide a landscaped set-back between the internal access road and the property boundary at this location.
- Filling apartment blocks with one and two bed units is contrary to apartment guidelines.
- A crèche should be provided.
- Impact on adjoining properties 'Moriah' and 'Derriana' have not taken account of proximity of proposed basement car park and apartment block to this

boundary. Closest dwelling is considerably closer than indicated. Applicant should replace apartment block with two storey dwellings. There are large balconies and picture windows on the elevation overlooking the property of the north making them feel as though they are under surveillance.

- Proposal to convert Kylemore House into apartments with new side extension will directly overlook the property 'Battleford'. Blocks J and K should be reduced in height to avoid visual overbearing and overlooking impacts.
- Objection to the proposed extension to the gate lodge which will be 3.7m to the 'Treesdale' property boundary.
- Concerns about impact to St. Matthias Wood.
- It is considered that the proposal is materially non-compliant with the guidance contained in section 4.8 of the Building Height Strategy 'Policy for Residual Suburban Areas not included within Cumulative Areas of Control'. Section 8.4.1 outlines a series of upward and downward modifier criterion where increases and decreases in height may be considered. It is submitted that the proposed development does not meet any of the upward modifier criteria and the context of the proposed development does not readily accommodate greater building heights.

Environmental Issues

- No Environmental Impact study submitted.
- Serious noise pollution.
- No effort on behalf of the developer to identify whether the existing mature trees should be preserved.
- Total loss of 167 trees from the site is excessive and contrary to previous Board's refusal. PL.06D.246228.
- Trees from shared boundaries should not be removed without permission.
- Concerns regarding dust and impact on human health.
- Loss of mature trees will have big loss on the environment.

- Noise and traffic emanating from this development will be seriously disrupting.

Right of Ways

- There is an existing right of way at the back corner of no. 45 Watson Road. This was established by the residents and used for last 29 years.
- The pedestrian right of way area on the north of Caerleon property on Church Road extends to the back of the footpath on Church Road over the observer's entrance driveway which the applicant has no interest in. Along the side of this right of way there is an open ditch into which surface water discharges. This is not shown on the proposed drawings. There is an existing 150mm drain connecting the observer's foul drainage through Kylemore to the public drain, which does not show on the developer's drainage layout. This access was part of the purchase contract for Caerleon in 1977.
- Further to the previous point, the lane shown on the north side of Caerleon gives access to Church Road. The observer sets out that he has right of way from Church Road down this lane to access his property. Since 1977 this entrance has been widened into his property as site line for his access. While the observer can access the lane via Kylemore land the applicant has no right of way on the observer's land.

Other Issues

- An observer's house built in 2012 (directly adjoining the proposed pedestrian access to the site from Watson Drive) does not appear on the drawings.
- Existing schools and pre-schools are at full capacity in the area.
- Would be more appropriate if ABP considers the entire proposal of the two sites from San Michelle to Kylemore and plan for the development as one project.
- Proposal makes not provision for natural air drying of laundry for 68 apartments.
- Proposal needs to be considered alongside File Ref. No. 17A/0868.

- Proposal will have serious effect on the value of the existing residences.
- An LAP should be considered for the area and before wider construction of Cherrywood.
- Application ignores the ABP decision to refuse permission in respect of PL.06D.246228.
- The many housing units within a small enclosed site without proper access could create a fire hazard.
- The proposed development does not currently adjoin a public transport corridor it adjoins local bus services.
- No geological details have been submitted and bedrock is located just below the surface.
- The submitted mobility management plan has been cut and pasted from an office scheme or similar and bears no relation to what should be included for a residential scheme.
- A number of recommendations are noted in a submission regarding the proposed development that include inter alia amendments to boundaries, alterations to the scheme. The detailed comments are duly noted.

8.0 Planning Authority Submission

8.1. Overview

The planning authority, Dun Laoghaire Rathdown County Council has made a submission which was received by ABP 22nd May 2018. The report notes the observations/submissions received and summarised the issues raised.

8.2 Planning Analysis

The report which sets out the principle planning considerations and response to issues raised is summarised as follows:

- **Zoning Objectives of the site** – Site is zoned ‘A- to protect and/or improve residential amenity’. There is an objective to protect and/or provide for Institutional use on open lands indicated for the former Kylemore Clinic grounds as well as an objective to protect and preserve trees and woodland. An area of archaeological potential also extends onto the site. There is an objective for a 6 year road proposal onto the adjacent Church Road and Churchview Road.
- **Relevant Site history** – Relevant site history is outlined and included in this report in section 4.
- **Principle of development** – Kylemore house is not a protected structure but is at risk of dereliction. The proposal will reuse the building for residential use which accords with Policy AR5: Buildings of Heritage Interest. The proposed infill development is acceptable in principle and compatible with the zoning objective.
- **Density** – The proposal is to provide a density of 43 units per hectare. The site is located along the proposed ‘R118 Wyattville Road to Glenageary Road upgrade and QBC scheme’ and therefore a density of 50 units per hectare should be provided. However, having regard to the location of the site, objectives to preserve trees and woodland and the objective to protect and/or improve Institutional use on open lands it is considered that the density is acceptable.
- **Residential Mix** – The current proposal provides an appropriate mix of housing types, sizes and tenures on the site and accords with the development plan and the interim Housing Strategy.
- **Height** – Regard is had to section 4.8 of the Building Height Strategy which states a maximum of 3-4 storeys may be permitted in appropriate locations. It is considered that the height as proposed is acceptable for the site given its location and the proposed design and layout of the scheme.
- **Design and Layout** – The proposal will provide a positive street frontage to Church Road in particular. The building forms are simple with a contemporary design and variations in the facades with breaks/set-backs and selected brick

detailing. The proposed design and high quality finish to the proposed development is considered appropriate to the character of the area.

- **Public Realm** – The main open spaces are overlooked by surrounding units.
- **Residential Amenity** – It is not considered that the proposed development to the northern portion of the site would impact on the residential amenity of the adjoining dwellings. It is also not considered that the proposal would impact on the residential amenity of the adjoining site to the south-southwest. Proposed minimum separation distances between blocks are considered acceptable. It is not considered that the location of the proposed blocks would result in any overshadowing of the proposed units within the blocks.
- **Quality of the residential units** – The apartment floor areas accord with the section 28 guidelines in terms of floor areas and storage areas. All apartments are dual aspect. The dwellings provide a variety of sizes and have been laid out to avoid overlooking. The units have been designed to provide a high level of accommodation for the intended occupiers. Separation distances to nearby third party dwellings are also acceptable.
- **Private Open Space** – All rear garden areas within the proposed development exceed the requirements of the County Development Plan. The amenity space to serve the apartments and courtyard is considered acceptable. Each apartment unit has its own area of private open space in the form of balcony ranging in area from 6sq.m-10sq.m.
- **Public Open Space** – Open space provided is overlooked and is easily accessible from all proposed units. Approximately 7,288sq.m. of public open space is proposed to serve the proposed development in the form of public open space and shared amenity space. The proposed open space area equates to 30% approx. of the overall site area. The institutional objective requires 25% of the site to be set aside as public open space. The size, layout and location of the open space is easily accessible and acceptable in principle.
- **Drainage** – The Municipal Services report dated 17/04/18 considers that the detailed reports and drawings submitted by the applicant satisfy the requirements of Municipal Services. A number of conditions have been

recommended by Municipal Services relating to the proposed development and will be attached in the event of a recommendation to grant permission. No report has been received from Irish Water.

- **Transportation Issues** – It is considered that the proposed vehicular access and pedestrian/cycle access arrangement will provide for maximum permeability within the site with a direct cycle and pedestrian route through the site which will provide movements between Watson Road and Church Road. The interconnection throughout the site also links into the wider area and future developments promoting pedestrian and cycle connectivity. With regard to parking provision a condition is required seeking clarification regarding the location of the 7 no. motor cycle parking spaces, and designated spaces for the relevant apartment unit in the basement car park. With regard to the R118 Wyattville Road to Glenageary Road upgrade and QBC scheme, it is set out that no letter confirming that the area of land to be reserved free of development along the frontage of Church Road will be offered to be ceded to the Planning Authority to facilitate future the QBC has been included with the application. A detailed condition is recommended in this regard.
- **Landscaping and Trees** – No information regarding the quantity of proposed planting has been detailed and makes it impossible to fully assess the likely impacts of new vegetation, in terms of aesthetic, ecological and screening benefits. A number of conditions are recommended by the Parks and Landscape Services.
- **Boundary Treatment** – Parks and Landscape Services set out that the proposed boundary details for the entrance at Watson Drive is not acceptable. A combined pedestrian/cyclist stile alongside a maintenance access should be provided. Conditions are recommended regarding openings and boundary treatments.
- **Childcare Facilities** – It is recommended that the requirement for childcare facilities at this location should be included as a condition.
- **Part V** –A condition should be attached requiring the developer/applicant to enter into agreement in accordance with Part V.

- **Phasing** – Four phases are proposed and is considered acceptable.
- **Public Lighting** – The layout drawing indicating the power supply for the public lighting on the main road which it is proposed to take in charge is also supplying power to street lighting in private areas which is not acceptable. Any street lighting provided in private areas of the development is independent to the public lighting power supply.
- **Taking in Charge** – The proposed taking-in-charge is considered acceptable subject to conditions.
- **Appropriate Assessment** – A report from the Biodiversity Officer dated 16/05/2018 gives a number of conditions recommended should the Board be minded to permit the development.

8.3 Inter-Departmental reports

The report also contains inter-departmental reports which are summarised briefly below:

Drainage Planning Report

CCTV results confirm deficiencies in the surface water sewer and while Municipal services is not aware of these deficiencies causing problems in the public surface water sewerage system, this has been cited by ABP as a reason for refusal on previous applications. It should be noted that the proposed connection point (at no. 66 Watson Drive) is not the same location as previous applications and does not drain to the local surface water drainage system proposed in previous applications. The contents of the CCTV survey are noted and the Council has included the sewer in its programme of rehabilitation works to be undertaken.

Following the pre-application meeting, AECOM undertook a hydraulic analysis that showed that the proposed attenuation tank for this development could not accommodate additional surface water run-off from adjoining sites and therefore proposed a duplicate surface water sewer to accommodate any such future flows. This sewer has no function in the development under consideration and its provision is solely a matter for the applicant.

It is set out that since the lodging of the application, Municipal services has become aware that the section of Watson Road (approx. no. 41 to 45) that drains to two

gullies at the end of the cul-de-sac (at no. 45) discharges to the surface water sewer at no. 66 Watson Road via a 225mm diameter sewer. The line of the sewer is unknown and a condition is recommended to be included so as to ensure the direct disposal to the public sewer at on. 66 Watson Road or to the proposed attenuation tank.

The report recommends 10 no. conditions to be attached to any grant of permission.

Transportation Department

This report provides a response to each of the items of DLRCC Transportation Planning Sections requests. It is noted that no letter of confirmation that the area of land to be reserved free of development along the frontage of Church Road will be offered to be taken in charge by the Planning authority and will be ceded to the Planning Authority to facilitate future 'R118 Wyattville Road to Glenageary road Upgrade and QBC Scheme' has been included in the scheme. It is unclear where the 7 no. motorcycle spaces are to be provided and this should be subject to condition. The report recommends 17 no. conditions.

Parks and Landscape Services report

Applicant has failed to fully address some important items relating to landscape design and play provision and one of the proposed boundary treatments i.e. to Watson Drive is not acceptable. A combined pedestrian/cyclist stile alongside a maintenance access (minimum ope of 2.5m) should be provided. The pre-cast concrete boundary wall to rear gardens are not acceptable and an alternative, more environmentally friendly solution should be provided.

Quantities for proposed planting is not indicated. There are insufficient details regarding the proposed safety surface to the play area. It is set out that the proposed 'Springer and Swinger' units should be omitted as they have been problematic.

Detailed conditions are outlined in the report.

Housing Report

Should permission be granted, the Council may review the proposal which is agreeable in principle and seek an alternative mix of unit types to reflect the current housing demand at the time. Detailed submissions in respect of lands values, construction, development and any attributable costs associated with the development should be submitted. A Part V agreement condition should be attached.

Public Lighting Report

Public lighting scheme is acceptable. The layout drawing is indicating that the power supply for the public lighting on the main road, that is proposed to be taken in charge will also be supplying power to street lighting in private areas. This is not acceptable, any street lighting provided in private areas is independent to the public lighting power supply.

Biodiversity Officer

6 no. conditions are recommended.

It is noted that a screening report for AA has been submitted and it is considered that it has been demonstrated that no significant impacts are likely on Natura 2000 sites.

Waste Section Planning Report

A detailed construction and demolition and operational waste management plan and environmental management construction plan should be submitted.

Appendix B provides a detailed breakdown of the development contributions that should be sought.

8.4 Recommended Conditions

Section 14 of the Chief Executive's report recommends conditions to be attached in the event of a grant of permission. A summary of the conditions is provided as follows:

Condition 1 Accord with plans and particulars

- Condition 2 Maintenance of public roads
- Condition 3 Limitation on use of house
- Condition 4 Standard of works for Taking in Charge
- Condition 5 Management Company details
- Condition 6 Hours for construction
- Condition 7 Re-use of existing materials
- Condition 8 Part V Agreement
- Condition 9 Undergrounding of cables
- Condition 10 Naming and Numbering scheme
- Condition 11 No development above roof level
- Condition 12 External finishes to be agreed
- Condition 13 Childcare facility to be provided on site
- Condition 14 Disposal of surface water requirements
- Condition 15 Reservation line to accommodate future R118 Wyatteville Road to Glenageary Road Upgrade and Quality Bus Corridor
- Condition 16 Confirm in writing reservation of land along Church Road
- Condition 17 Compliance with Designers response to Cycle and Walking Audit
- Condition 18 Pedestrian linkages to be provided on first occupation
- Condition 19 Underground services to be situated under impermeable pavement
- Condition 20 Future proofing provision of electric charging points in basement
- Condition 21 Compliance with standards for Cycle Parking and Facilities for new development.
- Condition 22 Motorcycle spaces to be shown on detailed drawings.
- Condition 23 Wheel stopper locations to be shown
- Condition 24 Detailed drawings indicating which spaces are designated for each unit.
- Condition 25 All works to meet 'Taking-in-charge' standards

- Condition 26 Road Opening Licence to be obtained
- Condition 27 Detailed drawing requiring detail of proposed access for construction traffic from Church Road.
- Condition 28 Construction movements, deliveries and access routes to be agreed with the planning authority.
- Condition 29 Provision of on-site staff car parking
- Condition 30 Street lighting in private areas to be independent to the public lighting power supply.
- Condition 31 Retain professional services of a Landscape Architect to implement scheme
- Condition 32 Revisions to soft landscaping proposals including details of quality of planting
- Condition 33 Revised play area details including play equipment details
- Condition 34 Submission of post-installation Practical Completion Certificate
- Condition 35 Submission of revised details pertaining to entrance at Watson Drive and rear boundary treatment to include 1.8m timber fencing panels fixed to concrete posts.
- Condition 36 Appointment of Arborist for entire construction period and lodgement of Tree Bond.
- Condition 37 Implementation of Arboricultural Method Statement and revised Tree Protection Plan.
- Condition 38 Submission of a detailed Construction and Demolition Waste Management Plan
- Condition 39 Submission of a detailed Environmental Management Construction Plan
- Condition 40 Submission of a detailed Waste Management Operational Plan
- Condition 41 Implementation of mitigation measures set out in Ecological Impact Assessment report.

- Condition 42 Closure of badger setts and excavated as per best practice under licence from the NPWS.
- Condition 43 Vegetation clearance and tree removal to occur outside bird breeding season.
- Condition 44 All buildings and trees to be re-examined for bats prior to demolition/felling.
- Condition 45 Details of Bat Consultant and final design of external illumination to be in accordance with the required specification.
- Condition 46 Final site specific Construction and Environment Plan to be submitted at least 5 weeks prior to commencement of development.
- Condition 47 Access to green roofs to be restricted for the purposes of maintenance and no flat roof area to be used as garden/terrace.
- Condition 48-50 Development Contributions
- Condition 51 Security Bond
- Condition 52 No development to occur prior to agreement of the development contributions
- Condition 53 Phasing proposal as per details submitted drawing no. 1620B-0602.

9.0 Prescribed Bodies

9.1 Department of Culture, Heritage and the Gaeltacht

- On the basis of the results of the archaeological test excavations and the conclusions of the report there are no further archaeological requirements in this case.

9.2 National Transport Authority

- Supportive in principle of the quantum and density of development proposed for the site.

- Site is within walking and cycling catchment of existing public transport on Wyattville Road and Churchview Road and the layout enhances permeability of the wider area.
- 163 no. spaces is in excess of the development plan maximum. It is recommended that the car parking provision should not exceed the maximum specified in the development plan.
- The external road environment should provide for cyclists approaching the site from all directions.
- Further consideration should be given to facilitating site access for southbound cyclists on Church Road.
- All access points should accommodate both walking and cycling.

9.3 County Childcare Committee

- In 2016, it was found that there was a deficiency of approximately 1,500 places in the county.
- Response rate used for analysis does not provide sufficient evidence to not recommend a new service.
- Proposed development does not comply with the standards which seek the provision of one childcare facility for each 75 dwellings.
- It is recommended that an Early Year's Facility be included as part of this development.

10.0 Assessment

10.1 Pursuant to site inspection and inspection of the surrounding environs including the road network, examination of all documentation, plans and particulars and submissions/observations on file, I considered the following the relevant planning considerations of this application:

- Principle of development

- Urban Design and Layout
- Height and Density
- Open Space and Landscape Strategy
- Water and Surface water management
- Traffic and transportation
- Childcare
- Other issues

10.1. Principle of development

- 10.1.1. The lands in question are zoned 'Objective A' – to protect and/or improve residential amenity. The lower section of the site has an 'Institutional' land use zoning objective due to the former use of Kylemore House as a nursing home. The principal aims of any eventual redevelopment of Institutional lands as provided for in section 8.2 of the Development Plan will be "to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained." Kylemore House has been vacant for some years and is exhibiting signs of disrepair. It is considered that the timely restoration of this structure for residential occupation would ensure its integrity and use into the future.
- 10.1.2. The proposal is to demolish four no. dwellings and construct 101 residential units and extend the existing Gate Lodge (total 102 units). The Planning and Development (Housing) and Residential Tenancies Act of 2016 provides that other uses on the land, the zoning of which facilitates such use, can be included but only if the cumulative gross floor area of the houses comprises not less than 85% of the gross floor space of the proposed development. There are no 'other uses' forming part of this application. The proposal is therefore consistent with the land use zoning objective and the provisions of the Act of 2016 in respect of strategic housing applications.

10.1.3. With regard to the proposal to demolish existing dwellings units, I consider that this proposal is reasonable in the context of the application. The bungalow/dormers located along Church Road are fire damaged/derelict. The proposal is to replace these relatively low density housing with an increased density which is supported by national planning policy. With regards to the demolition of no. 66 Watson Drive, this dwelling is a semi-detached dwelling and numerous observers have raised concerns about the demolition of this structure and the potential impact on the adjoining dwelling. The applicant has indicated in the documentation submitted that the demolition of this dwelling is to facilitate service connections at this location. Details of the demolition procedures of no. 66 Watson Drive outlines that weathering, new external leaf and new roof detail to no. 68 will be carried out. The applicant will be required to ensure the structural stability of no. 68 and ensure works are completed to a satisfactory level. I am satisfied that the proposal for demolition of no. 66 can be justified and that subject to appropriate health and safety and construction practices that there would be no undue negative impact on the residential amenity of no. 68 once the construction phase is complete. There will inevitably be disruption during the course of construction, however such can be minimised to acceptable levels with appropriate standard working/construction procedures such as controlling construction hours, dust minimisation etc.

10.2 Urban Design and Layout

The development site comprises of two distinct development areas.

10.2.1 Upper section of Site

The upper part of the site i.e. rectangular section which bounds Church Road comprises of three proposed apartments blocks (Apt. Building Type C, D and E) as well as 20 no. residential units. The private amenity spaces associated with the residential housing units vary from 65sq.m. to 177sq.m. and as such are considered acceptable in terms of quantitative and qualitative terms. Block C is a four storey apartment block with an overall height of c. 14m. I note that elevation 2 and 4 of this block are incorrectly labelled on the key plan i.e. elevation 4 should be 2 and vice versa. Elevation 2 has frontage onto Church Road. This block contains 8 no. two bed apartments with floor areas ranging from 85.8sq.m. to 93.8sq.m. Adequate storage and amenity space has been provided. All apartments are dual aspect. Blocks D and

E are four storey apartment buildings over basement parking. There are 34. no spaces provided for within this basement car-park. Block D contains 8 no. two bed apartments with similar sized apartments and layout to that of Block C. Block E contains 4 no. one bedroom apartments and 12 no. three bedroom apartments. Block D and E have an overall height of approx. 14m and 12.3m respectively. Concerns have been raised regarding the inaccurate depiction of the dwelling on third party lands immediately north of Block E. The site in question has been re-developed with the dwelling (as shown on the layout plan) demolished and two no. two storey dwellings constructed. Planning Ref. 12A/0465 permitted three no. detached dwellings on the site to the north of Block E. Pursuant to site inspection it is noted that only two of these houses have been constructed i.e. House C to the rear of the site has not been constructed and this area currently serves as private amenity space to the two constructed dwellings. The building line of the nearest dwelling to the boundary of this development site has been re-located marginally forward of the old dwelling which has been demolished. The distance of the house from the boundary as noted in the planner's report is 2.3m. There are no windows on the first-floor side elevation of this dwelling from which direct overlooking could arise. I accept that there will be perceived overlooking particularly from balconies which is understandable given the current character of the dwellings on large serviced plots. The matter for the Board to consider is whether the design and configuration of Block E will detract from the residential amenities of this dwelling. Block E is shown c. 16.2m from the party boundary and the dwelling is a further 2m away from this party boundary. The balconies on the rear elevation of Block E will be located at an oblique angle and having regard to the separation distance I do not consider overlooking to arise. The western corner of the balconies have been designed so as to reduce over-looking to the north. I do consider that a condition should be attached for a privacy screen to be erected on the western corner of balconies associated with units E-15 and E-16 to avoid any potential for overlooking. I also consider the windows and the balconies that will face the side elevation of the existing dwelling will not give rise to undue overlooking. The balconies are located such that it would be the front of the house that would be potentially overlooked but even then, I consider there to be adequate separation distances.

- 10.2.2 The house types are terraced units consisting of two and three stories (end units with dormer on front roof plane) with a proposed red brick and render finish with zinc rainwater goods. The overall design standards of the dwellings are considered acceptable from a quantitative and qualitative perspective. The overall height of the dwellings are 10.9m and do not impact on existing residential amenity of the area.
- 10.2.3 Having considered this element of the development proposal and taking all of the submissions/observations into account, I do not consider that the proposed development on this portion of the site (northern section) will unduly detract or impact on the existing residential amenities of the area. I acknowledge that the applicant has failed to provide accurate details regarding a permitted and recently constructed development to the north of the site. However, pursuant to inspection of the area including the observer's property to the north, I am satisfied that Block E will not have an overbearing impact on these dwellings or unduly detract or impinge on the existing residential amenities of the area.

Lower Section of site

- 10.2.4 It is proposed to convert Kylemore House into 6 no. apartments consisting of 5 no. two beds and 1 no. three bed (at first floor level) units. The apartments range in floor area of between 89sq.m. and 121sq.m. A new extension is proposed to Kylemore House i.e. north-west elevation. It is noted that the floor plans indicate windows on this elevation serving bathrooms/ensuites which are not indicated on the elevation drawing. This omission is not considered material. I am satisfied that the architectural merit and character of the existing structure will be retained. The proposed interventions to the structure are such that allow for the re-use and adaptation of the existing structure for future use as residential units ensuring its conservation into the future.
- 10.2.5 Block J is a three storey/part four storey apartment building comprising of 14 no. units as follows: 3 no. 1 bed units, 11 no. 2 bed units. The one bed units are 57.4sq.m. while the two bed units range from 81.4sq.m. to 88.7sq.m. While the configuration of the kitchen/living area of unit J1-14 is somewhat awkward I am

satisfied that the internal layout can be re-configured by occupants so as to provide optimal use of the space provided. All units are dual aspect with storage areas and floor areas that conform to the apartment standards guidelines of 2018. Block K is a four storey block containing 16 no. apartments comprising of 4 no. 1 bed units and 12 no. 2 bed units ranging from 80sq.m. to 89.8sq.m. The one bed units are approx. 55.6sq.m. All units are dual aspect with adequate storage areas. Block L, located to the western portion of the overall site, comprises of 8 no. apartments in a courtyard formation which are single storey with two storey element on the east and western sections of the courtyard. There are 2 no. 1 bed units, 4 no. two bed units and 2 no. three bed units. The overall height of the structures are 8.51m. Private patio areas are provided to each of the ground floor units with terrace/balcony areas to the two apartments at first floor level.

10.2.6 Courtyard M consists of 5 no. apartments in total comprising 1 no. 1 bed apartment and 4 no. two bed apartments ranging in size from 93.8sq.m. to 99.2sq.m. This courtyard arrangement comprises of a single storey apartment located between the two two-storey structures. The design and external finishes of these structures are consistent with those finishes used throughout the scheme. The taller of the structures within this courtyard has a ridge height of 9.42m. Concerns have been raised by observers regarding these structures which are located to the north-eastern boundary i.e. adjacent to no. 45 Watson Road. No overlooking or undue overshadowing will occur. Concerns were raised about the ability to convert the attic space. The proposed ridge height does not lend the attic area to be converted to habitable space and as such I do not consider that the proposal in its current form would detract from the existing residential amenities of the area. The gate lodge has an existing total floor area of 73sq.m. which it is proposed to increase to 113sq.m. The existing rear return is to be demolished and replaced with a modern single storey extension. I am satisfied that the proposal is acceptable and would not detract from the amenities of the area or detract from the existing character of the lodge structure.

10.2.7 Having considered the development proposals for the lower portion of the development lands, I am satisfied that there would be no undue negative impact on

the existing residential amenities of the area. I have considered all of the submissions/observations in this regard.

10.3 Height and Density

10.3.6 Numerous observations raise concerns about the overall height of the proposed development and that it would be out character with the existing area. I accept that the more prevalent character in the area is low rise suburban style housing, some of which are on large plots. However, this should not dictate the future character or restrict attempts to increase residential densities particularly where the applicant can demonstrate that the proposal would not have undue negative impact on the existing residential amenities of the area. Increased densities should be encouraged on serviced lands particularly where they are in close proximity to public transport routes, which the development site is given the proximity of the site to Church Road and Churchview road which are served by Dublin Bus. The site is also within walking distance of many amenities.

10.3.2 There is a Building Height Strategy for the County (Appendix 9 of the County Development Plan). The aim of this strategy is to ensure the protection of the built heritage and general residential amenities while encouraging higher densities. This strategy is in line with national policies seeking to increase densities within existing urban footprints thus ensuring that the objective of compact growth within urban areas can be achieved. National planning objective 13 of the National Planning Framework sets out that in urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high-quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected. The Building Height Strategy refers to “upward and downward modifiers” which observers have referred

to. Having regard to the overall provisions of the strategy, the site's context and the development proposal, I do not consider that these provisions apply.

10.3.3 Having considered the merits or otherwise of the proposed scheme before me, considered national and local planning policies and in particular having regard to the existing residential amenities of the area and the need to protect them, I am satisfied that the increase in height and density on this development site would not have an adverse effect on the existing residential amenities of the area. The development strategy for the site has sought to provide in general a transition at the perimeter of the site with provision of two/three storey structures. I accept that Block E is four storey although I do not consider the four storey apartment blocks to be "tall" buildings but rather taller than the prevailing character in the area. At an overall height of 12.3m Block E or indeed any other block is not such that would be at odds with the overall character of the area. This block as already discussed in section 10.2 of this report is some 16m from the party boundary. I consider that the four storey blocks can be absorbed into the local landscape with Block D and E strengthening the urban form along Church Road. The proposed gross density is 42.6 units which is considered to be in line with national policy and also the Council's own policy. I do not consider that the concerns in respect of height or density can be sustained in this instance.

10.4 Open Space and Landscape Strategy

10.4.1 There are four main areas of public open space proposed consisting of four main areas 2,494sq.m, 523sq.m., 2,868sq.m., 1403sq.m. respectively and giving rise to a total of 7,288sq.m. The overall public open space accounts for 30% of the site and as such is consistent with the provision for such space on institutional lands. The applicant has submitted a landscape report which identifies the site as being situated within an area with mature gardens containing a good mixture of mature to semi-mature trees and shrubs in various state of condition. A tree survey has been prepared and the arboriculture report and impact layout recommends the existing

trees that are to be retained on the site. I note that some trees identified in the survey are located outside/close to the confines of the development site and therefore the onus is on the applicant to ensure that relevant consents are sought prior to the removal of any such tree. In general, I am satisfied that the public open space is of high quality and strategically located within the site, utilising existing trees/shrubs (primarily to the south-east corner of the site and west of the gate lodge) so as to enhance the overall attractiveness of the residential scheme. The more active open space is being provided to the rear of existing properties along Watson Road i.e. rear of unit no's. 66-74. A junior play area is to be provided to the northern portion of open space lands with suitable play equipment. A kick-about area is also provided in this portion of the development.

10.4.2 I am satisfied that an appropriate area of public open space has been retained in the vicinity of Kylemore House so as to retain the character and setting of this structure. The trees along the avenue (west of the gate lodge) are to be retained as are the large mature trees to the south and south-eastern boundary thus retaining the character of the house from the original approach road. The existing perimeter wall is being retained along the south-eastern section of the site which will retain the character of the open space at this location which is also visible from Kylemore house.

10.5.0 Infrastructural Services including Flood Risk

10.5.1 Surface water drainage

The demolition of no. 66 Watson Drive is necessary to facilitate a connection to the existing sewer and to provide an adequate maintenance wayleave to the proposed discharge pipe. Reference is made to consultation with the Council regarding surface water management and it is set out that DLRCC have undertaken works to the surface water system to allow root removal and relining sewers. It is submitted that further works are required but the timeframe for such works were not known prior to lodging the application. The CCTV survey has identified specific areas that require to

be repaired or cleaned. This information has been submitted to the Council to allow them to carry out the necessary remediation works as part of their ongoing maintenance programme. The Qbar for the site has been calculated as 15.4l/s. It is proposed to discharge surface water run-off by gravity via a new 225mm diameter surface water sewer to the existing 300mm diameter surface water sewer located to the western boundary of the site on Watson Drive.

10.5.2 Calculations have been presented for overall site attenuation system. The applicant submits that in recognition of potential future development of the lands to the immediate north and east of the development, it is proposed as part of the drainage infrastructure works for this development to install a dedicated 'stand-alone' surface water sewer that will have the sole function of providing a surface water discharge route for surface water run-off that would be generated by development of the lands to the north and east. The planning authority has indicated that this is a matter for the applicant as it has no function within this development.

10.5.3 Green roofs are proposed to the apartment blocks. Permeable paving will be installed within the driveways of the housing units and filter drains to be incorporated where possible within the open spaces adjacent to the permeable paving parking areas.

10.5.4 The Municipal Services Department sets out that the proposal lies within the catchment of a surface water sewer system that has existing deficiencies which the CCTV survey undertaken by the applicant confirms. The report sets out that the proposed connection point (at no. 66 Watson Drive) is not the same location as previous applications and does not drain to the local surface water drainage system proposed in previous applications. The report set out that the "deficiencies identified in the CCTV survey from manholes S6 to S10 and in particular the root blockage upstream of S9, would in the worst-case scenario possibly result in surcharging and spilling at manhole S8, which due to the topography of the Watson estate would not

result in surcharging elsewhere upstream. Notwithstanding this, the sewer has been included the programme of rehabilitation works to be undertaken”.

10.5.5 Foul Water Drainage

A CCTV survey undertaken by the applicant reveals that the foul water sewers are clear of root ingress and debris and as such the connection to the public network will contribute minimum impact on the overall existing foul sewer network.

10.5.6 Water Supply

It is proposed to have a new 150mm diameter water main connection off the 150mm diameter ductile iron watermain that runs along the western side of Church Road. A water demand of 61m³ / day is estimated.

10.5.7 Flood Risk Assessment

A flood risk assessment has been submitted with the application. The study considers threats from coastal, fluvial and pluvial flooding. An extract from the Final Eastern CFRAM Fluvial Flood Extents map indicates that the development is located in Flood Zone C. Assessment of flood risk for potential blockage of proposed surface water network has been provided. This analysis was undertaken using the MicroDrainage computer modelling software, for a scenario where the Hydrobrake would be blocked by 50%. The report indicates that to fully mitigate for a potential flood event at 50% blockage to the HydroBrake the attenuation storage requirements has been oversized thus safeguarding the proposed development and neighbouring properties. The report concludes that the subject site is located in Flood Zone C and therefore negates the need for a justification test. A series of measures have been incorporated to ensure that the development is protected from pluvial flooding.

10.5.7 Conclusion

Having regard to the submissions made in respect of the application, the information submitted by the applicant and the details provided the local authority, I am satisfied

that the previous reason for refusal cited by An Bord Pleanála regarding foul and surface water management has been addressed. A new connection point is proposed which drains to a different local surface water drainage system.

10.6 Traffic and transportation

10.6.1 It is proposed to access the development lands from Watson Road, currently a cul-de-sac. There is currently three vehicular access points from Church Road that are boarded up that would have served each of the individual houses that are to be demolished. Church Road functions as a distributor road with footpaths on both sides. In principle, the proposal for a vehicular access from Watson Road is considered acceptable. I note the concerns from observers regarding this proposal however I consider that the existing road local network is capable of carrying the additional traffic. Pursuant to site inspection, it is noted that the dwellings along Watson Road all have ample parking space to the front of the houses thus reducing the need for on-street parking. I do accept that the existing road network has developed in a dendritic fashion which has led to poor permeability and connectivity in the immediate area. However, the development lands are located within walking distance of local amenities including schools, playgrounds, shopping centre. There are bus route services on Churchview Avenue and along Church Road. A QBC is also proposed along Church Road. There have been previous refusals regarding access onto Church Road in respect of File Ref. No. PL.244194/244195 which were considered to endanger public safety by reason of a traffic hazard and set a precedent for further multiple dwelling access points with consequent implications for public safety and the carrying capacity of the road. As such the proposal by the applicant to access the lands via Watson Road is considered the most viable option. I accept that the proposal will give rise to an increase in traffic movements along this existing cul-de-sac, however, the movements are not such that would detract or impact on the existing residential amenity of the dwellings along Watson Road.

10.6.2 While observers have queried some of the data used in the traffic and transportation study, I consider that the information submitted is reasonable. The site in question is zoned and serviced, within walking distance of local services and therefore the proposal represents a more efficient and sustainable use of prime urban lands.

10.6.3 The applicant has sought to provide pedestrian and cyclist permeability throughout the site with access provided from no. 66 Watson Drive (which will link up with an existing pedestrian through route at this location running in an east-west direction) and three access points along Church Road. The development will offer much improved accessibility for pedestrians/cyclists from Watson Road vicinity to Church Road. This link should be made available to the public upon occupation of the first residential unit unless otherwise agreed with the planning authority.

10.6.4 The transportation department has submitted a detailed report which responds to each of the items raised during section 247 pre-planning discussions. Of note it is set out that while the applicant has responded to the item regarding the QBC no letter confirming that the area of land to be reserved free of development along the frontage of Church Road will be offered to be taken in charge will be ceded to the planning authority to facilitate future R118 Wyattville Road to Glenageary Road upgrade and QBC scheme. It is considered this issue can be dealt with by way of condition. The transportation section also require the 7 no. motorcycle spaces to be shown on the site layout plan which can be dealt with by way of condition.

10.7.0 Childcare

10.7.1 A childcare capacity assessment has been submitted with the application in response to the Board's Opinion which requested a report containing a 'childcare demand analysis and the likely demand for childcare places resulting from the proposed development'. The report sets out that the "applicant gave due consideration to the provision of a childcare facility during the design phase of the subject scheme. It was found, following consultation with the childcare operators and

local letting agents that there was a lack of demand for the type of childcare facility which could reasonably be accommodated on the subject site.”

10.7.2 A demand of 28 no childcare places has been assumed for the purposes of this assessment which is based on a projected population of 275 people with an occupancy of 2.7 persons per household and a rate of 10% of the population falling within this age-group which is estimated above the actual figures for the percentage of population which fell into this group in the 2016 census. The applicant has indicated that 50% of the childcare facilities responded to the information required so as to establish whether there was adequate capacity to deal with the additional demand for childcare. Pursuant to an examination of the information submitted, I am satisfied that there is adequate capacity in the area to cater for any additional demand that would arise.

10.7.3 The Board should note that the Local Childcare Committee and the planning authority have requested that a condition be included requiring the applicant to provide a child-care facility. Whilst I do not consider it necessary in this instance having regard to the demand analysis report submitted, the Board may wish to include the condition. The Local Childcare Committee consider that the lack of response i.e. 50% does not give sufficient evidence that adequate childcare places exist. I consider that there has to be a reasonable approach to the provision of childcare facilities within smaller housing developments so as to ensure the actual commissioning/operation and long-term viability of such facilities. Submissions from observers refer to two existing childcare facilities on Watson Road which have not been included within the applicant’s report. Whilst I did not observe these during the site inspection, these facilities maybe childminding or pre-school facilities within existing houses which I consider to further contribute to the availability of such services in the area.

10.8 Other Issues

10.8.1 Geology

I note that an observer has raised the issue of geology and indicates that their own dwelling has a pile construction due to the presence of rock in the area. This issue has not been raised by the planning authority. Whilst I note the presence of granite bedrock on the geology maps for the area, I do not consider that this issue precludes the construction of a basement car-park, but rather will require detailed design and management solution proposals during construction including the preservation of the structural stability of properties in the vicinity.

10.8.2 Part V

It is proposed to provide 9 no. units for social housing and the local authority has confirmed in letter dated 8th March 2018 that the proposal as set out by the applicant is acceptable in principle and is indicative only and will be subject to full review and evaluation should planning permission be granted. A general Part V condition should be attached.

10.8.3 Ecology

An Ecological Impact Assessment was submitted with the application. I note that it is set out that a bat study was carried out in 2015 and no bats were found to exist within the site. However, it is proposed to carry out a pre-construction bat survey to allow trees to be studied in detail to ensure that roosts are not present at time of felling. The report set out that if a bat roost is found to be present during the pre-construction survey the tree must not be felled until a derogation licence has been granted. The report also recommends that a number of burrows present on site which appear to be former badger setts are checked for occupation by badgers prior to commencement of development. A condition should be attached requiring the developer to implement the measures contained in the Ecological Impact Assessment should permission be looked upon favourably.

10.8.4 Archaeology

An Archaeological Assessment report was submitted with the application. It sets out that in an observation to An Bord Pleanála the National Monuments Service of the Department of Culture, Heritage and the Gaeltacht requested a pre-planning archaeological assessment concerning the proposal to be undertaken. On foot of this, three test trenches were mechanically excavated to establish the presence of archaeological strata of the site. No features of archaeological significance were identified. Photographs and analysis of the trenches are provided within the report. The report also sets out that a search of previous archaeological investigations in the area was undertaken and produced no results. The report concludes that there is little necessity to undertake archaeological monitoring over the course of the development. A submission from the Department of Culture, Heritage and the Gaeltacht indicates that no further archaeological requirements in this case.

10.9 Appropriate Assessment

10.9.1 Screening report

The applicant has submitted an AA screening report which sets out a description of the proposed development, identifies the Natura 2000 sites within 5kms and 10kms of the development. The report examines cumulative impacts and concludes that the proposed development is located 2.6kms from the nearest Natura 2000 sites, across a suburban environment and Killiney Hill with no direct connection to these conservation sites. No Annex species or habitats were noted on site or in the vicinity of the proposed development. No significant impact on Natura 2000 sites are foreseen.

10.9.2 Identification of sites

Table 4: Natura 2000 sites within 15km range of site

Natura 2000 Code	Site Code	Distance to site (as the crow flies to nearest point of Natura 2000 site)
Rockabill to Dalkey Island SAC	003000	2.9km
Rockabill to Dalkey Island SPA	0004172	2.8km
South Dublin Bay SAC	0000210	4.3km
South Dublin Bay and River Tolka SPA	0004024	4.4km
Ballyman Glen SAC	000713	7.7km
Knocksink Wood SAC	000725	8.7km
Bray Head SAC	000714	8.6km
Wicklow Mountains SAC	002122	10.5km
Wicklow Mountains SPA	004040	10.5km

As identified in Table 2 above there are nine European sites located within a 15 kilometre range of the proposed project. Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular, the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

AA screening – Conclusion

10.9.3 I have had due regard to the screening report and data used by the applicant to carry out the screening assessment and the details available on the NPWS web-site in respect of the nine Natura 2000 sites identified as being within 15km radius of the development site, including the nature of the receiving environment and proximity to the nearest European site which is Rockabill to Dalkey Island SPA and SAC. I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

11.0 Recommendation

I recommend that permission be **granted** for the proposed development subject to the following conditions:

12.0 Reasons and Considerations

Having regard to

- (i) the site's location on lands with a zoning objective for residential development and policy provisions in the Dun Laoghaire Rathdown County Development Plan in respect of residential development and institutional lands,
- (ii) the nature, scale and design of the proposed development which is consistent with the provisions of the County Development Plan and appendices contained therein,
- (iii) to the Rebuilding Ireland Action Plan for Housing and Homelessness,
- (iv) to the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,

- (v) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing and Planning and Local Government, March 2018,
- (vi) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,
- (vii) the availability in the area of a wide range of social infrastructure,
- (viii) to the pattern of existing and permitted development in the area, and
- (ix) to the submissions and observations received,

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

13.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

In the default of agreement the matter(s) in dispute may be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:
 - (a) Provision of a revised entrance at Watson Drive providing for a combined pedestrian/cyclist stile and maintenance access (minimum opening 2.5m).
 - (b) Provision of 7 no. motor cycle parking spaces within the basement car park.
 - (c) Revised north-west elevational drawings for Kylemore House accurately depicting fenestration detailing as per the proposed floor plans.
 - (d) Privacy screens on the western corner of the balconies of Units E-15 and E-16 within Block E.
 - (e) Provision of timber fencing panels fixed to 1.8m high concrete posts to the rear gardens and site boundary.
 - (f) Full details of proposed green roofs.
 - (g) Full details of the boundary along Church Road which shall be set back/constructed behind the Church Road reservation line to accommodate the future R118 Wyattville Road to Glenageary Road Upgrade and QBC.
 - (h) Details to ensure all basement and surface parking are constructed so as to accommodate future electric charging points for electrically operated vehicles.

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

3. Pedestrian and cyclist linkages from Watson Drive to Church Road shall be permanently made available upon the first occupation of the proposed residential development unless otherwise agreed in writing with the planning authority.

Reason: To enhance pedestrian and cyclist permeability.

4. Prior to commencement of development, the developer shall submit to the planning authority a schedule of ecological proposals as detailed in the Ecological Impact Assessment report and the Construction Environmental

Management Plan submitted with the application. The schedule shall set out the timeline for implementation of each proposal and assign responsibility for implementation. All of the proposals shall be implemented in full and within the timescales stated.

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

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

Reason: In the interest of nature conservation.

6. (a) The badger setts identified as disused and/or inactive will be closed and excavated within three months of the granting of this permission as per best practice with the supervision of a badger specialist under licence from the National Parks and Wildlife Service. The details of this process and any NPWS licences will be provided to the planning authority prior to the instigation of badger setts/burrows and associated works, for agreement of the planning authority.
(b) The retention of the sett/burrows (B1, B2 and B6) identified in the woodland will be protected from proposed works including the provision of 3m hoarding for the duration of the construction works.

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

7. Prior to commencement of development, the developer shall submit to the planning authority for their written agreement revised landscaping proposals

comprising of revised planting proposals (Plan drawing. No. 1394-3097) and revised planting schedule comprising the following amendments:

- (a) Provision of qualities to the planting list.
- (b) Clear timescale for the implementation of all landscape works which shall occur prior to occupation of any residential unit including a post-planting landscape maintenance programme.
- (c) Details and specifications of all play equipment including the provision of a 1.2m high steel painted railing along the western boundary of the junior play area.

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

Reason: In the interest of residential and visual amenity.

8. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work is shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

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

9. The materials, colours and finishes of the authorised buildings, the treatment of surfaces and boundaries within the development shall be agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of residential privacy.

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

Reason: In the interest of orderly development.

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

Reason: In the interest of public health and to ensure a proper standard of development.

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

Reason: To ensure a satisfactory standard of development.

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

existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

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

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

15. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Planning Authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

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

16. (a) Prior to commencement of development, a revised Taking in Charge plan shall be submitted which provides for the taking in charge by the planning authority of the lands required to accommodate the future R118 Wyattville Road to Glenageary Road upgrade and Quality Bus Corridor.

(b) The communal open spaces, including hard and soft landscaping, internal road serving the apartments, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(c) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

17. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

Reason: To comply with the requirements of Part V of the Planning and Development Act, 2000 (as amended).

18. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

19. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide details of intended construction practice for the development, including:

- (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) Location of areas for construction site offices and staff facilities;

- (c) Details of site security fencing and hoardings;
- (d) Details of on-site car parking facilities for site workers during the course of construction;
- (e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) Measures to obviate queuing of construction traffic on the adjoining road network;
- (g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- (i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006.

Reason: In the interest of sustainable waste management.

21. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

22. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to 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.

23. 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.

Joanna Kelly

Senior Planning Inspector

19th June 2018