



An
Bord
Pleanála

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

Inspector's Report ABP-302921-18

Strategic Housing Development

Demolition of non-original fabric of Chesterfield House (a protected structure) and derelict sheds.
Construction of 221 no. residential units, residents amenity facility and all associated works.

Location

Cross Avenue, Blackrock, Co. Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Cairn Homes Properties Limited

Prescribed Bodies

Transport Infrastructure Ireland
Irish Water
National Transport Authority

Dept. of Culture, Heritage and the
Gaeltacht

Observers

73 submissions – see Appendix I

Date of Site Inspection

16th January 2019

Inspector

Sarah Moran

Decision Quashed

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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.

Site Location and Description

The subject site, which has a stated area of 3.15 ha, is located to the south of Cross Avenue, east of Merrion Avenue and west of Booterstown Avenue, south Co. Dublin. It is located approximately 1km from Blackrock village, c. 930m from Booterstown DART station and c. 830m from the N11. This is an established residential area, with Cross Avenue characterised by a number of large dwellings on relatively large sites, many of which are protected structures. The site is surrounded by the existing residential development including Cross Avenue and Redwood Grove to the north, Southwood Park to the east, Clonfadda Wood to the south and Cherbury Gardens, Cherbury Court and Booterstown Park to the west.

The site is accessed via an original entrance from Cross Avenue, which also serves the existing house 'Renesca' that has been constructed in front of Chesterfield House. The site therefore comprises Chesterfield House and the remainder of its grounds to the north and south, with no frontage to Cross Avenue. There are two distinct areas within the site. The northern end of the site contains Chesterfield House, associated driveway and hardstanding and an ornamental garden to the rear, which also contains the ancillary Summer House. The northern area is subdivided from the south of the site by an ornamental water feature and associated planting, which is now overgrown. The southern end of the site currently comprises disused grassland with a substantial amount of mature trees along the boundaries. Historic maps indicate a bridle path along the south western boundary but little now remains of this feature.

The Dun Laoghaire Rathdown County Development Plan lists the 'Original Drawing Room' within Chesterfield House as a protected structure (RPS no. 171). The existing Chesterfield House is a 1970s reconstruction that was built around the drawing room of the original Chesterfield House, which dated to the early 19th century. Chesterfield House is now unoccupied.

The site boundary includes an area at the road frontage that is in the ownership of Dun Laoghaire Rathdown County Council (DLRCC) (stated area c. 3.15 ha). This area is included to facilitate connection to the public foul and surface water sewers and water supply.

Proposed Strategic Housing Development

The development involves 221 no. residential units as follows:

UNIT TYPE	NO. OF UNITS	%
Houses		
3 bed	7	3%
Apartments		
1 bed	29	13%
2 bed	106	48%
3 bed	79	36%
Total Houses and Apts	221	100%

The proposed apartments are to be constructed in 7 no. blocks (3 – 7 storeys). The non-original elements of Chesterfield House are to be demolished and the ‘Original Drawing Room’ is to be retained with a reconstructed Chesterfield House that contains 3 apartments. The 7 no. 2 storey houses and are located to the north of Chesterfield House, arranged around a central open space. The stated overall residential density is c. 70 units/ha.

The development also includes:

- Demolition of 3 no. derelict sheds.
- Internal reconfiguration and change of use of the Summer House to caretaker’s office and store.
- Childcare facility (216 sq.m.), associated play area and drop off area.
- Residents’ amenity facility incorporating a gym, meeting rooms and media room (450 sq.m.).

- Concierge office (11.06 sq.m.) and ESB substation.
- Provision of 274 no. bicycle parking spaces and 325 no. car parking spaces.
- 2 no. future pedestrian access paths up to the boundary with Clonfadda to the south and Cherbury to the west.
- Improvement works to the existing entrance at Cross Avenue and works to the public footpath and pedestrian crossing.
- New watermain along Cross Avenue to connect with the existing water network at the junction with Booterstown Avenue. Decommissioning of existing water tank.
- Surface water management system with SUDS measures and realignment of existing on-site surface water feature, connecting to a new storm sewer along Cross Avenue, to discharge to the municipal storm water network at the junction with Mount Merrion Avenue. Foul discharge to existing municipal sewer on Cross Avenue.
- Ancillary site development works including plant, waste storage, communal amenity space, landscaping, boundary treatment, lighting and solar PV panels.

The application is accompanied by a model of the proposed development.

Planning History

D10A/0591/E

Permission granted for extension of duration of permission for construction of 90 residential units and associated development on the subject lands in lieu of development permitted under D06A/0069.

D10A/0591 PL06D.238361

Relating only to lands to the rear (south) of Chesterfield House, site area 2.5 ha. Permission granted on appeal for construction of 90 residential units (36 houses and 54 apartments) and associated works in lieu of development permitted under PL06D.218536. This permission resulted in a total of 145 units at the development site with a density of 58 units / ha.

D06A/0069 PL06D.218536

Permission sought for 204 apartments in 4 no. blocks (4 - 7 storeys); 370 no. parking spaces; bicycle parking and associated site works. The proposed works to Chesterfield House comprised its refurbishment to a Headquarter Office building with integrated 1 bed caretaker apartment, including the demolition of non-original extensions to the house. The development also included the demolition of non-original out houses, landscaped gardens, walkways, parking and works to the entrance gate and access road. The Board granted permission for 142 residential units with 220 basement car parking spaces.

D04A/0950 PL06D.210828

Permission sought for 76 no. houses and 45 apartments in a 4 storey block. The development involved the demolition of the Summer House. Works to Chesterfield House were excluded from the application. The Board refused permission for the following reason:

The proposed development is located within (a) the site of a protected structure and, (b) an area identified on Map no. 2 of the current Development Plan as an area with the policy objective "to protect and preserve trees and woodlands". The proposed development, by reason of its layout (particularly in that area within the curtilage of the protected structure i.e. from the northern boundary of the site back to the old pond area which is surrounded by trees), scale and form, and the loss of a significant belt of trees, would materially and adversely affect the existing built form, character, landscape setting, and residential amenity of an existing protected dwelling and its curtilage, would contravene the provisions of Part 4 of the Planning and Development Act, 2000 in relation to protected structures, would contravene the objective of the Development Plan to preserve trees and would, therefore, be contrary to the P.P.&S.D. of the area.

NOTE: The Board agreed with the Inspector that the principle of residential development on the site was acceptable and considered that the southern portion of the site could accommodate a relatively high density infill residential scheme. The Board felt that the alterations required would be so significant to the concept of the scheme as to warrant a new application for planning permission.

D04A/1416 PL06D.211878 'Renesca' Lands Formerly Part of Chesterfield Grounds

Permission granted for 2.5 storey over basement house, new entrance, boundary wall and associated site works to the north of Chesterfield House with a new access from Cross Avenue. This development is now extant.

Section 5 Pre Application Consultation

Pre-Application Consultation

The pre-application consultation related to the following proposal at the development site:

Demolition of the non-original fabric of Chesterfield House (a protected structure) and derelict sheds. Construction of 217 no. houses, residents amenity facility and all associated works.

A section 5 consultation meeting took place at the offices of An Bord Pleanála on 11th April 2018. Representatives of the prospective applicant, the planning authority and ABP were in attendance. Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, ABP was of the opinion that the documentation submitted constituted a reasonable basis for an application for strategic housing development.

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

1. An appropriate statement in relation to section 8(1)(iv) of the Planning and Development (Housing) and Residential Tenancies Act 2016, that outlines consistency with the relevant development plan and that specifically addresses any matter that maybe considered to materially contravene the said plan, if applicable.
2. Additional drainage details for the site having regard to the requirements of the Drainage Division as indicated in their report dated 22/03/18 and contained in Appendix A of the Planning Authority's Opinion. Any surface water management proposals to 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 associated 'Technical Appendices'). Additional

details showing groundwater conditions including any underground streams in the vicinity should also be included.

3. Cross-sections at appropriate intervals, photomontages, a 3D model and any other information deemed relevant, illustrating topography of the site and showing proposal relative to existing development in the vicinity.
4. Contour/site level map accurately and legibly showing levels across the site.
5. Irrespective of what strategy is adopted in relation to the protected structure in Chesterfield House (having regard to inter alia, the Conservation Report contained within Appendix A of the planning authority's Opinion), the application should contain an architectural heritage protection rationale/justification for the chosen strategy. In the event that the prospective applicant maintains the proposal to demolish the non-original fabric of Chesterfield House, the application should also contain a detailed methodology for the protection measures proposed for the original fabric in the drawing room during the course of the proposed works.
6. Supporting design rationale should be given to improving residential amenity for future occupants by demonstrating the maximisation of sunlight to apartments and addressing issues to do with daylighting, overlooking and overshadowing. Specific attention should be paid to ground floor units in Blocks 7 and 8.
7. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority
8. Additional details in relation to Part V having regard to the requirements of the Housing Department as indicated in their report dated 20/03/18 and contained in Appendix A of the Planning Authority's Opinion.
9. A site plan allowing for connectivity with adjoining lands, which includes for footpaths continuing up to the relevant boundaries.
10. Childcare demand analysis and likely demand for childcare places resulting from the proposed development.

Applicant's Response to Pre-Application Opinion

The application includes a statement of response to the pre-application consultation, as provided for under section 8(1)(iv) of the Act of 2016, which may be summarised as follows:

- The applicant has submitted a Material Contravention Statement in relation to the development plan Building Height Strategy.
- The applicant has submitted a justification for the proposed development of Chesterfield House and the area to the north of the house with regard to development plan policy AR1.
- The application includes a Civil Engineering Infrastructure Report including a Hydrogeological Assessment, which addresses matters raised by DLRCC Drainage Division.
- Topographical survey and cross sections at appropriate intervals are submitted, also photomontages based on a survey of potential visibility of the development, a 3D model and an 'architectural fly through' of the apartment buildings.
- The application includes an Architectural Heritage Impact Assessment and a Conservation Design Report. Several options for the conservation of Chesterfield House and the 'Original Drawing Room' are analysed and details of proposed heritage protection and conservation strategies and of the redevelopment of the setting of the house are provided.
- A Design Rationale is submitted, which considers the residential amenity of the proposed units, also an Internal Daylight and Sunlight Analysis Report.
- A Taking-in-Charge Plan Layout is submitted.
- The applicant has engaged with DLRCC regarding Part V since receipt of the Opinion. Revised costs are submitted.
- The development includes 2 'future access points' at site boundaries shared with Clonfadda Wood and Cherbury.
- A Childcare Demand Analysis is submitted with details of existing childcare provision, the demographic profile of the area and cumulative childcare demand.

Relevant Planning Policy

Ireland 2040 - National Planning Framework

The recently published National Planning Framework includes a specific Chapter, No. 6, entitled 'People Homes and Communities'. It includes 12 objectives among which Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages. 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. Objective 35 seeks to increase densities in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

Section 28 Ministerial Guidelines

The following is a list of relevant section 28 Ministerial Guidelines:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas including the associated Urban Design Manual
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities as updated March 2018
- Urban Development and Building Heights Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets' (DMURS)
- The Planning System and Flood Risk Management' including the associated Technical Appendices
- Architectural Heritage Protection Guidelines for Planning Authorities
- Childcare Facilities – Guidelines for Planning Authorities

Dun Laoghaire Rathdown County Development Plan 2016-2022

The subject site is zoned 'Objective A', which seeks 'to protect and/or improve residential amenity'. Residential development is 'permitted in principle' under this zoning

objective. There is an objective 'to protect and preserve Trees and Woodlands' to the north and south of Chesterfield House, on the northern part of the overall site.

The following development plan policies and objectives are noted:

- Housing policies set out in section 2.1.3 including policy RES3: Residential Density, which promotes higher residential densities in the interests of promoting more sustainable development whilst ensuring a balance between this and ensuring the reasonable protection of residential amenities and established character of areas; RES4: Existing Housing Stock and Densification, which encourages the densification of existing housing stock to retain population levels and RES7: Overall Housing Mix, which encourages the provision of a wide variety of housing and apartment types.
- Transportation policies including Policy ST3: Development on Sustainable Travel and Transportation Policies.
- Section 4.2 Open Space and Recreation including Policy OSR5: Public Open Space Standards; Policy OSR14: Play Facilities.
- Section 7.1.3 Community Facilities including Policy SIC11: Childcare Facilities.
- Section 8.1 Urban Design including Policy UD1: Urban Design Principles and Policy UD3: Public Realm Design.
- Development management standards set out in section 8.2 including section 8.2.4 Sustainable Travel and Transport; section 8.2.8 Open Space and Recreation and section 8.2.12 Community Support Facilities.

The original drawing room within Chesterfield House is designated as a protected structure, RPS No. 171. Relevant policies include AR1 which seeks to protect structures from works that would negatively impact their special character and appearance.

Chapter 8 contains the urban design policies and principles for development including public realm design, building heights strategy and car parking. Development Management section 8.2.11.2 provides more detailed guidance on development affecting protected structures

Building Height Strategy

The Building Height Strategy is set out in Appendix 9 of the plan. Section 4.8 'Policy for Residual Suburban Areas not included within Cumulative Areas of Control' provides for a general maximum height of 3-4 storeys for apartment developments at 'appropriate locations', including large infill sites, providing there is no detrimental effect on existing character and residential amenity. Consideration is given to minor modifications up or down in height (usually 1-2 floors), to be considered subject to 'Upward or Downward Modifiers'. Section 4.8.1 states that to justify additional height the planning authority must be satisfied that the proposal meets more than one 'upward modifier' criterion.

Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 guidelines, the County Development Plan and other regional and national planning policies. The following points are noted:

- The development is a strategically located infill site within an established residential area within easy reach of Dublin city centre and accessible to high quality public transport links and local shops and services. It will strengthen the urban structure of Dun Laoghaire Rathdown. The location of the site will promote modal transport shifts. It is the only site of significant area identified in the Residential Land Availability Survey 2014 south of the N11 and east of Mount Merrion Avenue.
- The development will provide a high quality of residential accommodation a range of residential unit sizes and configurations, capable of accommodating households with diverse needs. Based on the average household size for DLR of 2.7 person / unit, it will yield a population of 597 or 221 new households, contributing to critical mass.
- The apartment design, layouts and floor areas comply with the Apartment Guidelines. There is generous provision of private open space. Adequate levels of daylight and sunlight will be achieved within apartments.
- The development has a density of 70 units/ha. The Guidelines for Sustainable Residential Development in Urban Areas identify infill sites in close proximity to

public transport services as suitable for higher residential densities of at least 50 units/ha.

- The development achieves a balance of residential density and open space provision that is appropriate to the strategic location of the site. 40% of the site is dedicated to open space and amenity purposes. Play space is provided. A community facility is proposed, providing a gym, meeting room and cinema room. The development provides a series of Character Areas and a variety of open spaces, which are usable and well overlooked.
- The development integrates with the established residential communities and sylvan setting. It tapers down to 3-5 storeys at site boundaries and benefits from substantial existing screening. Existing trees are to be retained and the landscaping proposals include extensive tree planting. The scheme has been designed to protect existing residential amenities. It will not detract from residential amenities in the area. Visibility is likely to be restricted to locations in close proximity to the development site.
- The development meets several criteria for 'upward modifiers' specified in the Building Height Strategy. Having regard to the planning history of the site, the pattern of residential and apartment development that has taken place on the sites of larger detached houses in the area and local, national and regional planning policy for the densification of urban areas, the development is consistent with emerging trends for development in the area. The documentation submitted refers to the draft Urban Development and Building Heights Guidelines for Planning Authorities, as the Guidelines had not been finalised when the application was lodged.
- The submitted Childcare Assessment demonstrates that there is sufficient capacity within 1km of the development site to accommodate the childcare going age generated by the development. The proposed crèche to cater for 24 children is considered reasonable in this context. The area is well served by primary and secondary schools.
- The local road network can accommodate the development. The layout complies with DMURS and provides attractive pedestrian routes at desire lines. The orthogonal street layout promotes legibility. The scheme provides a high quality

of pedestrian and cycle facilities and improved pedestrian and cycle permeability in the area. Secure and attractive car and cycle parking is provided. A total of 2 no. car club places are provided.

- The site benefits from existing drainage infrastructure. It is located in Flood Zone C, i.e. has a low risk of flooding and is therefore suitable for residential development. The drainage design incorporates SUDS measures.
- The re-use of the 'Original Drawing Room' for residential use will ensure its long term protection and ensure the integrity of the structure is maintained. An appropriate treatment is proposed for the reconstructed Chesterfield House.
- The application includes EIA screening and AA screening such that neither is required.
- The development will provide 22 no. social housing units and contribute towards the delivery of social housing.
- The scheme is likely to appeal to a large number of downsizers and retired people. The design is aimed to deliver a very accessible development and is Part M compliant.

Third Party Submissions

The submissions were primarily made by or on behalf of local residents, particularly residents of Cross Avenue, Cherbury Court, Clonfadda Wood, Mount Merrion Avenue, Booterstown Avenue, Glenvar Park, Southwood Park, Redwood Grove and other concerned local residents and property owners. There is also a submission by the Principals of Booterstown National School and Willow Park School.

3rd Parties General Issues

- Concerns about SHD process and lack of right to appeal the Board decision. Also the 5 week period for 3rd parties to make submissions is inadequate.
- The public notices are deficient as:
 - The development will involve demolition of original fabric of Chesterfield House and the application does not include demolition of a protected structure;

- The development is described as 7 storey but Block 5 is actually 8 storey;
 - The podium is not included.
- Various deficiencies identified in the application including:
 - No assessment of the extent of overshadowing of Glenvar Park;
 - Submitted cross sections are inadequate and lack information regarding the details of properties at Glenvar Park and Cherbury Court, also boundary sections do not show the full extent of the development;
 - Assessment of the Zone of Visual Impact is unnecessary given the height and scale of the development relative to the surrounding area;
 - The TIA is inaccurate as it is based on TRICS rates inappropriate for an apartment development in a suburban location, leading to a significant underestimation of traffic impacts;
 - No glint and glare assessment of the development;
 - The pre-connection enquiry submitted to Irish Water relates to 217 units;
 - The current stated site area varies from that cited in previous applications relating to the development site. The exact site area should be clarified for the purpose of density calculation.
 - The submitted Childcare Assessment overestimates the availability of places in local childcare facilities. Also lack of capacity in local schools.
- Adverse impacts on property values.
- Development will set an undesirable precedent for similar infill schemes on other sites in the area including Cross Avenue.
- Development does not meet the housing needs of families in the area with young children and elderly residents. It will not meet the demand for housing at affordable prices.
- Concerns that the applicant and DLRCC will not reach agreement regarding Part V due to the high cost of units within the scheme.
- The development appears to be designed such that it can be resold as a Build to Rent scheme.

- Lack of pre-planning consultation with local residents.

3rd Parties Height, Scale and Density

- Development is out of context with the surrounding suburban, low density and low rise area. It does not integrate with the area or make a positive contribution to the area as required by the Building Height Guidelines.
- Density of development is excessive and contravenes the Guidelines on Sustainable Development in Urban Areas. The site is over 1 km from the nearest DART station and over 500m to the nearest bus stop. Higher residential density is not justified at this location.
- Density is not evenly distributed throughout the site and is particularly high at the southern end of the scheme, beyond the water feature. The density in this area is calculated as 110 units / ha, based on 211 units in an area of 1.92 ha. This is excessive for a suburban infill site and contravenes development plan policy RES4.
- Many proposals for high density developments have been refused planning permission or scaled back by conditions of permission, examples are provided in the submission by Southwood Park Residents.
- The development would be almost 8 storeys high as the penthouse floor is higher than standard. This would materially contravene the development plan Building Height Strategy.

3rd Parties Residential Amenities and Visual Impacts

- Development would result in an unacceptable degree of overlooking, overshadowing and visual obtrusiveness of adjacent residential properties and will have significant adverse visual impacts.
- Development will result in light pollution of surrounding areas.
- Existing trees at the site boundaries cannot provide screening as they are deciduous and not tall enough. Potential impacts on residential amenities will be exacerbated by the proposed removal of trees at the site boundaries. Concern about the nature and maintenance of new planting along site boundaries.

- Impacts of car park access on residential amenities of Cherbury Court due to noise, light and air pollution.
- Lack of photomontages for views from Southwood Park. Development will have a profound visual impact at this location. Additional screening at the boundary with Southwood Park could have a detrimental impact on residential amenities and adjoining gardens. The submitted plans do not properly represent the boundary between the development site and no. 6 Southwood Park. This affects the accuracy of the submitted report on daylight and sunlight.
- The shadow analysis does not fully consider impacts due to lack of hourly shadow analysis. Third parties request same to indicate the full extent of overshadowing.
- The proposed entrance is out of keeping with the character of Cross Avenue and will have an adverse visual impact.
- Height of the scheme is exacerbated by levels at the site relative to surrounding areas.
- Potential impacts on security of adjoining residential properties. Need for secure boundaries between the development and adjoining properties. Residents request a 2m / 2.5 m high wall. Residents of adjoining developments object to the proposed new pedestrian connections due to security concerns.
- Concerns about impacts of construction activity on residential amenities over a protracted period due to noise, dust, traffic and general disruption.

3rd Parties Conservation Issues

- Many submissions repeat points made in the submission by residents of Glenvar Park, which is summarised separately below. The following are additional points made.

- Detrimental impact on the character of Cross Avenue, one of the only remaining unique tree lined avenues in the area.
- Adverse impacts on the sylvan character of the area due to the removal of trees at the site. Also environmental impacts on birds and bats. Potential impacts on trees during construction works could result in further tree losses, also adverse impacts associated with construction of basement car park. Additional concerns about impacts on trees on Cross Avenue during construction.

3rd Parties Traffic, Transportation and Access

- Traffic hazard at the Cross Avenue access, unclear whether it is wide enough to safely accommodate all vehicular, pedestrian and cycle traffic. Concerns about safe access for emergency vehicles to the scheme. The site is 'land locked' and all traffic accessing / leaving the site will use this access.
- Development will result in increased traffic congestion on Cross Avenue and Booterstown Avenue.
- The application underestimates potential traffic impacts as a result of the development. The traffic survey on which the TTIA is based was carried out on a day of good weather when traffic was likely to be light. Many households will have more than one car due to the suburban location of the site. Also, the occupants of the scheme are unlikely to use public transport, e.g. elderly downsizers.
- Safety concerns in relation to schools in the area.
- Public transport services in the area have limited accessibility and are over subscribed. The accuracy of stated distances to public transport services is questioned.
- Lack of pedestrian / cycle permeability between the development and adjoining areas will hinder access to public transport.
- Development does not provide adequate car parking, which will result in additional on street parking in the area.

- Construction traffic management and safety. Construction traffic should be routed via Mount Merrion Avenue.

3rd Parties Site Services and Flood Risk

- Development will result in a serious flood risk, possible waste water and sewage flooding, due to replacement of green space with hard surfaces. Several sections of Cross Avenue currently experience flooding during periods of heavy rainfall. There are basements in several houses on Cross Avenue. Concerns about ponding in private gardens adjoining the site.
- The submission by Southwood Park Residents includes an Engineers Report on flooding issues. The following points of same are noted:
 - Residential development is highly vulnerable to flooding. Agrees with the SSFRA conclusion that the site is suitable for highly vulnerable development.
 - The Infrastructure Report submitted with the application notes the possibility of overflow / blockage of pluvial surface water with large consequences. Although this is most likely correct, there is little or no detail to show how the author came to this conclusion.
 - Details should be provided to support the conclusion that the likelihood of over ground flow is low, e.g. the topography and drainage infrastructure surrounding the perimeter of the site could be included.
 - Risk of drains blocking during construction from excessive traffic loading or construction works.
 - Concerns that the increased size of the water feature at the development will overflow leading to flooding of adjacent properties at Southwood Park that are at a lower level. This would be exacerbated by the proposed removal of trees in this part of the site. Absence of any protective barrier to prevent same. Further details of levels inside and outside the site are necessary to fully consider this matter and other potential impacts on surface water drainage.

- Concerns about potential impacts on water pressure and capacity of existing water services to cater for the scheme.
- Permission should be subject to a condition to upgrade the water supply and drainage arrangements on Cross Avenue in accordance with increased residential density.

Submission by Reid Associates on Behalf of Keith Dignam and Fiona Keenan, 22 Glenvar Park and David Gill and Ulrike Asher, 24 Glenvar Park

This submission makes detailed comments in relation to the proposed demolition of the non-original elements of Chesterfield House. It requests an Oral Hearing and the grounds for same are summarised in the relevant Memo on file. The main additional points made may be summarised as follows:

- The proposed development would set an undesirable precedent for the demolition of a protected structure with serious consequences for the protection of architectural heritage.
- The application notices, statement of consistency and documentation in general do not seek permission for the demolition of a protected structure. Therefore, if the Board decides that the application does involve the demolition of a protected structure, it is precluded from granting permission as the applicant has not sought such permission. The applicant has not provided any exceptional circumstances to justify the demolition of the protected structure. Section 57(10)(b) of the Planning and Development Act 2000 (as amended) provides that permission cannot be granted for demolition of a protected structure save in exceptional circumstances. The Act does not define exceptional circumstances and therefore a precautionary approach must be adopted.
- The application is described as consisting of the demolition of 'non-original' fabric of Chesterfield House. The Architectural Heritage Impact Assessment (HIA) states that the house constructed in the 1970's retained some sections of masonry walls of the earlier house, mainly the corners up to the top of the 19th century ground floor level and that the new construction of that time as "defined by the remaining fragments of earlier wall left standing". The old basement and ground floor were retained in the southeast corner. Therefore, there are

fragments of the earlier structure in the 1970's building. The foundations may also be original historic fabric as the replacement was built on the earlier footprint. The remaining original fabric may be integral to the survival of the conservation, historic or functional appreciation of the 'Original Drawing Room'. The development also appears to involve further demolition of original fabric within the Drawing Room where a new door opening is made and an existing door removed. There may be further works involved during the course of construction.

- The development involves the loss of evidence provided by existing fabric, which allows for consideration of what is original and not original. This is contrary to conservation practice and principles.
- It is submitted that the 'Original Drawing Room' is an integrated and inter-dependent part of Chesterfield House. It is not protected in isolation from its setting and context as it would not form a viable entity and its heritage value and importance cannot be understood as an independent element from the remainder of the house albeit that the house has been altered greatly since the 1970's. The protection of the 'Original Drawing Room' cannot be properly understood without the context of Chesterfield House and its history and social importance and setting and arcadian context. The view of the DOEHLG in the previous planning history clearly identifies the 'Original Drawing Room' as having a functional dependency on Chesterfield House.
- The proposed new building would create a subservient role for the Drawing Room. The bay of the Drawing Room is diminished in importance. The location of the new staircase is incongruous. The block is in character with the new development rather than Chesterfield House. The proposed new houses and courtyard to the north have a suburban design form and are an appropriate setting for the protected structure. The subdivision of the property into northern and southern areas is unsympathetic. The development would result in significant loss of trees in the vicinity of Chesterfield House. The informal, arcadian setting of Chesterfield House is lost. The house will be subsidiary in scale to the new apartment blocks. The development would therefore erode the character and

setting of the protected structure.. The HIA avoids any assessment of the impact of the demolition of a major part of Chesterfield House and the impacts of the new development on the protected structure

- The planning authority refused permission for D10A/0591 for the reason that the development encroached on the curtilage of Chesterfield House. The Board decision of PL06D.238361 refers to impacts on the protected structure of Chesterfield House. Therefore the status of Chesterfield House as a protected structure has been confirmed.
- The HIA considers only the impact on architectural interests and does not consider the replacement Chesterfield House, which has its own social and cultural importance. This focus is too narrow and derives from an aim to justify the demolition of the protected structure.
- The proposed conservation approach is narrow in focus and not in keeping with the broad definition and understanding of architectural heritage of the Granada Convention, planning legislation and the Guidelines on Architectural Heritage. The HIA is based on this approach and is therefore fundamentally flawed.
- The approach to the conservation of Chesterfield House is contrary to the conservation approach accepted in previous planning decisions by the Board. The previous Board decisions accepted that Chesterfield House is a designated protected structure and post date the description of that designation which particularly specifies the 'Original Drawing Room'.
- The application amounts to an attempt to delist Chesterfield House through the SHD process where there is limited public participation or debate and the implications for the heritage policies of the area are unknown.
- The development will have a considerable impact on the historic and sylvan character of Cross Avenue, which has already been altered by the construction of 'Renesca' in front of Chesterfield House. This matter is not assessed in the HIA.
- The HIA does not consider a historic bridle path along the southwest boundary of Chesterfield House. This is part of the historic parkland setting of Chesterfield

House, which was largely unchanged up to 2006. It could be retained and restored as part of the proposed development.

- Several issues raised in relation to the legal opinion submitted by the applicant:
 - It makes assumptions in regard to judicial review proceedings where there was no judgement on the case and no inference can be drawn and therefore it has no relevance.
 - The legal opinion is based on the 1999 Act, which was then made fit the 2000 Act when there are key word changes in the 2000 Act to clearly include part of a structure in the definition of a protected structure. The reliance on the 1999 Act to infer something different to what is clearly stated in the 2000 Act shows the legal opinion is attempting to construe an interpretation which no longer applies.
 - Refers to the case *Begley v ABP*, judgement stated that the inclusion of a structure on the RPS necessarily included the curtilage of a structure.
 - The HIA states that the grounds of Chesterfield House were laid out to be enjoyed in views from the house and it can be inferred from this design that these lands comprise a curtilage and in so much as they remain intact.
 - The definition of a protected structure as provided in the Planning and Development Act 2000 (as amended) is all embracing. It is not possible to separate the 'Original Drawing Room' from the house given the statutory definition of a protected structure in the Act. All the case law cited in the Legal Opinion related to the curtilage of a house which is equally applicable to the subject case. In this case, there is no area of land attaching to a structure but is integral to the main structure, which encompasses its curtilage.
 - Therefore, there can be no suggestion that the protected structure does not have a curtilage in this case. The development plan designation of part of a protected structure defines the special interest and all other aspects

remain the same unless the Council specifically limits the definition by appending the work 'only', which was not done in this case.

- It would defeat the purpose of the designation in this case if the supporting structure of which the 'Original Drawing Room' is part were to be demolished.
- The Legal Opinion attempts to suggest that the house is not a protected structure, which is illogical in the light of the precedent planning history attaching to the title of the land, also relevant definitions in the 2000 Act and the functional and conservation necessity of the 'Original Drawing Room' forms an integral part of the house and is not an independent entity. The proposed development would therefore amount to the demolition of a protected structure and the Board is precluded from granting permission.
- The submission also includes points relating to traffic impacts (additional traffic survey information submitted); heritage impacts on the wider setting of Cross Avenue; material contravention of Dun Laoghaire Rathdown Building Height Strategy; excessive density of development; contravention of a development plan objective to retain trees at the development site; significant adverse impacts on visual and residential amenities; potential flood risk and lack of a SSFRA, all of which are included in the above general summary.

Third Party Submissions Conclusion

I have considered all of the documentation included with the above submissions.

Planning Authority Submission

DLRCC has made a submission in accordance with the requirements of section 8(5)(a) of the Act of 2016. It summarises observer comments as per section 8(5)(a)(i) and the views of the relevant elected members as expressed at the meeting of the Housing, Economic Development, Community and Cultural Development, Planning and Infrastructure and Climate Change Business Area Committee Meeting of the 3rd

December 2018. The planning and technical analysis in accordance with the requirements of section 8(5)(a)(ii) and 8(5)(b)(i) may be summarised as follows. The submission includes several technical reports from relevant departments of DLRCC, which are incorporated into the following summary.

PA Comment on Principle of Development, Density and Housing Mix

- The development is acceptable in principle on 'A' zoned lands.
- The proposed density is 70 units / ha. In general, the minimum default density under policy RES 4 is 35 units / ha, rising to a minimum of 50 units / ha within c. 1 km of a rail station or QBC and / or 500m of a bus priority route, and / or 1 km of a town or district centre. In principle, the southern part of the site is more suitable for higher densities.
- Due to the primarily suburban location of the site, it is considered that the mix / density of the proposal and its layout in blocks of apartments are more suitable to the site's location in a well-established residential area in a sylvan setting, rather than an alternative lower density and dwelling house unit dominated development that would allow less scope for tree retention and landscaping and more functional spaces. The proposed approach represents a more optimal use of the site.
- The proposed density is acceptable with regard to the size of the site (>0.5 ha), its location relative to Booterstown DART station, the N11 and Blackrock village, to emerging national guidelines and to development plan policy RES4.
- The proposed housing mix would add to the mix of the wider area, which is predominantly larger houses. The development provides an appropriate mix of residential housing types and sizes on the site and is in accordance with the provisions of the County Development Plan and the Interim Housing Strategy.
- The proposed unit mix and layouts of single and dual aspect apartments are considered to be in accordance with SPPRs 1 and 4 of the Apartment Guidelines and are acceptable.

PA Comment on Height, Design and Layout

- The design and layout are acceptable with regard to the Apartment Guidelines including SPPR 4.

- The proposed light coloured red brick (or any other light / muted tone) external finishes for the apartment facades help to integrate the blocks, also noting the height and sylvan setting of the site and surroundings.
- The development is considered to be broadly comparable to other existing large apartment schemes in the DLRCC area, e.g. those > 0.5 ha, in terms of the number and height of the blocks and their arrangement and, to a lesser extent, to their site layout in comparison to the surrounding receiving context, generally of established and mostly residential housing and, in this instance, a relatively broad mix of 4 storey apartment blocks, large detached houses, 2 storey semi-detached houses and 2 storey apartments / houses.
- The generally dispersed layout of the scheme is considered similar to the layout of the mixed housing and apartment schemes to the west / south, i.e. Cherbury Court and Clanfadda Wood and is acceptable, with variety in its built form and layout and responding to the site and surrounding developments.
- Taking into account the height of the blocks and the rising topography of the site, it is considered that, on balance, the height and layout are acceptable overall, subject to a condition that the top floor of Block 7 (nearest to Chesterfield House) be omitted from the development (unit no. 861). Also the top floor of Block 4 at the southern end of the site opposing Chesterfield House be reduced in size with a set back of c. 6m from the north elevation (unit no. 461). It is considered that these set backs / tapering of the height of Blocks 4 and 7 would help to address some of the concerns of the Conservation Planning Section, including views from the protected room.
- The development includes a variety of public open spaces with both hard and soft landscaping and various locations and aspects, which are overlooked and easily accessible from all residential units. The quantitative provision at a total of 12,625 sq.m., is well in excess of development plan requirements. This provision is acceptable and complies with the requirements of the Apartment Guidelines. The Parks and Landscaping Services Dept. has no objection and recommends conditions.

- The planning authority considers that 2 of the 'upward modifier' criteria set out in the Building Height Strategy apply in this case, i.e. section 4.8.1(e) and 4.8.1(f), with regard to the proximity of the site to public transport services and the size of the development site at 3.15 ha. The planning authority is aware that 'downward modifiers' are also relevant in this case and note the comments of the Conservation Planning Section and the Dept. of Culture, Heritage and the Gaeltacht. However, it is considered that the recommended design amendments to Blocks 4 and 7 will result in a reduced impact on the views from the 'Original Drawing Room', reducing the requirement for a downward modifier.
- The development will positively assist in securing NPF objectives of focusing development in key urban centres and, in particular, fulfilling targets related to brownfield sites and infill development, which effectively supports the first National Strategic Outcomes to deliver compact growth in urban centres.
- The recent Building Height Guidelines are noted. It is recognised that the current County Development Plan predates these Guidelines.
- The scheme has taken into consideration the character of the area, its sylvan nature,. The development has successfully incorporated additional height without having a negative impact on the surrounding area. The planning authority concurs with the conclusion of the Architectural Design Statement. The scheme will provide a high quality development that makes a positive contribution to the area and is appropriate to this location and takes into consideration the protected structure, the topography of the site in context with its surroundings, the protection of residential amenities, the natural environment and the sylvan nature and character of the area. The buildings have been designed to allow light to permeate between blocks with well considered and appropriate materials. The open space areas are well designed. The development complies with the requirements of sections 3.1 and 3.2 of the Building Heights Guidelines and provides detailed analysis of same. The development is also considered to be in accordance with SPPRs 3 and 4 of the Apartment Guidelines.

- The planning authority is satisfied that the development plan Building Height Strategy is consistent with the Building Heights Guidelines and that both align in relation to building heights in this proposal at this specific location.
- Overall, it is considered that the proposed heights would accord with the proper planning and sustainable development of the area and would not detract from the amenities of adjoining property subject to conditions.

PA Comment on Quality of Residential Development

- The separation distances between the apartment blocks are adequate to with regard to the submitted daylight and shadow analysis. The development will not have any significant negative impact on daylight or sunlight within the site.
- The apartments comply with the Apartment Guidelines in terms of floor areas, storage areas, private open space provision and the ratio of dual aspect units.
- The residential units have been designed to provide a high level of accommodation for future occupiers and to comply with the requirements of the Apartment Guidelines.

PA Comment on Architectural Heritage

- Includes a report of the Conservation Planning Section.
- The development will ensure that the protected room retains its design, function and status, respecting the architectural features of the windows, cornicing and columnar screen in the bow end while maintaining views out over the garden.
- The new Chesterfield House would be of a suitable scale and in a contemporary language that will revive the formal, symmetrical composition and spirit of the former house, while variations in design, materials and finishes will ensure that they will be a clear distinction between old and new. These proposals follow good conservation practice and are in accordance with development plan policies.
- The existing chimney piece in the protected room requires further consideration. Its identified status as salvaged is not conclusive and it appears to have been in situ for some time. The proposed replacement of the chimneypiece with one more appropriate to the period of the room is desirable rather than essential.

Even if the chimneypiece is not original, there may be a case for its retention in situ.

- There is concern about the proposal to reconstruct the north and west slopes of the roof, involving removing the roof over the protected room leaving it exposed to the elements. It is vital that the applicant employs adequate protection measures. The Conservation Method Statement states that it may be possible to retain the masonry of the south west bay, which would make it possible to retain the entire roof over the south range. This would reduce the risk of water ingress into the protected room during works. This option should be explored further and should be a condition of permission.
- There is currently a poor relationship between Chesterfield House and the external space to its immediate north. This area could be enhanced by the creation of an appropriately landscaped setting and not solely by the construction of additional dwellings as proposed.
- There appears to be a discrepancy in the survey drawings of the 'Summer House' as both appear to show the proposed front (west elevation) with none of the existing elevation. It appears that the development involves significant changes to the front elevation and this will change the character of the Summer House from something akin to a 'cottage' to resemble a 'garden pavilion', which the Conservation Section is not in favour of. Accurate survey drawings should be required as a condition of permission, also a schedule of works and method statement for the works to the Summer House.
- The principle of high density development to the south of Chesterfield House has been established by the previous permissions on the site. However, the visual impact, density and massing of those schemes are not comparable to the current proposal. The Conservation Section considers that the development will have a significant and negative visual impact on views south from the protected room. The applicant should be requested to explore mitigation measures as necessary to counter these identified adverse visual impacts.
- The Conservation Planning Section recommends conditions.

PA Comments on Trees and Landscaping

- Parks and Landscaping Services (undated) comment. No objection subject to conditions.
- The submitted Arboricultural Assessment is noted.
- The detailed landscape proposals have been well considered and are acceptable subject to conditions.

PA Comment on Impacts on Residential Amenities of Surrounding Areas

- It is considered that the separation distances to surrounding residential developments, the sloping topography of the site and the tree lines are adequate to protect against overbearing or overshadowing impacts or any serious overlooking in relation to the adjacent residential areas of Cherbury Court, Booterstown Park, Clonfadda Wood, Southwood Park and Redwood Grove, and also to the other large, detached houses adjacent to the site to the northwest, northeast and north boundaries.
- It is considered that the relationship between Block 7 and houses to the north east at Southwood Park is acceptable, also noting the recommended condition to omit one of the top floor units of Block 7.
- The development is considered acceptable overall having regard to the distances between blocks, to the additional photomontages and shadow analysis provided, to the guidance provided in the new Building Height Guidelines and subject to the recommended conditions regarding Blocks 4 and 7. It is considered that the development would not have any significant negative impact on the residential amenities of surrounding properties.

PA Comment on Roads and Traffic Issues

- Includes a report by the Transportation Planning Section dated 18th December 2018.
- Transportation Planning acknowledges that the development will generate additional traffic on Cross Avenue in particular and less so on Booterstown Avenue and Mount Merrion Avenue, but accepts the conclusion of the submitted TIA that it will have limited impact on the workings of Cross Avenue's junctions with Booterstown Avenue and Mount Merrion Avenue. The additional traffic

generated by the development would not be significant in terms of the strategic road network.

- Conditions are recommended in relation to the Cross Avenue access, including the extension of the proposed public works boundary by an additional 10m to the west in order to prevent parking of vehicles at this location and obstruction of sight distances.
- The proposed pedestrian / cycle links to Cherbury Court and Clonfadda Wood should continue / extend right up to the existing boundary railings and a gate should be provided in the inner boundary treatment of the development.
- The overall car parking provision of 325 no. spaces is c. 90% of the standard car parking provision required by Development Plan standards (360 spaces). This is appropriate / acceptable given the site's proximity to high quality public transport services. Conditions are recommended including in relation to the provision of visitor and crèche parking and overall car parking management.
- The proposed access, parking and pedestrian / cycle permeability are acceptable overall. Transportation Planning recommends conditions.

PA Comment on Site Services

- The Municipal Services Dept. report dated 5th December 2018 states several concerns in relation to surface water drainage attenuation. No attenuation storage volume calculations are submitted in the Infrastructure Report. Municipal Services has undertaken some attenuation volume checks based on information contained in the Infrastructure Report, it would appear that Qbar rates provided are in excess of what is allowable. Proposed attenuation volumes also appear to be less than what is required. Options for increasing the attenuation storage volumes required are limited in the southern portion of the site but there are possibilities to increase the attenuation storage volumes in the northern catchment.
- Additional concerns regarding interception volumes as the applicant has failed to demonstrate that the required interception storage volume is being achieved in the northern catchment.

- The Municipal Services Dept. notes that a considerable amount of the podium area has hard finishes. These areas seem to indicate a much greater area of hard paving at podium level than shown in the Infrastructure Report and also a variance between the green roof areas shown on Drawing no. C1005 and the green roof areas shown on the roof plans.
- Such concerns would normally require a significant Further Information request in non-SHD cases. In the absence of Further Information, these items cannot be resolved and may have to be addressed by the Board by way of condition. Proposed conditions are provided.
- The submitted SSFRA is noted. The site is not located within or beside any flood 'Hotspot' or Flood Zone.
- The planning authority considers that the drainage and surface water proposals are acceptable overall subject to conditions.

PA Comment on Other Issues

- The proposed childcare facility is acceptable.
- Housing Dept. report dated 7th December 2018. A detailed Part V submission is required by condition.
- Proposed phasing is acceptable.

PA Conclusion

- The planning authority considers that overall, subject to conditions, the development would be in accordance with the County Development Plan and with national and regional planning guidelines including the Building Height Guidelines and the Apartment Guidelines. The development has been well designed having regard to its setting. It will provide an infill scheme with a varied unit mix of houses and apartments and a wide variety of apartment unit sizes. The development is considered acceptable at this site. The subject application is therefore welcomed by the planning authority. Permission is recommended subject to conditions, including the above recommendations in relation to Blocks 4 and 7.

Dept. of Culture, Heritage and the Gaeltacht

The following points made in relation to Architectural Heritage are noted:

- The designs of the replacement Chesterfield House and of the new courtyard housing are acceptable to the Department.
- It is possible from viewing photographs in the HIA that the window frames and shutters (or panelled reveals) of the bow-fronted room at the north east corner of the house are of early 19th century date.
- The development will profoundly alter the setting of the drawing room, including the view south from the room.
- The VIA does not deal with the progression from the entrance on Cross Avenue past the corner of the proposed courtyard houses into the main area of new development. These views were noted by the Department at the pre-planning meeting as being of importance. The CGI views do not include an image or images of the vista that comes into view on entering the site, encompassing the existing house with protected drawing room, mature (and altered) landscape and proposed apartment scheme. This inhibits full assessment of the visual impact of the proposal.
- In architectural heritage terms the question is whether or not this profound, negative and permanent impact on the setting of the protected drawing room is an acceptable compromise in creating a better quality new house to accommodate the drawing room, retaining and reusing the summer house and reinvigorating the Chesterfield landscape north of the canal. The extent of the impact is such that merely recommending reductions in height of certain blocks may not be adequate mitigation.
- The Dept. recommends that consideration is given to the following:
 - The layout of the apartment blocks 1 and 7 and associated hard landscaping which could be moved southward by a distance sufficient to allow the southern canal bank stands of trees to be retained and for augmented planting along the southern bank of the canal, to mitigate the adverse visual impact on the setting of the protected drawing room and southward views from within it.

- A brief set of CGI views should be submitted to illustrate the progression on entry to the Chesterfield site and southwards and south-eastwards through it, to include at least one view that includes both the house around the protected drawing room and the apartment scheme. Assuming that the layout is revised as recommended above, the CGI views should be based on this revision.
- The Dept. recommends conditions in the event of permission being granted.

The following points made in relation to Nature Conservation are noted:

- This Dept. notes the presence of bats and nesting birds on this site which are likely to be impacted by this proposed development.
- Relevant policy and guidance documents and conditions are recommended.

Irish Water

Based upon details submitted by the developer and the Confirmation of Feasibility issued, IW confirms that subject to a valid connection agreement and Project Works Service Agreement being put in place between IW and the developer, the proposed connection to the IW network can be facilitated. The following works are required in order to facilitate the development:

- Applicant is required to replace the existing water main along Cross Avenue with a new 150 mm internal diameter main from the proposed connection point to the main along Booterstown Avenue (approx. 215m in length). Foul separated flow can be accommodated by the combined sewer on Cross Avenue.

National Transport Agency

The following points are noted:

- The NTA supports the principle of development from a strategic perspective.
- The proposed single entry point to the development is c. 1 km from Booterstown Station, 900m from the Stillorgan Road QBC, 900m from the Rock Road QBC and 500m from the bus stops on Mount Merrion Avenue. The southern site boundary is a further 300m from the entrance gate, increasing these distances from public transport stops and stations.

- The site is at the upper limit for the catchment range (1 – 1.5 km) for high capacity urban public transport stops (DART, commuter rail or LUAS) and exceeds the maximum (1 km) for high frequency urban bus services as per the guidance provided in Section 2.4 of the Apartment Guidelines. These Guidelines recommend a medium – high density at Intermediate Urban Locations, i.e. > 45 units / ha. The proposed density would considerably exceed the threshold of 45 units/ ha recommended in the Guidelines for ‘Peripheral and / or Less Accessible Urban Locations’.
- The proposed pedestrian links to Cherbury Court and Clonfadda Wood would reduce the walking distance from the development to the Stillorgan Road QBC by 450m (via Cherbury Court) and 350m (via Clonfadda Wood), thereby increasing the attractiveness of public transport and supporting the proposed density of development. They would also improve walking and cycling provision for residents of adjoining estates. The NTA recommends that the access points should be included in any grant of permission and should by public accesses to cater for pedestrians and cyclists.
- Road Layout. The connection between the entrance gate and the cycle parking access is not immediately legible. Potential for conflict at the proposed mini-roundabout at the junction between the basement access and the road. Recommends measures to address this, to be required by condition.
- 222 of the 274 cycle parking spaces are provided in a single location. Recommends that cycle parking at basement level should be distributed throughout the site.

Transport Infrastructure Ireland

TII states that it has no observations to make and requests acknowledgement of receipt of the submission.

Environmental Impact Assessment (EIA) Preliminary Assessment

The application was submitted to the Board after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.

Item (10)(b) of Schedule 5 Part 2 of the Planning and Development Regulations 2001 (as amended) provides that mandatory EIA is required for the following classes of development:

- Construction of more than 500 dwelling units
- Urban development which would involve an area greater than 2 ha in the case of a business district, 10 ha in the case of other parts of a built-up area and 20 ha elsewhere.

(In this paragraph, “business district” means a district within a city or town in which the predominant land use is retail or commercial use.)

The proposed development involves 221 no residential units on a site of c. 3.4 ha. The site is located in a suburban residential area that is not considered to come within the above definition of a “business district”. It is therefore considered that the development does not fall within the above classes of development and does not require mandatory EIA.

As per section 172(1)(b) of the Planning and Development Act 2000 (as amended), EIA is required for applications for developments that are of a class specified in Part 1 or 2 of Schedule 5 of the 2001 Regulations but are sub-threshold where the Board determines that the proposed development is likely to have a significant effect on the environment. For all sub-threshold developments listed in Schedule 5 Part 2, where no EIAR is submitted or EIA determination requested, a screening determination is required to be undertaken by the competent authority unless, on preliminary examination it can be concluded that there is no real likelihood of significant effects on the environment. This preliminary examination has been carried out and concludes that, based on the nature, size and location of the development, there is no real likelihood of significant effects on the environment. The need for EIA is therefore precluded and a screening determination is not required.

Appropriate Assessment (AA) Stage I Screening

The European Sites Likely to be Affected

The development site is not within or directly adjacent to any Natura 2000 site. The submitted AA Screening Report lists the following designated sites within 15km of the development site:

Site (site code)	Qualifying Interests
Rockabill to Dalkey Island SAC (003000)	[170] Phocoena phocoena (Harbour Porpoise) [1351]
Ireland's Eye SPA (004117)	Cormorant (Phalacrocorax carbo) [A017] Herring Gull (Larus argentatus) [A184] Kittiwake (Rissa tridactyla) [A188] Guillemot (Uria aalge) [A199] Razorbill (Alca torda) [A200]
Ireland's Eye SAC (002193)	Perennial vegetation of stony banks [1220] Vegetated sea cliffs of the Atlantic and Baltic coasts [1230]
Howth Head Coast SPA (004113)	Kittiwake (Rissa tridactyla) [A188]
Howth Head SAC (000202)	ed sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Baldoyle Bay SAC (000199) SPA (004016)	and sandflats not covered by seawater at low tide [1140] a and other annuals colonising mud and sand [1310] salt meadows (Glauco-Puccinellietalia maritimae) [1330] Mediterranean salt meadows (Juncetalia maritimi) [1410]
North Bull Island SPA (004006)	illed Brent Goose (Branta bernicla hrota) [A046] Shelduck (Tadorna tadorna) [A048] Teal (Anas crecca) [A052] Pintail (Anas acuta) [A054] Shoveler (Anas clypeata) [A056] Oystercatcher (Haematopus ostralegus) [A130] Golden Plover (Pluvialis apricaria) [A140] Grey Plover (Pluvialis squatarola) [A141] Knot (Calidris canutus) [A143]

	<p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Black-tailed Godwit (<i>Limosa limosa</i>) [A156]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Curlew (<i>Numenius arquata</i>) [A160]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Turnstone (<i>Arenaria interpres</i>) [A169]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Wetland and Waterbirds [A999]</p>
<p>South Dublin Bay and River Tolka Estuary SPA (004024)</p>	<p>Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046]</p> <p>Witcher (<i>Haematopus ostralegus</i>) [A130]</p> <p>Plover (<i>Charadrius hiaticula</i>) [A137]</p> <p>Wader (<i>Pluvialis squatarola</i>) [A141]</p> <p>Knot (<i>Calidris canutus</i>) [A143]</p> <p>Sanderling (<i>Calidris alba</i>) [A144]</p> <p>ABP-301428-18 Inspector's Report Page 56 of 74</p> <p>Dunlin (<i>Calidris alpina</i>) [A149]</p> <p>Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157]</p> <p>Redshank (<i>Tringa totanus</i>) [A162]</p> <p>Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179]</p> <p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p> <p>Wetland and Waterbirds [A999]</p>
<p>Dalkey Islands SPA (004172)</p>	<p>Roseate Tern (<i>Sterna dougallii</i>) [A192]</p> <p>Common Tern (<i>Sterna hirundo</i>) [A193]</p> <p>Arctic Tern (<i>Sterna paradisaea</i>) [A194]</p>
<p>Ballyman Glen SAC (000713)</p>	<p>Petrifying springs with tufa formation (<i>Cratoneurion</i>) [7220]</p> <p>Alkaline fens [7230]</p>

Knocksink Wood SAC (000725)	Petrifying springs with tufa formation (Cratoneurion) [7220] Alluvial forests with <i>Alnus glutinosa</i> and <i>Fraxinus excelsior</i> (Alno-Padion, <i>Alnion incanae</i> , <i>Salicion albae</i>) [91E0]
Wicklow Mountains SPA (004040)	Merlin (<i>Falco columbarius</i>) [A098] Peregrine (<i>Falco peregrinus</i>) [A103]
Wicklow Mountains SAC (002122)	Oligotrophic waters containing very few minerals of sandy plains (<i>Littorelletalia uniflorae</i>) [3110] Natural dystrophic lakes and ponds [3160] Northern Atlantic wet heaths with <i>Erica tetralix</i> [4010] European dry heaths [4030] Alpine and Boreal heaths [4060] Calaminarian grasslands of the <i>Violetalia calaminariae</i> [6130] Species-rich <i>Nardus</i> grasslands, on siliceous substrates in mountain areas (and submountain areas, in Continental Europe) [6230] Blanket bogs (* if active bog) [7130] Siliceous scree of the montane to snow levels (<i>Androsacetalia alpinae</i> and <i>Galeopsietalia ladani</i>) [8110] Calcareous rocky slopes with chasmophytic vegetation [8210] Siliceous rocky slopes with chasmophytic vegetation [8220] Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0] <i>Lutra lutra</i> (Otter) [1355]
Bray Head SAC (000714)	Vegetated sea cliffs of the Atlantic and Baltic coasts [1230] European dry heaths [4030]
Glenasmole Valley SAC (001209)	Semi-natural dry grasslands and scrubland facies on calcareous substrates (<i>Festuco-Brometalia</i>) (* important orchid sites) [6210] <i>Molinia</i> meadows on calcareous, peaty or clayey-silt-laden soils (<i>Molinion caeruleae</i>) [6410] Petrifying springs with tufa formation (Cratoneurion) [7220]
North Dublin Bay SAC (000206)	Mudflats and sandflats not covered by seawater at low tide [1140] Annual vegetation of drift lines [1210]

	Salicornia and other annuals colonising mud and sand [1310] Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] Embryonic shifting dunes [2110] Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] Humid dune slacks [2190] <i>Petalophyllum ralfsii</i> (Petalwort) [1395]
South Dublin Bay SAC (000210)	Mudflats and sandflats not covered by seawater at low tide [1140].

I also note the following additional Natura 2000 site that is c. 15 km from the development site:

Glen of the Downs SAC (000719)	Old sessile oak woods with <i>Ilex</i> and <i>Blechnum</i> in the British Isles [91A0]
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The development site does not contain any habitats listed under Annex I of the Habitats Directive. Mapping from the OSI and EPA show that the development site is not within the catchment of any significant watercourse so there is no direct natural hydrological connection to Dublin Bay. There is an indirect pathway through the storm water and foul sewers which include significant dilution on route to the storm water outfall and Ringsend WWTP respectively. The following sites are therefore hydrologically linked to the development site:

Site (Site Code)	Conservation Objectives
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South Dublin Bay and River Tolka Estuary SPA (004024)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the bird species listed as Qualifying Interests, as defined by a list of attributes and targets. No site specific objective has been set for the Grey Plover.
South Dublin Bay SAC (000210)	The NPWS has identified a site-specific conservation objective to maintain the favourable conservation condition of the Annex I habitat listed as a Qualifying Interest, as defined by a list of attributes and targets
North Bull Island SPA (004006)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats and Annex II species listed as Qualifying Interests, as defined by a list of attributes and targets.
North Dublin Bay SAC (000206)	The NPWS has identified site specific conservation objectives to restore / maintain the favourable conservation condition of the Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

The above designations encompass all of the intertidal areas in Dublin Bay from the south of the Howth peninsula to the pier in Dun Laoghaire. The development also has hydrological links to the following Natura 2000 sites, although they are further removed from the point/location of discharge from the Ringsend WWTP:

Site (Site Code)	Conservation Objectives
Rockabill to Dalkey Island SAC (003000)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitat and Annex II species listed as Qualifying Interests of the SAC, as defined by a list of attributes and targets.
Baldoyle Bay SAC (000199) SPA (004016)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats and Annex II species listed as Qualifying Interests of the SAC and SPA, as defined by a list of attributes and targets.
Howth Head Coast SPA (004113) and Howth Head SAC (000202)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats listed as Qualifying Interests of the SAC. There is a generic conservation objectives to maintain or restore the favourable

	conservation condition of the bird species listed as Special Conservation Interests for the SPA.
Ireland's Eye SAC (002193) SPA (004117)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats and Annex II species listed as Qualifying Interests of the SAC, as defined by a list of attributes and targets. There is a generic conservation objectives to maintain or restore the favourable conservation condition of the bird species listed as Special Conservation Interests for the SPA.
Bray Head SAC (000714)	The NPWS has identified site-specific conservation objectives to maintain the favourable conservation condition of the above Annex I habitats listed as Qualifying Interests, as defined by a list of attributes and targets.

In addition, the Poulaphuca Reservoir, from which drinking water from the development will originate, is considered to be within the zone of influence of the development:

Poulaphuca Reservoir SPA (004063)	Greylag Goose (<i>Anser anser</i>) [A043] Lesser Black-backed Gull (<i>Larus fuscus</i>) [A183]
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Potential Effects on Designated Sites

The submitted AA Screening Report considers the significant of potential effects on the above designated sites with regard to the relevant conservation objectives. Having regard to the species listed as qualifying interests, there is no pathway for effects to occur to terrestrial habitats or species associated with the above Designated Sites.

There is potential for pollution from surface water run-off from the development, with consequent effects on the above designated sites. The Priory stream flows c.250m to the southeast of the site and is culverted over much of its length. The stream discharges to Dublin Bay at the south-eastern end of Blackrock Park. A hydrogeological assessment and investigation found that the surface water pond on the site is not connected to any culverts leading to the Priory stream or to any other streams off site. There is consequently no direct pathway from the site via surface

water flows to Dublin Bay. There is an indirect pathway to Dublin Bay via any overflow from the pond to the municipal surface water sewer via the surface water drainage network to be built as part of this proposal. The development includes surface water attenuation measures and an oil receptor to prevent hydrocarbon contamination, resulting in a negligible risk to receiving water. Foul effluent from the development will discharge to Ringsend WWTP. Emissions from the plant are currently not in compliance with the Urban Wastewater Treatment Directive and poor water quality has long been an issue in Dublin Bay. Irish Water has prioritised the enhancement of the Ringsend plant in its Proposed Capital Investment Programme 2014-2016. It announced proposals to upgrade the Ringsend plant and apply for planning permission for a new plant in north County Dublin in February 2018. However, even without treatment at Ringsend WWTP, the average effluent discharge, calculated for the proposed development as 1.04 litres/sec (which would equate to 0.02% of the licensed discharge at Ringsend WWTP) would not impact on the overall water quality within the bay and therefore would not have an impact on the current Water Body Status (as defined within the WFD). There is no predicted likely significant impact from discharge arising from the proposed development based on detailed hydrodynamic and chemical modelling for likely contaminants of concern. Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted within a short distance of the outfall and there is no evidence that pollution through nutrient input is effecting the conservation objectives of the South Dublin Bay and River Tolka Estuary SPA, North Dublin Bay SAC or the North Bull Island SPA. In addition, all of the relevant habitats are intertidal, coastal habitats that are not negatively affected by sediment pollution. The WWTP upgrade will address future capacity demand.

No negative construction effects are predicted. Construction run-off will drain to the drainage ditch / pond at the development site, where sediment will be trapped.

This development is unlikely to increase disturbance effects to birds in Dublin Bay given its distance from these sensitive areas and intervening land uses.

No negative effects are likely to occur to the Poulaphouca Reservoir SPA arising from abstraction of drinking water.

In Combination or Cumulative Effects

This project is taking place within the context of greater levels of built development and associated increases in residential density in the Dublin area. This can act in a cumulative manner through increased volumes to the Ringsend WWTP. The expansion of the city is catered for through land use planning by the various planning authorities in the Dublin area, and in the Cross Avenue area, by the Dun Laoghaire Rathdown County Development Plan 2016-2022. This has been subject to AA by the planning authority, which concluded that its implementation would not result in significant adverse effects to the integrity of any Natura 2000 areas. Taking into consideration the average effluent discharge from the proposed development, the impacts arising from the cumulation of discharges to the Ringsend WWTP generally, and the considerations discussed above, the AA Screening Report concludes that there are no projects or plans which can act in combination with this development that could give rise to any significant effect to Natura 2000 Sites within the zone of influence of the proposed development. This conclusion is accepted.

AA Screening Conclusion

I note the AA screening report submitted by the applicant, dated October 2018, which concludes that significant impacts can be ruled out and / or AA is not required. I note the urban location of the site, the lack of direct connections with regard to the source-pathway-receptor model and the nature of the development. It is reasonable to conclude on the basis of the information available on the file, which I consider adequate in order to issue a screening determination, that the development, individually or in combination with other plans or projects would not be likely to have a significant effect on the above listed European sites, or any other European site, in view of the sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

Planning Assessment

The following are the principal issues to be considered in this case:

- Principle of Development, Residential Density and Housing Mix
- Proposed Works to Chesterfield House and Heritage Impacts
- Design and Layout
- Impacts on Visual and Residential Amenities
- Building Height
- Traffic and Transport
- Drainage, Flood Risk and Site Services
- Ecological Issues
- Other Matters

These matters may be considered separately as follows.

Principle of Development, Residential Density and Housing Mix

The site is zoned as ‘A – to protect and / or improve residential amenity’. The demolition of an existing dwelling and the construction of new residential development are therefore acceptable in principle.

The subject proposal may be compared with the most recent permission at the site as follows (extracted from data on file):

	D10A/0591 PL06D.238361	Subject Development
Total no. of Units	145 apts and houses	221 apts and houses
Residential Density	58 units / ha	70 units / ha
Height	6 storey	Up to 7 storey
Car parking	84 spaces	325 spaces

The third party comments submit that the southern portion of the development will have a much higher density than 70 units/ha and will actually be c. 110 units / ha, this point is accepted.

Section 2.4 of the Sustainable Urban Housing Design Standards for New Apartments defines central and / or accessible urban locations as follows:

- Sites within walking distance (i.e. up to 15 minutes or 1,000- 1,500m), of principal city centres, or significant employment locations, that may include hospitals and third-level institutions;
- Sites within reasonable walking distance (i.e. up to 10 minutes or 800-1,000m) to/from high capacity urban public transport stops (such as DART or Luas); and
- Sites within easy walking distance (i.e. up to 5 minutes or 400-500m) to/from high frequency (i.e. 10 minute peak hour frequency) urban bus services.

The guidelines note that this range of locations is not exhaustive and will require local assessment that further considers these and other relevant planning factors. As per the NTA comment, the site is c. 1 km from Booterstown Station, 900m from the Stillorgan Road QBC, 900m from the Rock Road QBC and 500m from the bus stops on Mount Merrion Avenue. While it is accepted that the southern site boundary is a further 300m from the entrance gate, increasing these distances from public transport stops and stations (the issue of permeability is discussed below), it is considered that the development site is generally within the scope of the above definition, particularly given that it is also c. 1km from the major employment centres of UCD and Blackrock. I also note development plan policy RES3, which encourages densities > 50 units / ha within c. 1 km pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and/or 500 m of a Bus Priority Route, and/or 1 km of a Town or District Centre. The proposed density is considered acceptable on this basis. I also note that the decision PL06D.210828 included a note stating that the Board considered that the southern portion of the site could accommodate a relatively high density infill residential scheme. A higher density in the southern part of the site is therefore considered to be acceptable in principle.

The development comprises 29 no 1 bed units (13%), 106 no. 2 bed units (48%) and 86 no. 3 bed units (39%). Development plan policy RES7 encourages a wide variety of housing and apartment types, sizes and tenures in the county. The plan notes that many of the new households that will form in the county during the plan period will be below the current average size and will often consist of one or two persons. The overall aim is to have a balance of housing types and tenure in the county that reflects this changing household composition and is responsive to the local context. The proposed development helps to achieve these development plan objectives. It

provides a large number of smaller units in an area that is dominated by large, single family homes and is therefore to be welcomed.

To conclude, the proposed quantum of residential development, residential density and housing mix are considered to be acceptable in the context of the location of the site in an established residential area that is 1 km or less from Blackrock village, Booterstown DART station and the N11 QBC and is considered to be in accordance with relevant LAP, development plan and national policies.

Proposed Works to Chesterfield House and Heritage Impacts

Background and History of Chesterfield House

The County Development Plan lists the 'Original Drawing Room' within Chesterfield House as a protected structure, Record of Protected Structures (RPS) no. 171.

The submitted Architectural Heritage Impact Assessment (HIA) and Conservation & Architectural Design Statement outline the history of the site. Chesterfield House was originally constructed on lands within the Fitzwilliam Estate, c. 1810. It was subsequently altered in the latter half of the 19th century and the HIA states:

"It is highly likely that the present Protected Room in the house, referred to as the 'Original Drawing Room,' is not in fact original, but is the result of late 19th century works by John McCurdy, who created it by combining two earlier rooms."

The HIA and the Design Statement also note that the 'Original Drawing Room' contains several non-original elements, including additional corning, plasterwork, joinery and chimney piece.

Chesterfield House was almost entirely demolished and rebuilt in the 1970s. The new house incorporated the 'Original Drawing Room' and retained some sections of the masonry walls of the earlier house, mainly the corners, but only up to the top of the 19th century ground floor level. According to the HIA, an entirely new house was created within the dimensions defined by the few remaining fragments of earlier walls left standing, including new rooms, floor levels, stairs, new doors and windows all different from before and in different locations and all under a new steel framed roof. The HIA concludes that, apart from the south and east external walls of the 'Original Drawing Room', only small pieces of the external walls of the house are

original, such as parts of the north east corner and north west corners of the outside walls.

The original grounds of Chesterfield House have been subdivided and altered several times. 'Herberton' to the immediate east may have been constructed within the Chesterfield lands in the 19th century. 'Rossmore' was constructed in the 1960s to the west of the main Chesterfield gate on Cross Avenue. 'Woodford' to the west incorporated the original out-offices of Chesterfield. Most of the Chesterfield lands were sold in 2006. A stone wall was built along the west side of the original avenue, separating the development lands from Rossmore and Woodford. The eastern piers and wing wall of the gateway to Chesterfield were demolished and rebuilt further to the east. A new road was constructed from Cross Avenue into the development lands. The Board granted permission to subdivide the Chesterfield site and to construct a large, detached house, 'Renesca', to the north of Chesterfield House, under PL06D.211878, with a new access to Cross Avenue, this development was constructed. The HIA concludes:

"These changes have combined to bring about a considerable change in the character of Cross Avenue at the Chesterfield lands, resulting in substantial visual impacts, and impacts on the heritage of Cross Avenue."

There have been 2 other Board decisions relating to Chesterfield House and its grounds since 2006:

- The development PL06D.210828 did not include works to Chesterfield House. The Board's refusal reason referred to the impact of development 'within the curtilage of the protected structure', i.e. between the northern boundary of the site and the water feature and the loss of a significant belt of trees. The Board considered that the development would materially and adversely affect the existing built form, character, landscape setting, and residential amenity of an existing protected dwelling and its curtilage.
- Permission was granted for works to Chesterfield House under PL06D.218536 comprising its refurbishment to an office building with an integrated 1 bed caretaker apartment, including the demolition of non-original extensions to the house and non-original out houses, the provision of landscape gardens,

walkways and parking to the house, works to the entrance gate and access road. These works appear to have been carried out.

The proposed development involves the demolition of the 1970's reconstruction and the retention of the 'Original Drawing Room' within a new structure. Several matters arise:

- The extent of the protected structure
- Direct impacts on the setting of the 'Original Drawing Room'
- Impacts on trees and on the setting of Chesterfield House
- Whether the development would materially contravene development plan policy AR1.
- Other heritage issues

These matters may be considered separately as follows.

The Extent of the Protected Structure

The issue arises as to the extent of the protected structure 'Original Drawing Room', its curtilage and attendant grounds.

Section 2(1) of the Planning and Development Act 2000 (as amended) provides:

"protected structure" means—

(a) a structure, or

(b) a specified part of a structure,

which is included in a record of protected structures, and, where that record so indicates, includes any specified feature which is within the attendant grounds of the structure and which would not otherwise be included in this definition"

Section 13.1 of the Architectural Heritage Protection Guidelines for Planning Authorities states:

"The notion of curtilage is not defined by legislation, but for the purposes of these guidelines it can be taken to be the parcel of land immediately associated with that structure and which is (or was) in use for the purposes of the structure."

And section 13.1.3, which is particularly relevant in this instance:

“It should be noted that the definition of curtilage does not work in reverse – a stable building may be within the curtilage of the main house which it was built to serve but the main house cannot be described as being within the curtilage of the stable building. It should also be noted where a protected structure is an element of a structure, it may, or may not, have a curtilage depending on the degree to which it could in its own right be considered to be a structure. For example, a re-used doorway affixed to a later structure could not be said to have a curtilage.”

Section 13.2.1 of the guidelines also states the following in relation to the ‘attendant grounds’ of a protected structure:

“The attendant grounds of a structure are lands outside the curtilage of the structure but which are associated with the structure and are intrinsic to its function, setting and/or appreciation. In many cases, the attendant grounds will incorporate a designed landscape deliberately laid out to complement the design of the building or to assist in its function.”

Several of the third party submissions and in particular that by Reid Associates on Behalf of Keith Dignam and Fiona Keenan, 22 Glenvar Park and David Gill and Ulrike Asher, 24 Glenvar Park, contend that the proposed development involves the demolition of a protected structure with consequent undesirable precedent and detrimental impacts on architectural heritage. The following points made by third parties are noted in particular:

- The application notices, statement of consistency and documentation in general do not seek permission for the demolition of a Protected Structure. Therefore, if the Board decides that the application does involve the demolition of a protected structure, it is precluded from granting permission as the applicant has not sought such permission.
- Section 57(10)(b) of the 2000 Act provides that permission cannot be granted for demolition of a protected structure save in exceptional circumstances. The Act does not define exceptional circumstances and therefore a precautionary approach must be adopted.
- The house constructed in the 1970’s retains fragments of the earlier structure and the foundations may also be original historic fabric. This remaining original fabric may be integral to the survival of the conservation, historic or functional

appreciation of the 'Original Drawing Room'. The development also appears to involve further demolition of original fabric within the 'Original Drawing Room' and there may be further works involved during the course of construction.

- The planning authority refused permission for D10A/0591 for the reason that the development encroached on the curtilage of Chesterfield House. The Board decision of PL06D.238361 refers to impacts on the protected structure of Chesterfield House. The previous Board decisions accepted that Chesterfield House is a designated protected structure.
- The subject application amounts to an attempt to delist Chesterfield House through the SHD process where there is limited public participation or debate and the implications for the heritage policies of the area are unknown.
- The definition of a protected structure as provided in the 2000 Act is all embracing. It is not possible to separate the 'Original Drawing Room' from the house given the statutory definition of a protected structure in the Act. The case judgement in the case 'Begley v ABP', stated that the inclusion of a structure on the RPS necessarily included the curtilage of a structure. All the case law cited in the submitted Legal Opinion related to the curtilage of a house which is equally applicable to the subject case. In this case, there is no area of land attaching to a structure but is integral to the main structure, which encompasses its curtilage. Therefore, there can be no suggestion that the protected structure does not have a curtilage in this case. The development plan designation of part of a protected structure defines the special interest and all other aspects remain the same unless the Council specifically limits the definition by appending the work 'only', which was not done in this case.
- The legal opinion is based on the 1999 Act, which was then made fit the 2000 Act when there are key word changes in the 2000 Act to clearly include part of a structure in the definition of a protected structure. The reliance on the 1999 Act to infer something different to what is clearly stated in the 2000 Act shows the legal opinion is attempting to construe an interpretation which no longer applies.

- The HIA does not consider the historic, social and cultural context of the replacement Chesterfield House, which has its own social and cultural importance. This focus is too narrow and derives from an aim to justify the demolition of the protected structure.

As referred to by the Observers, the application includes a Legal Opinion by Eamon Galligan S.C. in relation to the scope of the statutory protection applying to the 'Original Drawing Room'. The Opinion sets out the history of Chesterfield House, the protected status of the 'Original Drawing Room', relevant planning history, statutory provisions and case law. The following conclusions of the Opinion are noted:

- Documentation on the file of D04A/0950 PL06D.210828 indicates that the protected structure status of the 'Original Drawing Room' was the subject of judicial review proceedings. It is unclear if any such legal proceedings were initiated or, if they were commenced, if they ever resulted in a Court judgment.
- The protected structure deemed to be included on the RPS constitutes part of a structure only, namely, the "Original Drawing Room".
- It is clear from Section 38(1) of the Local Government (Planning and Development) Act 1999, and from the definition of "protected structure" under Section 2(1) of the 2000 Act, that planning authorities are entitled to include "a specified part of a structure" in a RPS. It would defeat the purpose of specifying a part of a structure if the effect of doing so was to render the entire structure, of which it formed part, a protected structure.
- It was clearly the intention of the Parliamentary Draftsman to apply the concept of a "curtilage" to whole structures or buildings and not parts of a structure. This is evident from the positioning of the words in parentheses in Section 38(1) of the Act of 1999.
- A member of the public without legal training (the reference point for the interpretation of development plans as per the judgement of McCarthy in the case 'XJS Investments Limited v Dun Laoghaire Corporation') would reasonably conclude that the drawing room in the present case should not be interpreted as including the curtilage associated with the main house having regard to the

Concise Oxford English Dictionary (9th edition) definition of curtilage as “an area attached to a house and forming one enclosure with it.”

- It would be entirely incongruous to refer to the “curtilage” of a wall or other part of a structure. The English and Scottish case law examining the meaning of “curtilage” support the view that a curtilage is an area of land which performs a function in relation to a house or other complete building. It is significant also that in the case ‘Begley v An Bord Pleanála’, O’Caoimh was at pains to point out that the decision of the Court did not purport to hold that “a specified part of a structure” necessarily included the curtilage of the structure such that the curtilage could not be excluded from the “protected structure”.
- In its submission dated the 18th March, 2005 on the planning application Reg. Ref. No. D04A/0950, the Dept. of the Environment, Heritage and Local Government appears to acknowledge that where part of a protected structure only is listed for protection, the statutory protection only extends to this part. This interpretation is also consistent with the view of the Architectural Heritage Protection Guidelines, which acknowledge that it is possible to protect part only of a structure but recommend that consideration be given to extending the statutory protection to the entire structure.
- The Opinion concludes that the statutory protection in the present case is confined to the ‘Original Drawing Room’ and does not extend to the curtilage of the main house or any portion thereof.

Having regard to definition of a ‘protected structure’ provided in section 2(1) of the Act of 2000, to the guidance provided in the Architectural Heritage Protection Guidelines for Planning Authorities, to the submitted Legal Opinion, to the comments of third parties, to the Architectural Heritage Impact Assessment, to the history of Chesterfield House and to my inspection of the development site, I consider that the ‘Original Drawing Room’ is a protected structure in its own right, separate from the remainder of Chesterfield House. Therefore, the proposed development does not involve the demolition of a protected structure and does not trigger the requirements of section 57(10)(b) of the Act of 2000. The Board may wish to seek legal advice on this matter.

Direct Impacts on the Original Drawing Room

The submitted Design Statement provides a rationale for the proposed reconstruction of Chesterfield House. The works involve the full demolition of all but the 'Original Drawing Room' and adjoining eastern bay with the corresponding rooms directly underneath them. The 'Original Drawing Room' is to be retained in its entirety as part of a 3 bed apartment on the upper floor of the reconstructed Chesterfield House. The basement area underneath is to form part of an apartment on the lower floor. A Conservation Method Statement is submitted.

It is submitted that proposed reconstructed Chesterfield House will be of a suitable scale to visually hold the historic room while enhancing its inherent design qualities. The external form of the 'Original Drawing Room' is expressed by a curved bow on the southern façade of the house. A 2 storey bay on the western side of Chesterfield House will replicate the original bay on the eastern side, reinstating symmetry to the main central block of the house. This will have projecting eaves and a hipped natural slate roof to match the detail of the original historic house and a new chimney stack will be constructed to replicate the original detail and symmetrical composition. The main block is to be flanked by single storey wings, projecting slightly on the garden front, with a 2 storey wing replicating the original at the northern façade.

The applicant contends that the proposed demolition and reconstruction of Chesterfield House allow for the creation of an accessible, fit for purpose building with a clear distinction between the historic fabric and the new structure, in accordance with internationally accepted conservation principles including the Venice Charter. This approach is supported in the comments of DLRCC Conservation Planning Section and the Dept. of Culture, Heritage and the Gaeltacht. I also accept the approach given that the 'Original Drawing Room' and its surroundings have already been completely altered, with little of the original early 19th century Chesterfield House remaining. The issue then arises as to whether the proposed development will create a satisfactory new setting for the protected structure within the reconstructed Chesterfield House.

Impacts on Trees and on the Setting of Chesterfield House

There is a development plan tree protection objective relating to the subject site and the matter of tree removal at the site was raised in many third party submissions.

The submitted arboricultural report may be summarised as follows:

Category	No. Existing	No. to be Removed
U Trees in such a condition that any existing value would be lost within 10 years.	64	57 38 of these are to be removed to facilitate the development, 19 to be removed as part of active management / health and safety.
A high quality/value with a > 40 years life expectancy	2	0
B moderate quality/value with > 20 years life expectancy.	85	16
C low quality/value with a minimum of 10 years life expectancy	133	78
Total	284	151 53% of total

Drawing no. CFH002 indicates the locations of the trees to be removed, including a large number of trees north and west of Chesterfield House and at the water feature. While the trees to be removed are primarily category 'C' or 'U', I note that there are areas of 'B' category trees to be removed also, primarily 5 no. 'B' trees north of Chesterfield House and 2 clusters of 'C' trees to the west of Chesterfield House, which are to facilitate the access road. Almost all of the remaining existing trees inside the western southern and eastern boundaries are to be retained. The basement layout is below the building footprint in order to reduce tree impacts. Details of tree protection measures are submitted, including provision of site services away from root protection zones. This loss is to be mitigated by the proposed

landscaping scheme which includes c. 200 native and ornamental trees. A planting strategy is submitted.

The development to the north of Chesterfield House involves the construction of a 3 sided 'garden square' with 2 storey houses around a landscaped open space, designed to create a formal setting for Chesterfield House. A palette of brickwork, painted stucco and slate roofing is to be used. Parking is provided in front of each house. I note the comments of the Dept. of Culture, Heritage and the Gaeltacht regarding the progression from the Cross Avenue entrance into the main area of the new development. This progression is visible in the 'architectural flyby' on file and in the submitted model. I am satisfied overall that the proposed treatment of the area to the north of Chesterfield House will provide a satisfactory context for the reconstructed Chesterfield House and will function well as a residential courtyard with a high standard of amenity for future occupants. The layout is also considered to be unobtrusive in the context of surrounding existing residential properties.

A private garden is provided for the Chesterfield House apartments to the immediate east of the house. The area to the immediate south of Chesterfield House, which is currently overgrown, was laid out as a formal garden with the Summer House and a natural play area. Existing trees including 2 large cedars are to be retained, along with extensive new landscaping works. The Summer House is to be retained and restored for use as a caretaker's office. The area is to function as a public open space for residents of the scheme. The water feature in the centre of the site is also to be restored as a large naturalised pond, to function as a surface water attenuation area. The HIA concludes that these works are likely to improve the immediate outlook from the protected room and to strengthen the character of its setting, resulting in 'significant' positive impacts on the immediate setting of the 'Original Drawing Room'. I agree with this conclusion.

The lands to the south of the water feature are currently disused grassland. Having regard to the submitted HIA, there is no evidence that this area was ever part of a designed landscape that formed the setting of the original house. Observers submit that the HIA does not consider the possible presence of a bridle path inside the tree line along the western site boundary (indicated as Tree Belt 5 in the tree survey). I note that most of the trees inside the western site boundary are to be retained as part of the proposed development, aside from an area of Category 'C' trees west of

the water feature (trees of low quality / value with a maximum of 10 years life expectancy). A method statement and details of the retention of the bridle path could be agreed with the planning authority by way of condition.

The new development of the open lands to the south of the water feature will result in a substantial change in the middle distance outlook south from the 'Original Drawing Room', when compared to the present view of undeveloped lands, as indicated in CGI view 03. The development involves the retention of existing trees at the water feature and inside site boundaries, along with extensive landscaping. A public open space is to be provided to the south east of the water feature, linking to a woodland walk around the perimeter of the site. The apartment blocks are laid out to provide an open visual axis from the southern façade of Chesterfield House including a central tiered pool water features and areas of hard and soft landscaping between the apartment blocks. I note the comments of the Dept. of Culture, Heritage and the Gaeltacht and its suggestions that Blocks 1 and 7 are moved southwards to allow for the retention of the southern canal bank stands of trees for augmented planting along the southern bank of the canal, also the recommendation of the planning authority regarding the omission of the top floor of Block 7 and part of the top floor of Block 4. However, I consider that the design and layout as proposed is a reasonable compromise between achieving a satisfactory formal vista from Chesterfield House and a viable development footprint in this part of the site. In addition, the redevelopment of these lands has already been permitted by the Board under PL06D.218536. I consider that the current proposal may be seen in the context of a series of changes / densifications of the original setting of Chesterfield House since its construction in the early 19th century and part of a continuous process of redevelopment and intensification of the urban area of South County Dublin. The development is considered acceptable on this basis.

Material Contravention of Policy AR1

Development Plan Policy AR1: Record of Protected Structures provides:

"It is Council policy to:

i. Include those structures that are considered in the opinion of the Planning Authority to be of special architectural, historical, archaeological, artistic, cultural, scientific, technical or social interest in the Record of Protected Structures (RPS).

ii. Protect structures included on the RPS from any works that would negatively impact their special character and appearance.

iii. Ensure that any development proposals to Protected Structures, their curtilage and setting shall have regard to the Department of the Arts, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities' (2011).

iv. Ensure that new and adapted uses are compatible with the character and special interest of the Protected Structure."

The application notes that the Opinion of DLRCC submitted in response to the applicant's pre-planning consultation request considered that the works to Chesterfield House, the 'Original Drawing Room' and the development of the northern portion of the site were not considered to be in accordance with Policy AR1. The submitted Material Contravention Statement contends that the development does not amount to a material contravention of Policy AR1 as the development has since been refined to address the above issues. The Board is also referred to comments of the Dept. of Culture, Heritage and the Gaeltacht and to the submitted Legal Opinion. I am satisfied, with regard to the above assessment, that the development would not result in a material contravention of Policy AR1.

Other Heritage Issues

Several third parties state concerns about visual impacts to the historic character of Cross Avenue. The HIA indicates that the original frontage of the Chesterfield Lands to Cross Avenue has been amended several times including the new access to 'Renesca' and the widening of the original entrance since 2006. The proposed treatment involves the retention of the existing pier and curved wing wall, which are in the control of the applicant. An ornate patterned steel panel is to be erected on the eastern side of the access. I note that Cross Avenue is not an Architectural Conservation Area. I consider that the proposed access will have an acceptable visual impact, subject to the retention and protection of existing trees at Cross Avenue, which may be a condition of permission.

The proposed works to the Summer House involve minor internal alterations to its external appearance and internal layout and are acceptable.

An Archaeological Assessment is submitted. There are no Recorded Monuments at or in the immediate vicinity of the development site. The assessment does not identify any features of archaeological potential at the site. The site was subject to archaeological testing in 2006 at which time no evidence of archaeology was found. Topsoil stripping and works on an access road in 2008 did not uncover any archaeological features. No adverse impacts on the archaeological resource are predicted and no mitigation is deemed necessary.

Design and Layout of Development

The development may be subdivided into 2 distinct areas, i.e. Chesterfield House and the surrounding area north of the drainage ditch / water feature and the apartment blocks and associated open spaces at the southern end of the site. The layout of the northern portion of the development is discussed above in relation to the reconstruction of Chesterfield House and is considered to be satisfactory.

The southern portion of the site is laid out in 7 no. blocks around a central open space that is accessed from a pedestrian bridge over the enlarged water feature. The open space is tiered with a pool at the centre and the active frontage of the residents amenity and gym facility at a lower level. There is a kitchen garden area on the eastern side of the site and a smaller area of passive open space at the south eastern corner of the site. There are also landscaped courtyards between the apartment blocks. The overall quantitative provision of public open space is c. 12,625 sq.m. or 40% of the total site area, well in excess of the 10% required by development plan standards and 1,384 sq.m. required to comply with the standards provided in Appendix I of the Apartment Guidelines. The internal open spaces are provided as part of an open space and landscaping strategy to create different character areas within the complex including circulation spaces, tree planting, soft landscaping, active and passive spaces, play area, kitchen garden feature and street furniture. This strategy is of a high standard overall. All spaces are well overlooked. I am satisfied that the development achieves a high quality public realm.

The existing internal access road is to continue along the western side of the site, leading to an access ramp to the basement car park. The carriageway width is 5.5m in accordance with DMURS. A set down area is provided for the crèche. This layout takes vehicular traffic away from the southern end of the site and is satisfactory. The

overall site layout provides for a high level of pedestrian permeability within the scheme. The internal cycle / pedestrian routes in the southern part of the site are also designed to be used by emergency vehicles. The layout provides 2 no. 'future pedestrian access' points to Clonfadda to the south and Cherbury to the west. As per the NTA submission, the provision of these connections is highly desirable in terms of improving access to public transport services. The documentation on file states that the applicant is engaging with the respective management companies of the adjoining developments but is meeting resistance to date. This point is accepted and the proposed layout provides for these connections to be provided at a future date when possible.

The application includes a Residential Quality Audit. All apartments in the scheme exceed the minimum floor area requirements specified in SPPR 3 of the Apartment Guidelines. The majority of all 1, 2 and 3 bed apartments exceed the minimum floor area standard by 10%. A total of 46 apartments are single aspect, i.e. 79% of the apartments are dual aspect, well above the 33% required by SPPR 4 for central and accessible urban locations. There is a north west facing 1 bed single aspect unit on the ground floor of Block 3 and on the ground floor of Block 1. All other single aspect units are east, west or south facing, this is acceptable. There are no north facing single aspect units within the scheme. Adequate private amenity space is provided for the apartments in the form of balconies and terraces. SPPR 5 requires a minimum of 2.7m ground level apartment floor to ceiling heights and SPPR 6 specifies a maximum of 12 apartments per core. These requirements are complied with.

A Daylight and Sunlight Availability Report is submitted. The analysis demonstrates that 96% of all rooms in the development meet or exceed the recommendations of BR 209 Site Planning for Daylight and Sunlight. A total of 81% of the living / dining rooms exceed the BRE recommendations for Annual Probable Sunlight Hours (APSH). This is acceptable and I note section 6.7 of the Apartment Guidelines in this regard, i.e. the need to balance the overall quality of the design and layout of the scheme and the measures proposed to maximise daylight provision with the location of the site and the need to ensure an appropriate scale of urban residential development.

To conclude, I consider that the design and layout of the development are generally satisfactory with regard to national and development plan guidance for residential

development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

Impacts on Visual and Residential Amenities

The site is surrounded by existing residential developments. The proposed development generally has a height of 7 storeys. I note that the apartment blocks are reduced in scale towards site boundaries such that Block 6 has a 3 storey element facing Southwood Park, Blocks 4 and 5 are 5 storey facing Clonfadda Wood and Blocks 1, 2 and 3 have 5 storey elements facing Cherbury Court. In addition, Blocks 5 and 6 are angled such that they do not directly face the rear elevations of adjacent houses / apartment buildings. The blocks are well spaced with intervening landscaped areas and will not present a monolithic appearance. The intervening distances are acceptable and areas of passive open space are provided at the eastern and southern boundaries that directly adjoin residential properties. While the development will inevitably change the outlook from adjoining residential areas, given the intervening distances and the proposed retention of the existing tree belt, it is considered that the scheme would not result in a significant degree of visual obstruction or overlooking. I note the conclusion of the submitted shadow analysis (including assessment of impacts on daylight access to a representative sample of sensitive receptors / rooms in adjacent buildings) that the development will result in an “imperceptible” to “moderate” impact on the shadow environment, given that neighbouring gardens and houses will continue to receive a level of sunlight access in excess of that recommended by the ‘British Standard, BS 8206-2:2008: Lighting for buildings - Part 2: Code of practice for daylighting’. This conclusion is accepted. In addition, it should be noted that a high density residential development has already been permitted at this site. I am satisfied overall that the development will provide a high quality of design and public realm that will make a contribution to the wider area, including the management and retention of many of the existing trees, without significant adverse impacts on the residential amenities of adjacent properties.

Several third party submissions raise concerns about security issues at site boundaries, this matter can be addressed by the provision of a satisfactory boundary treatment. With regard to impacts on residential amenities during construction works, the applicant

has submitted a construction management scheme. These matters may be addressed by condition.

The Visual Impact Analysis (VIA) notes that visual impacts of the development are likely to be limited to the immediate vicinity of the site. The development site is not located in an ACA or a Candidate ACA and there are no views or prospects over the site listed for protection in the development plan. The section of Booterstown Avenue between Cross Avenue and the Rock Road (c. 200 m west of the development site) is indicated on development plan Map No. 2 of the Dun Laoghaire-Rathdown Development Plan 2016-2022 as a Candidate ACA, however the development will not be visible from this location. The submitted photomontages indicate that views from many locations will be partial or intermittent due to the presence of intervening buildings and / or vegetation. I note the concerns of third parties regarding visual impacts on the wider area and agree that the submitted VIA is limited to localised views of the development. However, while some higher elements of the development may be visible in the wider area, this is considered acceptable in the context of the changing suburban environment in recent years, including high density residential schemes, and national and local planning policy for the densification of the urban area.

To conclude, it is considered that the development would not result in a significant adverse impact on residential amenities by way of overlooking, overshadowing or visual obtrusion. Having inspected the site and viewed it from a variety of locations in the area, I am satisfied overall that the development will not have undue adverse visual impacts such as would warrant a refusal of permission.

Building Height

The applicant has submitted a Material Contravention Statement in relation to the Building Height Strategy set out in Appendix 9 of the County Development Plan.

Section 4.8 of the Building Height Strategy 'Policy for Residual Suburban Areas not included within Cumulative Areas of Control' provides for a general maximum height of 3-4 storeys for apartment developments at 'appropriate locations', including large infill sites, providing there is no detrimental effect on existing character and residential amenity. Consideration is given to minor modifications up or down in height (usually 1-2 floors), to be considered subject to 'Upward or Downward Modifiers'. Section

4.8.1 states that to justify additional height the planning authority must be satisfied that the proposal meets more than one 'upward modifier' criterion.

I note the comment of DLRCC that 2 of the 'upward modifier' criteria specified in the Building Height Strategy apply in this instance, i.e. 4.8.1 (e):

"A development would contribute to the promotion of higher densities in areas with exceptional public transport accessibility, whilst retaining and enhancing high quality residential environments."

And section 4.8.1 (f):

"The size of a site, e.g. 0.5 ha or more, could set its own context for development and may have potential for greater building height away from boundaries with existing residential development."

I concur with this assessment given the location of the site in an established urban area that is highly accessible to public transport services and to the overall size of the site at 3.15 ha. Section 4.8.2 of the Building Height Strategy sets out 'Downward Modifiers' including adverse impacts on residential amenities, the setting of a protected structure and strategic protected views and prospects. Having regard to the above assessment of heritage and visual impacts, I am satisfied that the development would not result in significant adverse impacts on the setting of the 'Original Drawing Room' or on the visual or residential amenities of the area. I am also satisfied that none of the other 'downward modifiers' set out in section 4.8.2 apply in this instance.

The Urban Development and Building Heights Guidelines issued in December 2018 supersede development plan policy on building height. SPPR 3 of the Guidelines provides that a planning authority may approve development subject to development management criteria set out in section 3, even where specific objectives of the relevant development plan or local area plan may indicate otherwise. The proposed development may be considered with regard to the principles set out in section 3.1 as follows:

- *Does the proposal positively assist in securing National Planning Framework objectives of focusing development in key urban centres and in particular, fulfilling targets related to brownfield, infill development and in particular,*

effectively supporting the National Strategic Objective to deliver compact growth in our urban centres?

The scheme will provide a high quality infill development, assisting the objective to achieve compact urban growth.

- *Is the proposal in line with the requirements of the development plan in force and which plan has taken clear account of the requirements set out in Chapter 2 of these guidelines?*

The development is generally in accordance with the development plan core strategy. It is in accordance with the requirements of Chapter 2 of the guidelines. I am satisfied that the application adequately addresses the issues of the historic setting; proximity to high quality public transport connectivity; contribution to new residential development in line with compact urban growth principles; public access and egress in the event of major weather or emergency or other incidents; the ecological and environmental sensitivities of the receiving environment; and the visual, functional, environmental and cumulative impacts of increased building height. In addition, the development is considered to be generally in accordance with SPPRs 1 and 2.

- *Where the relevant development plan or local area plan pre-dates these guidelines, can it be demonstrated that implementation of the pre-existing policies and objectives of the relevant plan or planning scheme does not align with and support the objectives and policies of the National Planning Framework?*

The guidelines supersede the relevant development plan however the development is in accordance with the Building Height Strategy, as discussed above, and the Strategy is considered to be consistent with the NPF.

The applicant has submitted a rationale for the proposed building height with regard to the development management criteria set out in section 3.2 of the Guidelines. I consider that these matters are addressed in the remainder of this planning assessment. I therefore consider that the development is in accordance with the provisions of both the Building Height Strategy set out in Appendix 9 of the Dun Laoghaire Rathdown County Development Plan and the Urban Development and Building Heights Guidelines for Planning Authorities.

Traffic and Transport

The site is well connected to public transport infrastructure being c. 1 km from Booterstown DART station, 900m from Stillorgan Road QBC, 900m from the Rock Road QBC and 500m from bus stops on Mount Merrion Avenue. It is also close to cycle routes on the Rock Road and Booterstown Avenue.

The application includes a Traffic Assessment and Mobility Report, which considers impacts on the Booterstown Avenue / Cross Avenue / Sans Souci Park signalised junction and the Mount Merrion Avenue / Cross Avenue / Woodview signalised junction. I note the concerns of the third parties that the assessment underestimates traffic impacts. However, the analysis is based on surveys from Irish apartments in the TRICS database and on traffic surveys carried out at the above junctions over 12 hours on Thursday 14th September 2017. This is considered to be a reasonable basis for traffic assessment of the proposed scheme. The surveys found that both junctions currently operate above capacity with resultant queuing on the Cross Avenue approaches during both the AM and PM peaks. Both signalised junctions are prioritised to maximise flows along Booterstown Avenue and Mount Merrion Avenue. Projected traffic impacts are provided for 2021 and 2036 with an assumed growth rate of 0.5%, based on the medium growth estimate for Dun Laoghaire Rathdown published by the NRA in 2011. It is submitted that this growth rate is robust, given the stated policy for Dublin city of a reduction in modal split for the car from its existing level of 33%. Both junctions remain heavily loaded at peak times both with and without the proposed development. The assessment concludes that the development will have a limited effect on both junctions, increasing incident flows during peak times by 6% at Booterstown Avenue and 4% at Mount Merrion Avenue, barely at levels where a TIA would be required under Transport Infrastructure Ireland regulations (5%). It is also submitted that future transportation plans for Dun Laoghaire Rathdown involve enhancement of public transport, cycling and walking networks to actively increase modal splits for these methods of travel. This point is accepted and I note the submitted MMP in this regard. I am satisfied that the site is highly accessible and that development will not result in undue adverse traffic impacts such as would warrant a refusal of permission. I also note that the report on file of DLRCC Transportation Planning states no objection to the scheme on traffic

grounds and does not consider that the development will have any adverse impact on the strategic road network.

The development includes the following car parking provision.

Land Use	Proposed Provision
Residents parking	311
Visitor parking	11
Creche staff	3
Total	325

The provision includes 2 no. shared car club spaces, electric car charging provision of 29 no. spaces and disabled spaces provision of 14 spaces (in compliance with development plan requirements for same). It amounts to 90% of the total no. of spaces required to meet development plan standards (360), or 1.47 spaces per unit. This provision is considered sustainable given the site's proximity to high quality public transport services and to several centres of employment including UCD Belfield and Blackrock. I note section 4.19 of the Apartment Guidelines in relation to parking at central and / or accessible urban locations, where the default policy is to minimise car parking provision. I also note that the planning authority has no objection to the proposed parking provision, subject to conditions including parking management. The provision is therefore considered adequate.

The proposed bicycle parking provision is 274 no. spaces, in compliance with development plan standards and 46% of the quantum required to meet the requirements of the apartment guidelines. This provision is acceptable given the site's accessibility to public transport services. I note the planning authority comment that 222 of the 274 cycle parking spaces are provided in a single location. An improved distribution of cycle parking at basement level may be required by condition.

The site boundary includes part of Cross Avenue within the red line, in order to facilitate the proposed road works. The proposed layout connects to the existing footpath and provides a pedestrian crossing. The junction layout is in accordance with DMURS and provides satisfactory sight distances along Cross Avenue. The submitted Road Safety Audit is noted. This layout is acceptable to DLRCC Transportation Planning

Department subject to conditions. I note that the layout does not indicate details of cycle access and that the provision of cycle access to the basement is identified as an issue in the Road Safety Audit, these matters may be addressed by condition. I note the 'mini roundabout' at the access road, which is not in accordance with the principles of DMURS. However, it is justified in this instance due to the need to provide a turning area for the set down spaces, in close proximity to the basement access and in the context of a tight site layout close to the formal garden of Chesterfield House.

Several third parties have stated concerns in relation to construction traffic. The application includes an outline Construction Management Plan, which includes traffic management provisions. I consider that these measures preclude significant adverse impacts as a result of construction traffic and are generally satisfactory.

Drainage, Flood Risk and Site Services

The nearest surface water sewer is approximately 590m away on Mount Merrion Avenue.

There is an existing 525mm diameter concrete combined sewer on Cross Avenue, which connects to a 750mm diameter concrete combined sewer on Mount Merrion Avenue. Surface water drainage was installed along the entrance road to the development up to the junction with Cross Avenue in 2009/2010, on foot of the previous planning permission, connecting to the existing public combined sewer on Cross Avenue. A surface water attenuation tank was also installed.

The proposed surface water drainage design involves two separate approaches for the northern and southern parts of the site. Surface water from the northern part of the site will drain to the existing attenuation tank. The southern part of the site will drain to the enlarged pond feature, which is to function as attenuation / settlement pond, and then via a hydrobrake to an attenuation tank downstream. The pond is to have a total attenuation capacity of approximately 611 cu.m. with a freeboard of greater than 500mm to the nearest apartment FFLs. The attenuation tank in the northern part of the site will provide additional attenuation capacity. The development is to connect to a new 225 mm surface water sewer on Cross Avenue, stretching to c. 590m east of the site access, to connect to the existing public surface water network by gravity. Discharge is to be controlled via hydrobrake to restrict the discharge rate to QBAR. Proposed SUDS measures include source interception via green roofs and

permeable paving. I note the report on file of DLRCC Municipal Services Dept, Surface Water Drainage, which states concerns regarding a lack of attenuation storage volume calculations in the applicant's infrastructure report and that it appears that the Qbar rates provided are in excess of what is allowable, also that attenuation volumes appear to be less than what is required. The required information would normally be the subject of a substantial further information request but, given that this option is not available in the SHD process, conditions are recommended in the event of permission being granted. The proposed surface water drainage arrangements are considered acceptable subject to conditions.

I note the third party concerns regarding potential flooding at the site. A SSFRA is submitted. The site is located in Flood Zone C, i.e. low probability of flooding from rivers or the sea and no significant flood risk arises. The pond is the only surface water feature at or in the vicinity of the site. It is a man made feature which appears to be landlocked and does not connect to any watercourse. The nearest watercourse is the Priory Stream, c. 250m to the southeast of the site, which is culverted over most of its length and outfalls to Dublin Bay at the south eastern end of Blackrock Park. The pond is to be designed with a wier manhole below the water level to prevent overflowing. The hydrogeological assessment states that site investigations found low permeability clays at the site, underlain by granite in most of the site. Groundwater flow is restricted. The development will be constructed almost entirely in low permeability clays and above the water table. It will not cause any disruption to groundwater flow paths, displacement of groundwater or potential for flooding within the site or on properties adjacent to the site. I am satisfied that the development will not result in any significant adverse flood risk.

The development is to connect to the existing foul sewer at Cross Avenue via the existing entrance road foul drainage system. The applicant proposes to replace the existing watermain on Cross Avenue with a new 150mm diameter watermain to facilitate the development, to connect to the existing watermain at the junction of Booterstown Avenue. I note the submitted correspondence from Irish Water, which states that the proposed connections to the IW network can be facilitated. The proposed foul drainage and water supply arrangements are satisfactory.

Ecological Issues

An Ecological Impact Statement is submitted, which is based on a site survey carried out on 31st August 2017. There are no sensitive receptors within a 2km radius of the development site. The South Dublin Bay SAC / SPA / pNHA is within 10km. There are no protected species within the relevant 10 km grid square and the site is not in the catchment of any significant watercourse. The habitats present at the development site are of low local biodiversity value except for the treelines and woodland, which provide habitat of high local ecological value for common breeding birds and foraging areas for bats. There are no habitats listed in Annex II of the Habitats Directive. No alien invasive plant species are present. The site survey found a single entrance burrow at the southern end of the site. A camera survey in September 2017 found the burrow to be occupied by a fox (not a protected mammal). There is no evidence of any protected species at the development site.

The Statement identifies the following potential ecological impacts:

- Removal of habitats including buildings, meadow, drainage ditch, treelines and individual trees, predominantly of negligible or low local value. The loss of these habitats is considered to be minor negative. Habitat enhancement measures are proposed comprising new tree and shrub planting of a diverse range of native and non-native species. The expanded pond feature will provide a permanent body of water.
- Direct mortality of animal species during demolition. This is identified as a moderate negative impact. Construction mitigation measures are proposed.
- Pollution of watercourses during construction. Site investigations have shown that the drainage ditch is not connected to wider water courses and so there is no connection to aquatic habitats. Run-off is to be managed during the construction phase. No negative water impacts are identified for the operational stage of the development.
- No significant cumulative impacts are identified.

Details of a bat survey carried out at the site on the 11th and 12 August 2017 and 12th July 2018 are submitted. Bat activity was recorded mainly at the treelines at the site perimeter with some activity in the treeline adjacent to Chesterfield House. At least 4

species of bats were recorded feeding and commuting within the survey area. This is indicative of the importance of this area for bats. While 3 of the species recorded are common Irish bat species (common pipistrelle, soprano pipistrelle and Leisler's bat), the fourth species relies on woodland and parkland (brown long-eared bat). This is a rich bat fauna for one survey area. There are a number of large mature trees that are considered suitable for roosting bats and the garden is highly suitable for foraging and roosting bats. It is also likely that bats may occasionally use the buildings on site. However, no roosts were recorded during the site surveys. Potential impacts on bats relate to disturbance due to potential light and noise pollution, loss of roosting sites and foraging areas and interruption of commuting routes. Proposed mitigation measures include tree planting, supervision of tree removal, survey of areas of roosting potential prior to commencement of construction, a bat box scheme and review of proposed lighting plan by a bat ecologist.

The Ecological Impact Assessment concludes that no significant residual effects to biodiversity are likely to arise as a result of the proposed development. This conclusion is accepted, subject to the implementation of the proposed construction mitigation measures, landscaping proposals and bat mitigation measures.

Other Matters

Childcare Provision

The proposed childcare facility is located on the ground floor of Block 7 with an associated dedicated outdoor space. This location is on the eastern side of the development and remote from the set down area at the western site boundary. The facility has a stated area of 216 sq.m. with capacity of 24 no. children and 3 staff. A total of 59 no. childcare places would be necessary to comply with the requirement for 20 places per 75 dwellings as recommended by the Childcare Facilities Guidelines for Planning Authorities. Section 4.7 of the Apartment Guidelines states that the threshold for the provision of childcare facilities in apartment schemes should be established having regard to the scale and unit mix of the scheme, the existing geographical distribution of childcare facilities and the emerging demographic profile of the area with 1 bed or studio units generally not considered to contribute to a requirement for any childcare provision and, subject to location, this may also apply in part or whole to units with 2 or more bedrooms. Based on the

omission of the 1 bed units, the development would require 51 childcare places. The submitted Childcare Assessment demonstrates that there is sufficient capacity within 1km of the development site to accommodate the childcare going age generated by the proposed development. The proposed childcare provision is acceptable on this basis.

Part V

The applicant has submitted Part V proposals comprising the transfer of 10% or 22 no. units at the site to the planning authority, all to be located within Block B6. The applicant has engaged with an Approved Housing Body in relation to the design of Block B6. A schedule of estimated costs has been submitted. I note the report on file of DLRCC Housing Dept., which states that the proposal is capable of complying with the requirements of Part V, the County Development Plan and the Housing Strategy 2016-2022, subject to agreement being reached on costs and valuations. I recommend that a condition requiring a Part V agreement is imposed in the event of permission being granted.

Conclusion

The development is acceptable in principle with regard to the zoning of the site. It provides a high density of residential development in an established residential area that is highly accessible to public transport. While it contrasts with the surrounding residential development, which is generally 2 - 4 storey, it represents a reasonable response to its context and is stepped down at site boundaries to reduce impacts on adjacent residential properties. The overall layout includes good quality public amenity space with a water feature, play area and kitchen garden. The layout provides opportunities to provide enhanced pedestrian permeability for the wider area. The development is a satisfactory response to the conservation issues that arise and the requirement to provide a satisfactory context for the 'Original Drawing Room' protected structure. The quality of residential accommodation provided is satisfactory. Most of the existing trees are to be retained and supplemented by additional landscaping. I am satisfied that the development will not result in significant adverse impacts on residential amenities such as would warrant a refusal of permission. Drainage, access and parking arrangements are acceptable subject to

conditons. Permission is therefore recommended subject to the conditions set out below.

Recommendation

Having regard to the above assessment, I recommend that section 9(4)(c) of the Act of 2016 be applied and that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

Decision Quashed

Reasons and Considerations

Having regard to the:

1. policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022;
2. Rebuilding Ireland Action Plan for Housing and Homelessness;
3. Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
4. Design Manual for Urban Roads and Streets (DMURS);
5. Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities;
6. Urban Development and Building Heights Guidelines for Planning Authorities;
7. site's location adjoining in an established suburban area on lands zoned as 'A' 'To protect and / or improve residential amenity';
8. nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure;
9. pattern of existing and permitted development in the area, and
10. submissions and observations received,

It is considered that, subject to compliance with the conditions set out below that 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.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall comply with the following pedestrian/cycle and roads requirements:

(a) The roads and traffic arrangements serving the site (including road signage), shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

(b) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and set down area road access shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii, and cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.

Clarification of cycle access to the basement car park shall be provided to the satisfaction of the planning authority.

(c) The materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.

(d) To facilitate connectivity and permeability, the finished surface of all roads and footpaths that are shown as future possible access shall meet up to site boundaries

without the provision of a grass verge or ransom strip and the developer shall provide a gate in the development's inner boundary treatment, to allow for the potential future pedestrian / cyclist permeability links.

(e) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works, which shall be submitted to the planning authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audit, at his expense.

(g) A Mobility Management Plan for the development, to include parking management, shall be prepared and submitted to the planning authority for its written consent prior to the commencement of development.

(h) Car parking and cycle parking shall comply with the requirements of the planning authority. The proposed cycle parking provision shall be revised such that cycle parking at basement level is distributed throughout the basement levels.

(i) A public lighting plan shall be submitted to the planning authority

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

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

3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. The following specific requirements shall be submitted to and

agree in writing with the planning authority prior to commencement of development, unless otherwise stated:

- (a) A revised surface water drainage proposal that fully addresses the surface water design concerns regarding attenuation storage volumes contained in point (A) of DLR's Municipal Services Department, Drainage Report;
- (b) A revised surface water drainage proposal that fully addresses the interception volumes concerns contained in point (B) of DLR's Municipal Services Department, Drainage Report;
- (c) An expanded version of Table 2.2 of the applicant's Infrastructure Report showing the areas of each of the various surface treatments at podium level. As the effect of this is most likely to reduce green roof coverage to less than the minimum 60% green roof coverage rate, the applicant shall also submit to the

Decision Quashed

planning authority for its written agreement a revised proposal that demonstrates that the minimum 60% green roof coverage is being achieved.

- (d) Full details of proposed green roofs including a construction and maintenance plan;
- (e) Stage 2 detailed design stage storm water audit;
- (f) Upon completion of the development, a Stage 3 completion stage storm water audit;
- (g) Implementation of mitigation measures in the site-specific Flood Risk Assessment.

Reason: In the interest of public health.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

5. A full architectural survey of Chesterfield House and the Summer House shall be carried out, and shall be submitted to the planning authority prior to commencement

of development. Archive standard drawings and a photographic survey shall be prepared in accordance with the requirements of the planning authority.

Reason: In order to facilitate the conservation, preservation and/or recording of the architectural heritage of the site.

6. Prior to commencement of development, the developer shall provide for the following:-

(a) The appointment of a conservation expert, who shall manage, monitor and implement works on the site and ensure adequate protection of the historic fabric during those works.

(b) The submission of details of all finishes and of all existing original features to be retained and reused where possible, including interior and exterior fittings/features, joinery, fenestration, plasterwork, features (cornices and ceiling mouldings), roofs, staircases including balusters, handrail and skirting boards.

All repair/restoration works shall be carried out in accordance with best conservation practice as detailed in the application and the “Architectural Heritage Protection Guidelines for Planning Authorities” (Department of Arts, Heritage and the Gaeltacht, 2011). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery

and shall be designed to cause minimum interference to the building structure and/or fabric.

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

7. (a) Prior to commencement of development, the developer shall submit to, and obtain the written consent of the planning authority for:
- (i) A tree protection plan.
 - (ii) A programme of tree surgery works.
 - (iii) A detailed landscaping plan including specific details as to the plant sizes and species to be used.
 - (iv) Details of root zone design and specification for street trees proposed.
 - (v) Detailed design proposals for the proposed natural play area and kitchen garden.
 - (vi) Details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (vii) Details of all boundary treatments.
 - (viii) Proposals to retain and enhance the historic bridle path on the western side of the site.
- (b) All front and rear private garden spaces shall be soiled and seeded prior to the occupation of any dwelling unit within each phase.
- (c) The central public open spaces shall be developed for and devoted to public use. They shall be free from any development and shall not be enclosed by any means, except where otherwise agreed.

(e) A suitably qualified Landscape Architect or Arborist shall be appointed prior to the commencement of any development on the subject site to oversee and monitor the project construction and early operational stages of development in regard to the implementation and monitoring of tree protection measures outlined in the environmental report received by the Planning Authority.

(f) Landscaping of the overall development shall be carried out in accordance with the agreed landscaping plan required under condition 7(a) above and shall be carried out and completed prior to the completion of development and prior to the occupation of any units hereby permitted.

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

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

Reason: To protect the environment.

9. 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 Housing Estate Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until those areas proposed for taking in charge are taken in charge by the planning authority.

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

10. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all

purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

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

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

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

14. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the

waste and, in particular, recyclable materials shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

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

15. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

Reason: In the interest of orderly development and sustainable waste management.

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

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

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

allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

Reason: To comply with the requirements of Part V of the Planning and Development Act 2000, as amended, and of the housing strategy in the development plan of the area

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

the developer or, in default of agreement, shall be referred to An Bord Pleanála for determination.

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

20. 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.

Sarah Moran
Sarah Planning Inspector

7th February 2019

Decision Quashed

Appendix I

List of Observers

Susannah McAleese

Bairbre Kelly

John O'Leary

Anet Burke

Louise Carton

Brendan and Mary Coffey

Sean Moloney

Niall Browne

John A. Hillery & Carolyn Hillery

Andrew Doyle

Sarah Duffy

Boosterstown National School

Laurence Lane

Richelle and Tim Lynch

Carolyn McArdle

Dr Anya Murphy

Peter & Jessie Lynch

Patricia Lyons

Alec and Heather Bell

Catrina Doyle

Irene Scanlon

Aisling and Peter Drummy

Michael Doyle

JFOC Architects on behalf of Alice Ryan

Gerry and Dolores Kenny

Declan and Alicia Grehan

John and Muirín Sheehan

Jane Bruton
Anne Fitzgerald
Richard and Jackie Whelan
John McCloskey
James M. Sheehan
Ignacio Martin Munoz
Mission of the State of Palestine
Brian and Deirdre Walsh
Cross Avenue Residents Association
Keith Dignam & Fiona Keenan & Others
Adrienne Quinn
Dolores Kenny
Redwood Grove Residents
Peter and Ruth Walker
Thomas Kirk
Massimiliano and Maria Lambertini
Paul Barton
Aidan Farrell and Susannah McAleese
Brenda Hourihane
Catherine Greene
Ronan O'Dwyer
Southwood Park Residents
Tom O'Hanrahan and Others
Arkadiusz Forycki
Alan Hughes & Nadia Rusca
James Docherty Principal of Willow Park School
Eileen O'Neill
Aoibheann Donnelly
Michael P. Fry
James A. Sheehan

Margaret Oates

James Nolan

Patrick Lavelle

Evelyn Healy

Brendan & Barbara Lynch

Rosin Rooney

Mary Rose Binchy

Gerard Donnelly & Lorraine Carew

Laurence Brassil

Kevin & Bridget Megarry

Turlough Mullen

Liam Hanrahan

Decision Quashed