



An
Bord
Pleanála

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

Inspector's Report ABP-303133-18

Strategic Housing Development

Construction of 107 no. apartments, residential amenity and associated site works.

Location

Former monastery lands, Marianella, 75 Orwell Road, Rathgar, Dublin 6 (a Protected Structure, known as the Gate Lodge, is located outside the application site to the west at the entrance to the site off Orwell Road).

Planning Authority

Dublin City Council

Applicant

Cairn Home Properties Ltd

Prescribed Bodies

An Taisce

The Heritage Council

Department of Culture, Heritage and

the Gaeltacht
Dublin Childcare Committee
National transport Authority
Irish Water

Observer(s) 13 submissions received- see
Appendix A

Date of Site Inspection(s) 22/02/2019
26/02/2019

Inspector Lorraine Dockery

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. The subject site, which has a stated area of 0.96 hectares, is located on the eastern side of Orwell Road, Rathgar, Dublin 6. It is adjoined to the north by the St. John of God facility and to the east by St. Luke's hospital. The existing Marianella development is located to the immediate south of the site, which extends to up to five storeys in height. To the west of the site, adjoining the proposed entrance but outside the site boundary is a gate lodge, which is designated as a Protected Structure (Ref. No. 6257) in the operative Dublin City Development Plan. The site consists of land which previously formed the setting of the former Redemptorist Congregation monastery, located to the south of the site.
- 2.2. The site is generally flat and is occupied by a construction compound. This is an established area, characterised by low-scale development.

3.0 Proposed Strategic Housing Development

- 3.1. The proposal, as per the submitted public notices, comprises the construction of 107 residential units in two apartment blocks. The following tables set out some of the key elements of the proposed scheme:

Table 1: Key Figures

Site Area	0.96 hectares
No. of residential units	107 apartments
Density	111 units/ha
Plot ratio	0.95
Site Coverage	17.5%
Public Open Space	2,585m ² (26.9%)

Height	4-6 storeys [19.65 metres (max)]
Part V	10 units- all located within Block F

Table 2: Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments	39	68	-	107
As % of total	36	64	-	100%

Table 3: Parking Provision

Car Parking	72 spaces, including 2 no. GoCar Spaces and 4 visitor spaces/crèche drop off
Bicycle Parking	164

- 3.2. A Masterplan was submitted with the documentation at application stage, which aims to set out a vision for the comprehensive and sustainable development of the subject lands, in the context of the Z15 zoning objective.
- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections was submitted with the application, as required. It states that subject a valid connection agreement being put in place and conditions listed, the proposed wastewater connection to the Irish Water network can be facilitated. It continues by stating that in relation to water, there are capacity issues with the local infrastructure surrounding the proposed site. In advance of submitting this development to ABP for full assessment, the developer may be required to have entered into a Project Works Services Agreement (PWSA) to deliver studies and/or investigations to confirm the available capacity and to determine the full extent of the connection works.
- 3.4. A Flood Risk Assessment was submitted with the application which concludes that the site historically has no recorded flood events as noted in the OPW's historical flood maps. Modelling of the River Dodder has indicated that the subject lands are

located outside of the 0.1% AEP Zone and the predicated flood mapping for pluvial/tidal and fluvial flood events will not affect the subject lands.

- 3.5. An Archaeological Assessment was submitted with the application. This states that there are three individual or groups of Recorded Monuments located within 500m of the development area. The closest consists of the site of a wind mill, the site of which is covered by residential development. All topsoil has been removed from the proposed development area, which was carried out under archaeological supervision in 2016. Nothing of archaeological significance was identified. No archaeological mitigation is deemed necessary in association with the proposed development.
- 3.6. A Screening Report for Appropriate Assessment submitted with the application concludes that significant effects, individually or in combination with other plans or projects, are not likely to arise that would result in significant effects to the integrity of Natura 2000 sites.
- 3.7. A Conservation Report submitted with the application states that there will be no material impact on the Gate Lodge from the proposed access point and that the proposed works to the boundary will not affect any features of historic or architectural interests.
- 3.8. A letter of consent from Saint Luke's Radiation Oncology Network has been submitted with the application which states that they have no objection to the inclusion of lands (indicated hatched on attached drawing) for the purpose of making a planning application. It continues by stating that the indicated boundary treatment as set out in the landscape architects report and drawings is considered satisfactory and is welcomed as part of the proposed development. Cairn have confirmed that the existing cable along the wall will be concealed in the cavity of the new wall and that the new replacement luminaires will be fitted to the face of the wall supplying lighting to the car park.

4.0 Planning History

Subject Site

2128/17

Permission GRANTED for 22 no. residential units on the former monastery lands, together with all ancillary site works

Adjoining Lands

2186/09

Permission GRANTED for demolition of part of monastery building and construction of 208 residential units

2187/09 (PL29S.234927)

10 year application for demolition of part of monastery building, construction of monastery complex, drive test centre, parking and ancillary site works. SPLIT Decision with permission refused for telecommunications mast

2962/17

Permission GRANTED for extension and refurbishment of existing Protected Structure

5.0 Section 5 Pre Application Consultation

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

development to An Bord Pleanála. The prospective applicant was advised that the following specific information was required with any application for permission:

1. A car parking management strategy for the proposed development.
2. Screening details for private terraces adjoining public entrances and design details for the treatment of the open space area between Blocks G & F.
3. Additional cross sections at appropriate intervals showing the proposed development and the relationship with existing developments adjacent the site to the north and east. Drawings should be appropriately scaled. Site sections should be clearly labelled and located on a layout 'key' plan.
4. A full and complete drawing that details all boundary treatments.
5. A plan of the proposed open spaces within the site clearly delineating the hierarchy of open spaces.
6. A site layout that details any areas to be taken in charge by the local authority.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement attempts to address the points raised above.

Car Parking Management Strategy: set out in submitted TIA. Car parking layout and configuration has been slightly revised on foot of pre-application consultation with ABP

Screening details: ground floor private terraces have been revised adjoining the entrances to the blocks to avoid overlooking of private amenity spaces; landscaped strip has been increased; design details for treatment of open space

Additional cross-sections: Submitted, as requested

Full and complete drawings of boundary treatments: Submitted, as requested

Hierarchy of open spaces: Addressed as requested

Taking in Charge: No areas to be taken in charge by local authority

6.0 Relevant Planning Policy

National Planning Policy

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

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

Local Planning Policy

The Dublin City Development Plan 2016-2022 is the operative City Development Plan.

Zoning:

‘Objective Z15 Institutional & Community’ which seeks to ‘protect and provide for institutional and community uses and to ensure that existing amenities are

protected'. Residential development is 'open for consideration' under this zoning objective.

There is a requirement for proposals on Z15 zoned lands to be accompanied by a masterplan that sets out a clear vision for the zoned lands, to provide for the identification of 25% of the lands for open space and/or community facilities, in lieu of the 10-20% of public open space normally provided for in development plan standards (does not apply if the footprint of the existing buildings > 50% of the total site area of the institutional lands).

The following standards also apply within Z15:

- Plot ratio 0.5 – 2.5
- Indicative site coverage 50%

The southern portion of the wider Marianella site is zoned 'Objective Z12' which seeks to 'ensure existing environmental amenities are protected in the predominantly residential future use of these lands'.

Section 16.7 Building Height

- Low Rise/Outer City- Maximum Height 16m/5 storeys for residential
- Within 500m of a DART station- Maximum height 24m/8 storeys for residential

Map J- Strategic Transport and Parking Areas

- Zone 3
- Residential car parking standard of 1.5 spaces/dwelling. Cycle parking 1 per unit for all zones.

Gate Lodge is designated as a Protected Structure (RPS Ref. No. 6137) in the 'Record of Protected Structures'- located outside of application site. There are a number of Protected Structures within the vicinity of the site, together with lands zoned 'Objective Z2' Residential Conservation Area.

7.0 Third Party Submissions

- 7.1. In total, 13 submissions were received. Some of the submissions commend the developer on the quality of existing development at Marianella and welcome further

development to the area, but have specific concerns. A submission was received from Rathgar Residents' Association, together with a submission on behalf of St. John of God Trust (Ireland) and Teachers Union of Ireland. In addition, a submission was received on behalf of the residents of Marianella, purporting to represent occupants of 51 units therein.

7.2. The submissions received may be broadly summarised as follows, with reference made to more pertinent issues within the main assessment:

Development Plan

- Material contravention of zoning objective
- Material contravention in terms of building height
- Inappropriate use of Z15 lands- scale, density, extent and design incompatible with zoning objective
- Proximity to ACA and Z2 zonings
- Setting of adverse precedent
- Submission of masterplan

Layout/Development Standards

- Material change from original planning permission on the site; intensification of use; overdevelopment of the site
- Tenure of proposed units
- Height of proposal; out of character; scale and density; lack of appropriate transition
- Size of proposed units; lack of three bed units
- Public open space provision; amount; quality
- Connectivity
- Removal of trees

Amenity

- Visual appearance and impacts on existing Marianella development; external finishes; accessibility to amenities within Marianella

- Seriously injurious to the longstanding established use of on Lucena Clinic, St. Peter's School- overlooking, impact on delivery of care to vulnerable service users and on the community residential setting; invasion of privacy; scale and character out of keeping with existing
- Crèche provision
- Impacts on Marianella development
- Impacts on adjoining residential amenity- overlooking, overshadowing, impact on natural light and privacy
- Daylight within proposed units
- Waste disposal

Traffic and transportation

- Lack of basement car parking- sense of place in existing Marianella development due to lack of cars- suggests relocation of car parking to basement level
- Lack of parking spaces/too many parking spaces
- Quantum of bicycle parking spaces
- Limited public transport/traffic congestion/overspill into surrounding areas
- Impacts of proposals in terms of BusConnects, cycle lanes must be taken into consideration
- Inadequate TIA
- Endangerment of public safety

Other Matters

- Request for oral hearing
- Non-submission of EIAR
- General issues in relation to legislation governing public notices
- Legal matters- boundaries between proposal and Marianella; encroachment onto Marianella Owners Management Company lands; delineation of wayleaves; insufficient legal interest to carry out the development

- Compliance with condition pertaining to 2186/09
- Flooding/drainage concerns
- Impacts on Gate Lodge and Woodlands Terrace (Protected Structures)
- Procedural issues relating to application form, discrepancies in some documentation, consultation with local residents, fee payable

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dublin City Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 04th February 2019. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports, Area Committee Meeting details, policy context. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Drainage Division: No objections, subject to conditions

Roads and Traffic Planning Division: No objections, subject to conditions

Parks and Landscape Services: Significant concerns raised; conditions attached

Housing and Community Services: Cairn Homes Properties Ltd has previously engaged with the Housing Department in relation to the above development and are aware of the Part V obligations pertaining to this site if permission is granted

Waste Management: No objections, subject to conditions

The main issues raised in the assessment were as follows:

- Z15 zoning objective
- Masterplan confirms that the subject lands formed part of the grounds of the former monastery and did not hold any particular function associated with the

former use on site. In addition, lands were sold in 2016 and therefore their continued use for institutional purposes is not intended. Further noted that the principle of residential development has generally been established on the site through the grant of permission for the subject site under Reg. Ref, 2128/17 for 22 residential units

- Proposed density considered appropriate given national policy objectives to increase residential density in existing urban infill locations
- Proposed site coverage at 17% is low given extensive area of open space provided across the site- site coverage and plot ratio are acceptable and in accordance with standards
- Proposed materials are contemporary and it is considered that proposed design will not unduly impinge on the residential and visual amenities of the area as it ties in with existing Marianella development to the south
- Housing Quality Assessment indicates that all apartments reach and exceed minimum standards
- Number of one bed apartments is consistent with Sustainable Urban Housing: Design Standards for New Apartments
- Provides 51% dual aspect apartments in accordance with Development Plan
- Proposal reaches and exceeds standards in relation to floor to ceiling heights
- Quality and quantity of private open space provision; communal and public open space is in excess of Development Plan requirements
- Recommended that a condition be attached to any grant of permission stipulating that location of children's play spaces be agreed
- Maximum height allowable in outer city is 16m; maximum height of proposed

Block F is 19.65 metres. As proposed height materially contravenes Development Plan in respect of maximum height, applicant has submitted a Statement of Material Contravention which sets out justification for same

- Following a detailed assessment, it is the opinion of the PA that the proposed height at 19.3 metres is acceptable and will not adversely impact on residential amenities of adjoining properties
- Proposed development is below threshold to provide crèche facility
- In terms of community facilities, PA state that given the scale of development proposed and the availability of facilities in the area, proposal is considered acceptable in this regard
- Roads and Traffic Planning Section satisfied with proposed parking, access and layouts with regard to safety requirements, current Development Plan standards and relevant policy provisions
- Applicant has entered into initial discussions in relation to Part V provisions. 10% of the units proposed for social housing are located within Block F with a mix of one and two bed units
- Proposal considered to be generally in accordance with Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities in relation to mix, size, aspect, ceiling height, lift cores, storage, private amenity spaces, security considerations, communal facilities, refuse storage, minimum floor areas
- In terms of cycle parking, provision is below requirements as set out in above guidelines, however quantum proposed exceeds Development Plan standards
- Generally satisfied with quantum of car parking proposed
- No significant issues relating to shadow/daylight impact based on results with

Daylight and Sunlight Assessment

- No recorded flood events on site; subject lands located outside of 0.1% AEP zone
- In terms of overlooking, 22m separation distance is noted between existing and proposed blocks; setbacks from various other boundaries noted
- Screening Report for AA concludes that significant effects, individually or in combination with other plans or projects, are not likely to arise that would result in significant effects to the integrity of Natura2000 sites
- Notes applicant's submission in relation to EIAR
- Concludes that on the basis of the information received, it is considered that the proposed development does not impinge on the residential or visual amenities of the area and that it does not result in undue overshadowing, overlooking or have an overbearing impact on neighbouring properties. The development is considered acceptable.
- Recommends that An Bord Pleanála consider a grant of permission and requests that conditions, as outlined, be attached.

The report includes a summary of the views of relevant Elected Members, as expressed at the South East Area Committee meeting held on 14/01/19 and are broadly summarised below:

- Significant deviation from original planning application
- Scale of development
- Surface car parking- underground car parking considered more advantageous at this location- will compound existing parking problems in the area
- Consideration should be given to future proposals for the area

- Omission of crèche
- Omission of three-bed family units

9.0 Prescribed Bodies

9.1. The applicant was required to notify the following prescribed bodies prior to making the application:

- The Minister for Culture, Heritage and the Gaeltacht:
- The Heritage Council:
- An Taisce
- Irish Water:
- National Transport Authority:
- Dublin Childcare Committee:

One body has responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

Irish Water:

Based upon the details provided by the developer and the Confirmation of Feasibility issued by Irish Water, Irish Water confirms that subject to a valid connection being put in place between Irish Water and the developer, the proposed connection(s) to the Irish Water network(s) can be facilitated.

10.0 Oral Hearing Request

10.1. Section 18 of the Act provides that, before deciding if an oral hearing for a strategic housing development application should be held, the Board:

- (i) Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and
- (ii) Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

10.2. In my opinion there is sufficient information on file to allow for a proper and full assessment of the case without recourse to an oral hearing. I note the observer submissions received and the contents thereof. Having regard to the information on file, to the nature of the proposed development and to the location of the development site, I do not consider that there is a compelling case for an oral hearing in this instance.

11.0 **Assessment**

11.1. I have had regard to all the documentation before me, including, *inter alia*, the report of the planning authority; the submissions received; the provisions of the Dublin City Development Plan 2016; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; the nearby designated sites; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have twice visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of proposed development
- Design and layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters
- Appropriate Assessment
- Environmental Impact Assessment

11.2. **Principle of Proposed Development**

11.2.1. Having regard to the nature and scale of development proposed, namely an application for 107 residential units located on lands which are 'open for consideration' for residential development under the zoning objective, I am of the

opinion that the proposed development falls within the definition of Strategic Housing Development, as set out in section 3 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

11.2.2. It has been stated in one of the submissions received that the proposed development is a material contravention of the zoning objective for the site and therefore the Board is precluded from granting permission for such development under the strategic housing process. I do not concur with this assertion. The proposed development is located on lands zoned 'Objective Z15', which seeks to 'protect and provide for institutional and community uses and to ensure the existing amenities are protected' within the operative City Development Plan. Residential development is 'open for consideration' within this zoning objective.

11.2.3. Section 14.8.14 of the operative City Development Plan states that where there is an existing institutional and/or community use, the following is required to be demonstrated:

- How the proposal is in accordance with and assists in securing the aims of the zoning objective
- How it secures the retention of the main institutional and community uses on the lands, including space for any necessary expansion of such uses
- How it secures the retention existing functional open space e.g school playing fields
- The manner in which the nature and scale of the proposal integrates with the surrounding land uses

In considering the residential use proposed for these Z15 lands, I am aware of a number of Board decisions to grant permission on similarly zoned lands in recent times, for example PL29S.243181 in Mount Argus; PL29N.246250 on Sybil Hill Road, Raheny and ABP-300559 St. Paul's Raheny. The requirements of the Z15 zoning objective, as set out above are critical to this application and the issue of zoning has been raised in a large proportion of the submissions received. When examining this issue, I consider that the subject site should not be examined in isolation, instead the entire parcel of land zoned Objective Z15 at this location should be examined in totality- as one entity.

11.2.4. This is a zoned, serviceable site at an urban location, close to the city centre. It is well served with public transport links and is located in an established area where good services and facilities are available. I am cognisant of the recent Board decisions for residential developments on similarly zoned lands throughout the city, as detailed above. I am of the opinion that the applicant has satisfied the four main criteria within the zoning objective. The main institutional and community uses are being retained on the overall Z15 parcel of land. The subject lands previously formed part of the curtilage of the Redemptorist Congregation monastery located on adjacent lands, now demolished. It is stated that the subject lands held no particular use or function associated with the institutional use apart from forming part of its grounds. The Redemptorists decided that they had no future use for the lands and they were sold in 2016. Permission was granted on the subject site for 22 houses in 2017 and it may therefore it may be argued that the principle of residential development, albeit of a smaller scale, has been accepted on the development site. The former function of the lands has ceased and therefore a grant of permission for residential development on these lands will not reduce the amount of existing institutional uses on the overall lands.

11.2.5. Given the extent of institutional lands within this overall parcel, I have no information before to believe that adequate space does not exist surrounding the remaining institutional uses to allow for their expansion into the future, if necessary. I note the Development Plan requirement for 25% public open space be provided in any such development on institutional lands. In this instance, in excess of 26% public open space is proposed and this is considered acceptable. The layout of the proposed scheme is such that the open space to the west of the site, bounding Orwell Road, forms a continuation with that permitted in the Marianella scheme. The setback from the public road is such that the open setting of the lands is being retained.

11.2.6. Additional community uses are being provided within Block F. The manner in which the nature and scale of the proposal integrates with the surrounding land uses shall be dealt with below. Having regard to all of the above, I consider the principle of the proposed development to be appropriate at this location and generally in compliance with the zoning objective for the area, as set out in the operative Dublin City Development Plan.

11.3. Design and Layout

- 11.3.1. The proposal involves the construction of 107 residential apartments in two no. blocks at the former monastery lands at Marianella, Orwell Road, Rathgar, Dublin 6. The proposal is generally 5- 6 storeys in height. Permission was previously granted on the lands for 22 dwellings. I acknowledge that this current proposal is an intensification of development, from what was previously permitted, but this is not necessarily a negative. I consider that the site has the capacity to absorb a development of the nature and scale proposed, without detriment to the amenities of the area. Some concerns have been raised with regards to the setting of an adverse precedent for similar type development on other institutional lands. In this regard I note that each application is assessed on its own merits.
- 11.3.2. The mix of units at 39 x 1 bed and 68 x 2 bed units is considered acceptable. This would lead to a good population mix within the scheme, in an established area where the quantum of larger dwellings is noted. The proposed mix would cater to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Given the established nature of the area, the proposed development could aid those wishing to downsize but remain in the general area, thereby freeing up some existing housing stock in the locality. Unit size is also acceptable and most units are in excess of minimum standards.
- 11.3.3. Density at approximately 111 units/ha is considered appropriate for this urban location and in compliance with relevant section 28 ministerial guidelines. I note the third party submission which states that the Sustainable Residential Development in Urban Areas, Guidelines for Planning Authorities (2009) envisage that the maximum density permissible on institutional lands is 70 dwellings/hectare. I do not agree with this assertion. Chapter 5 of these aforementioned Guidelines deals with appropriate locations for increased densities, with section 5.10 dealing with institutional lands. The Guidelines state that *'in the development of such lands, average net densities at least in the range of 35-50 dwellings per hectare should prevail and the objective of retaining the open character of the lands achieved by concentrating increased densities in selected parts (say up to 70dph)'* (my italics). It is not my understanding that this implies a maximum density of 70 units/hectare on such lands- if this were the case, it would have been explicitly stated. Increased densities are concentrated on this element of the institutionally zoned lands, with a much lower density of

development prevailing on the remaining institutional lands within this overall parcel. What is of greater importance, in my mind, is that the fact that the objective to retain some of the open character of the lands has been complied with. Quality open space has been proposed and the application is accompanied by a masterplan. I am satisfied with the above and consider the density to be appropriate in this instance. I also refer the Board to the new Urban Development and Building Height Guidelines (2018) which encourage consolidation and densification at appropriate locations. I consider this to be an appropriate location for the density proposed.

11.3.4. Public open space is provided by way of two main areas, one to the front of the scheme along Orwell Road forming a visual continuation of the open space area to the front of the existing Marianella development, with the other located between the two proposed blocks. It is stated to constitute approximately 26% of the overall site area. I consider the quality and layout of the public open space provision to be as important as the actual precise amount and in this instance, a high quality scheme is proposed that will tie in with the existing public open space within the existing Marianella development. An appropriate setback is proposed to ensure the continuance of the open feel of the lands and which provides the necessary setback to ensure no adverse impacts on the Gate Lodge, a Protected Structure. Communal open space is provided primarily along the northern boundary of the site. Private open space is provided by means of balconies/terraces to all units. A landscape plan and associated drawings have been submitted with the application, as has an Arboricultural Assessment. This Assessment refers to the fact that some trees have been removed from the site, under a previous grant of permission which was not implemented and this has been raised in the submissions received. Based on the information before me, it appears that no Tree Preservation Orders pertained to these trees that have previously been removed from the site and a grant of permission was not required for their removal. I am satisfied with the information before me with regards to the issue of landscaping and I note that a high quality scheme is proposed in this regard. The open space associated with the existing Marianella scheme is considered to be an attractive series of high quality spaces and I anticipate the same standard for this proposed development. A high degree of passive surveillance is noted. Permeability through the site is relatively good, however I do note that potential pedestrian connections with adjoining lands are not

shown right up to the site boundary, leaving what may be described as 'ransom strips'. This may cause issues as a later date and if the Bord is disposed towards a grant of permission, I recommend that revised site plan be submitted which shows the roadway between Block G and the public open space continue right up to the northern boundary of the site. These issues should be dealt with by means of condition, if the Bord is disposed towards a grant of permission.

11.3.5. In terms of height, I note that there is some discrepancy between documentation with some drawings stating that the maximum height of proposal is 19.3 metres, while others state a figure of 19.65 metres. It is the higher figure which I am basing my assessment on. Block F ranges in height from 4-6 storeys while Block G is five storeys in height. The nearest block of the permitted Marianella development (Block C) is five stores in height and it is stated in the documentation submitted that the maximum permitted height at Marianella is 18.3 metres. I note that the existing Marianella was granted permission prior to recent government guidance in relation to increased building height. Section 16.7 of the operative Dublin City Development Plan deals with the issue of building height and acknowledges the intrinsic quality of Dublin as a low-rise city. The applicant states in the application form and public notices that the proposal represents a material contravention of the operative City Development Plan and a statement to this effect has been submitted with the application. It is noted that the submitted Statement of Material Contravention with Dublin City Development Plan contradicts the above and states that the proposal is not considered to be a material contravention of the Dublin City Development Plan, however should the Board consider it appropriate a justification of the proposed height is set out in that report. The Planning Authority, in their Chief Executive Report, consider the proposal to materially contravene the Development Plan in terms of height. Notwithstanding this, having regard to national policy, they conclude that they consider the proposed height at a maximum of 19.3 metres to be acceptable and it will not adversely impact on the residential amenities of adjoining properties.

11.3.6. Under the Planning and Development Act 2000, the Bord is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy

within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. The current application has been lodged under the strategic housing legislation and the proposal is considered to be strategic in nature. I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. I consider this to be one such site. It is noted that in the short term to 2020, the Housing Agency has identified a need for at least 45,000 new homes in Ireland’s five cities, more than 30,000 of which are required in Dublin city and suburbs, which does not include for additional pent-up demand arising from under-supply of new housing in recent years. In the longer term to 2040, the NPF projects a need for a minimum of 550,000 new homes, at least half of which are targeted for provision in Ireland’s five cities (Objective 3b). The NPF also signals a shift in Government policy towards securing more compact and sustainable urban development, which requires at least half of new homes within Ireland’s cities to be provided within the existing urban envelope (Objective 3a). A significant and sustained increase in housing output and apartment type development is necessary. It recognises that at a metropolitan scale, this will require focus on underutilised land within the canals and the M50 ring and a more compact urban form, facilitated through well designed higher density development. I am also cognisant of the Urban Development and Building Heights, Guidelines for Planning Authorities (2018) which sets out the requirements for considering increased building height in various locations but principally, inter alia, in urban and city centre locations and suburban and wider town locations. It recognises the need for our cities and towns to grow upwards, not just outwards. I have had particular regard to the development management criteria, as set out in section 3.2 of these Guidelines, in assessing this proposal.

11.3.7. I am of the opinion that given its zoning, the delivery of residential development on this prime, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of current Government policy. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an

existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. I consider that the proposal does not represent over-development of the site and is acceptable in principle on these lands. Having regard to all of the above, I consider the height as proposed to be acceptable and if permitted would not detract from the visual or residential amenity of the area.

11.3.8. Quality materials and finishes are proposed that would integrate well with the finishes on the existing permitted Marianella development. Exact details relating to same should be dealt by means of condition, if the Bord is disposed towards a grant of permission.

11.3.9. It is noted that a childcare facility is not proposed in this application. I note the argument put forward by the applicants in this regard within section 5.9 of the submitted Statement of Consistency. I also note that a childcare facility has been permitted of circa 479m² within the wider Marianella development and I am of the opinion that the development will be satisfactorily served by the previously permitted childcare facility. Having regard to all of this information, I consider that the lack of such a facility to be acceptable in this instance.

11.3.10. Having regard to all of the above, I consider that the design, height, layout, density and unit mix to be acceptable in this instance. The layout is such that it respects the Z15 zoning of the site whilst at the same time, provides a high quality, compact, sustainable development.

12.0 Impacts on Amenity

12.1.1. The application is accompanied by a Landscape and Visual Impact Assessment, together with verified CGIs and photomontages. The information contained therein is considered acceptable. I note that the photomontages were taken when planting was in full foliage in May 2018. It is acknowledged that the impact of the proposal during the winter months is likely to be greater.

12.1.2. The issues of impacts on amenity has been raised in many of the submissions received. Concerns have been raised, *inter alia*, in relation to overlooking, overshadowing, loss of light and impacts on privacy. I have examined all the documentation before me and it is acknowledged that the proposal will result in a

change in outlook for some of the local residents, as the site changes from an undeveloped piece of land to a site accommodating development of the nature and scale proposed. Given the location of the site, I do not consider this change to be a negative. This is an undeveloped piece of serviceable land, where residential development is open for consideration. As has been previously stated, the development site is located within an established part of the city where services and facilities are available, in close proximity to good public transport links and where pedestrian and cycle connectivity is good. The existing Marianella development is itself a new addition to the urban form of the area, which is considered to add to the variety of housing stock within the area in a quality manner. It offers a benefit to the wider community by virtue of its public open space provision, which includes for a playground. During both my site visits, I noted that the playground was well utilised.

12.1.3. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity. The residential units within Blocks C and D of the Marianella development, to its south, are some of the nearest residential properties to the proposed development. I note the separation distances involved, a minimum of 22 metres, and I consider this distance to be acceptable. This separation distance is similar to that between blocks within the existing Marianella development, although Block F is marginally higher than these existing blocks. I also note the proximity of the proposal to other adjoining lands, including the lands associated with St. John of God's, Woodlands and the TUI building. I acknowledge the sensitive nature of the lands associated with St. John of God lands. Again however, I consider that the separation distances are acceptable. The western boundary of the site is quite well screened. The northern boundary has a line of mature trees located along its length, within St. John of God lands, but I do acknowledge that screening is currently limited along this boundary. I do however, note the separation distances of the buildings within the St. John of God lands from the boundary of the site, the extent of mature planting within these lands and also the fact that landscaping is proposed along this northern boundary. It is noted that the letter of consent on file from St. Luke's Hospital states that they are satisfied with the boundary treatment proposed along their boundary.

- 12.1.4. Given the orientation of the site, together the design and layout of the proposed scheme, I consider that overlooking, overshadowing or loss of light to adjoining properties would not be excessive in this instance and would not be so great as to warrant a refusal of permission. The issue of Vertical Sky Components (VSC) in protecting light to existing buildings has been raised in one of the submissions received. This issue has been dealt with in the submitted Daylight, Sunlight and Overshadowing Study and I am satisfied with the results and conclusions outlined therein. I consider that impacts on privacy would not be so great as to warrant a refusal of permission. I have no information before me to believe that the proposal, if permitted would lead to devaluation of property in the vicinity. This is an urban location and some degree of overlooking/overshadowing/loss of light is to be anticipated at such locations.
- 12.1.5. There may be some noise disruption during the course of construction works. Such disturbance is anticipated to be relatively short-lived in nature. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed. However, if the Bord is disposed towards a grant of permission, I recommend that such issues like wheel wash facilities, hours of works and the like be dealt with by means of condition. In addition, a Construction Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site.
- 12.1.6. The level of amenity being afforded to future occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking. A Daylight, Sunlight and Overshadowing Study was submitted with the application and it contains a scientific and robust analysis, with which I am satisfied. It is noted that a small number of apartments fall below the BRE guidelines for daylight but this is based on a worst case scenario. I note that external balcony space is proposed to all units. This is considered acceptable in this instance.
- 12.1.7. Development Plan standards have been met in relation to issues such as number of dual aspect units, ceiling heights, floor areas and private open space provision. Community space in the order of 495 square metres is proposed within Block F. I am satisfied that the proposal would be an attractive place to live for any future

occupants. Details in relation to privacy measures between apartment balconies should be dealt with by means of condition.

12.1.8. Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission.

12.2. Traffic and transportation

12.2.1. The proposal will utilise an existing access point onto the Orwell Road. 72 car parking spaces are proposed, together with 164 bicycle parking spaces. All parking spaces are at surface level. I note that the vast bulk of the submissions received raise concerns in relation to traffic and transportation issues. Some submissions state that the proposal includes for too little parking while others contend that there are insufficient spaces proposed. The fact that the proposed spaces are at surface level has also been raised. The methodology and the scope of the TIA also raises concerns, as has concern regarding the creation of a traffic hazard.

12.2.2. A Traffic Impact Assessment and Mobility Management Plan have been submitted with the application. Baseline surveys were undertaken in May 2018 and these surveys indicate that the AM peak time is between 7.15am and 8.15am, while the PM peak period is between 5pm and 6pm. The TIA concludes that the proposed development will result in minimal increases in the total traffic flows on the adjoining road network and the proposed development is shown to have negligible impact on junction performance. The Transportation Department of the planning authority states that they are satisfied with the general scope, content and conclusions of the TIA.

12.2.3. In relation to parking, the TIA acknowledges that the maximum allowable number of spaces, as per Development Plan requirements is 161 spaces. 72 spaces are proposed. Development Plan policy states that in constrained sites, alternative solutions such as car clubs will be considered. In this instance, a residential car club is proposed, with 2 dedicated spaces being provided. Having regard to the location of the site and its proximity to quality public transport within a five minute walk, together with section 28 ministerial guidelines which allow for reduced standards of

parking at certain appropriate locations, I consider that the quantum of spaces being provided is acceptable at this location. I note that the planning authority, in their Chief Executive Report has not raised concern in relation to this matter. The Transportation Division of the Planning Authority recommends a grant of permission, subject to conditions. In terms of cycle parking, I note that the planning authority have discretion to relax the standards set out in the Apartment Guidelines. Again the planning authority has raised no issue with the quantum of cycle parking space proposed and I am also satisfied in this regard.

12.2.4. Given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to traffic or transportation issues. The Planning Authority in their report also raises no concerns in relation to such matters, subject to condition. I acknowledge that there will be some increased traffic as a result of the proposed development, however there is a good road infrastructure in the vicinity of the site with good cycle/pedestrian facilities. Public transport is available in close proximity with a stated eight regular Dublin Bus routes within a five minute walk of the site and a further additional eight Dublin Bus routes within a fifteen minute walk. Some details in relation to Bus Connects has also been submitted with the application. On-street parking along Orwell Road was available during both of my site visits. Having regard to all of the above, I have no information before me to believe that the proposal would lead to the creation of a traffic or obstruction of road users and I consider the proposal to be generally acceptable in this regard.

12.3. **Drainage**

12.3.1. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. It continues by stating that in relation to water, there are capacity issues with the local infrastructure surrounding the proposed site.

12.3.2. An Engineering Services Report and a Flood Risk Assessment were submitted with the application. The information contained within these documents appears reasonable and robust. A report was received from Irish Water, at application stage,

which raises no objections to the proposal, subject to condition and does not reference any capacity constraints within the water network. The report of the Engineering Department of the planning authority, as contained in the Chief Executive Report, states that there is no objection to the proposal, subject to proposed conditions.

12.3.3. The subject site is located within Flood Zone C. The OPW mapping website, www.opw.ie shows no recorded flooding in the vicinity of the site. The submitted Flood Risk Assessment concludes that the site historically has no recorded flood events as noted in the OPW's historical flood maps. Modelling of the River Dodder has indicated that the subject lands are located outside of the 0.1% AEP Zone and the predicated flood mapping for pluvial/tidal and fluvial flood events will not affect the subject lands.

I note that this is a serviced, appropriately zoned site at an urban location. I consider that having regard to all of the information before me, including the guidance contained within the relevant Section 28 guidelines on flood risk management that this matter can be adequately dealt with by means of condition.

13.0 Other Matters

13.1.1. I note that some of the submissions received relate to boundary concerns, encroachment onto Marianella Owners Management Company and delineation of wayleaves. I can only undertake my assessment based on the information before me and I am satisfied that the applicant has demonstrated sufficient legal interest to make this application. Such issues are considered to be legal matters outside the remit of this planning application. As in all such cases, the caveat provided for in Section 34(13) of the Planning and Development Act 2000, as amended, applies which stipulates that a person shall not be entitled solely by reason of a planning permission to carry out any development. I also note the provisions of Section 5.13 of the Guidelines for Planning Authorities, Development Management, 2007 in this regard.

13.1.2. The tenure of the proposed units, if permitted has been raised as an issue in many of the submissions received. I do not have any information before me in this regard. I do note however, that the proposed units all comply with minimum standards.

- 13.1.3. A Conservation Report was submitted with the application. This states that the Gate Lodge, a Protected Structure, is located outside of the application site and will not be directly affected by the proposed development. The fact that the Gate Lodge is outside the application site is irrelevant to the consideration of impacts on it, or other Protected Structures in the vicinity. I note the location of a Z2 'Residential Conservation Area' relative to the subject site. I also note that there are a number of Protected Structures in the vicinity of the site, together with a number of properties of note in the vicinity. Having examined all of the information before me, which includes twice visiting the site and its environs, and having regard to the distances involved, the design and location of the proposed development, I am satisfied that the proposal would not have any adverse impacts on the character or setting of any nearby Protected Structures, any residential conservation area or on any buildings of note in the vicinity.
- 13.1.4. An Archaeological Assessment was submitted with the application, which states that the nearest Recorded Monument is within 280 metres of the site, on lands now covered by residential development. All topsoil was removed from the site in 2016 under archaeological supervision and nothing of archaeological significance was identified. I am satisfied with the contents of this report and recommend that if the Bord is disposed towards a grant of permission, the issue of archaeology could be dealt with by means of condition.
- 13.1.5. I note the Part V details submitted, together with the report of the Chief Executive of the planning authority in this regard. I have no issue with the proposal in this regard.
- 13.1.6. I note that some of the submissions received state that there was a lack of consultation with them by the applicants. It is noted that while it may have been beneficial to all parties, there is no statutory requirement to undertake such engagement.
- 13.1.7. Matters relating to waste disposal should be dealt with by means of condition, if the Board is disposed towards a grant of permission. I note that a Waste management Plan was submitted with the application.
- 13.1.8. Public notices have been submitted in accordance with the legislation. I note that the general purpose of the public notices is to alert the public to proposed development works on the site. This has obviously occurred given the extent of

submissions received. This is a new application submitted under the Planning and Development (Housing) and Residential Tenancies Act 2016. It is not a modification to a previous grant of permission. Procedural issues have been raised in relation to the payment of the fee and validity of the application. The fee paid is correct. Any initial issues with its payment did not prejudice any third party participatory rights nor did it have any impact on the outcome of my assessment. Compliance with conditions relating to previous grant of permission on lands within applicant's ownership is a matter for the planning authority.

13.1.9. I note some minor discrepancies in the submitted drawings. These are considered minor and do not impact on the outcome of my recommendation.

13.1. Screening for Environmental Impact Assessment (EIA)

13.1.1. The applicant has addressed the issue of Environmental Impact Assessment (EIA) within the submitted Environmental Report. The Screening Assessment concludes that the EIA of the proposed development is not required. It also states that the proposed development is considered to be sub-threshold in terms of EIA having regard to Schedule 5, Part 2, 10(b) (i) and (iv) of the Planning and Development Regulations 2001-2017.

13.1.2. The current proposal is an urban development project that would be in the built up area but not in a business district. It is therefore within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations, and an environmental impact assessment would be mandatory if it exceeded the threshold of 500 dwelling units or 10 hectares. A submission received states that the screening for EIAR should have had regard to the cumulative impacts of the proposal, taken together with the existing permitted development at Marianella, together with development which may take place into the future on the remaining institutional lands within this zoning parcel. Taken in culmination with the adjoining permitted development at Marianella where 208 residential units were permitted, a total of 315 units would now be permitted (208 + 107 units), which is still well below the aforementioned 500 dwelling threshold. In culmination, the existing and permitted site areas, as outlined in blue on the submitted documentation, is stated to represent a total 2.35 hectares, again well below the 10 hectare threshold. I consider that it is not appropriate or necessary to include the remaining Objective Z15 institutional

lands within the screening for EIAR. Existing institutional uses are on-going on these lands and I am not aware of any proposal for their re-development to large-scale residential use in the immediate future. In any event, the zoning of the lands is such that institutional uses will need to be maintained within the overall parcel, in accordance with the operative Development Plan zoning objective. These lands are outside the ownership of the applicant and he has no control over them.

13.1.3. The proposed development would be located on greenfield lands beside existing development. The site is not designated for the protection of a landscape or of natural or cultural heritage. The proposed development is not likely to have a significant effect on any Natura 2000 site. This has been demonstrated by the submission of an Appropriate Assessment Stage 1 Screening Report that concludes that there will be no impacts upon the conservation objectives of the Natura sites identified.

13.1.4. The development would result in works on zoned lands. The majority of the development would be in residential use, which is a predominant land use in the vicinity. The proposed development would use the municipal water and drainage services, upon which its effects would be marginal. The site is not located within a flood risk zone. The proposed development is a plan-led development, which has been subjected to Strategic Environmental Assessment. On the basis of the information on the file, which I consider adequate in order to issue a screening determination, it is reasonable to conclude that there is no real likelihood of significant effects on the environment arising from the proposed development and an environmental impact assessment is not required.

13.2. Appropriate Assessment

13.2.1. An Appropriate Assessment, Stage 1 Screening Report was submitted with the application. It states that the site is not located within or directly adjacent to any Natura 200 area. The site lies within the suburban zone of the city. This states that the nearest designated sites are approximately 4.4km away within Dublin Bay. Designated sites within 15km radius of the site have been examined, the nearest being the sites within Dublin Bay, approximately 4.4km from the development site.

13.2.2. The proposed development lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat nor will there be

any fragmentation of any designated site. There is no direct pathway to the Tolka Estuary from this development as it lies to the north of the River Liffey. There is a pathway from the site via surface flows to Dublin Bay, via the River Dodder.

However, there is no evidence that poor water quality is currently negatively effecting the conservation objectives of Natura 2000 areas in Dublin Bay. Water quality is not listed as a conservation objective for these designated sites within Dublin Bay.

Significant effects are not likely to arise, either alone or in combination with other plans or projects that would result in significant effects on the integrity of the Natura 2000 network.

- 13.2.3. Based on all of the information before me and having regard to the nature and scale of the proposed development and/or the nature of the receiving environment and/or proximity to the nearest European site, no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

14.0 Recommendation

- 14.1. In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open spaces will enhance the amenity of the area for both existing and future occupiers.
- 14.2. I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission.
- 14.3. I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area

and having regard to all of the above, I recommend that permission is granted, subject to conditions.

15.0 Reasons and Considerations

16.0 Having regard to the following:

- (a) the site's location close to Dublin city centre, within an established built-up area on lands with zoning objective Z15, which seeks to 'protect and provide for institutional and community uses' in the Dublin City Development Plan 2016-2022
- (b) the policies set out in the Dublin City Development Plan 2016,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (h) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (i) Architectural Heritage Protection, Guidelines for Planning Authorities, 2004

- (j) the nature, scale and design of the proposed development,
- (k) the availability in the area of a wide range of social, community and transport infrastructure,
- (l) the pattern of existing and permitted development in the area,
- (m) the planning history within the area, and
- (n) the report of the Inspector and the submissions and observations received,

It is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual of the area, would not detract from the character and setting of the Gate Lodge Protected Structure or other nearby Protected structures, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

17.0 Conditions

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

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, revised details shall be submitted to and agreed in writing with the planning authority with regard to the following:

- (i) Revised site layout plan which clearly shows the proposed main access roadway continuing right up to eastern boundary of the site, together with the roadway between Block G and the public open space continuing right up to the northern boundary of the site. This may result in the reduction of a small number of car parking spaces
- (ii) Details of privacy screens, which shall be provided between balconies
- (iii) Details relating to positioning of solar panels

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

- 3. Water supply and drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.

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

- 4. The period during which the development hereby permitted may be carried out shall be 5 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development

- 5. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles. In particular:

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

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;

(c) Pedestrian crossing facilities shall be provided at all junctions;

(d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the Planning Authority for such road works,

(e) A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site

(f) One car parking space per ten residential units shall have a functional Electric Vehicle Charging Point

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

6. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within 3 years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

7. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:

(a) Specific trees, the removal of which is authorised in writing by the Planning Authority to facilitate the development

(b) Trees which are agreed in writing by the Planning Authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Reason: In the interests of amenity, ecology and sustainable development

8. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species

Reason: In the interests of amenity, ecology and sustainable development

9. Where the public open space is not taken in charge, the proposed open spaces shall operate as public parks in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the Planning Authority at all times

Reason: In the interest of residential amenity and to secure the integrity of the proposed development including the public park

10. 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 visual amenity.

11. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external

plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

12. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.

Reason: In the interest of orderly development

14. 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.

15. 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.

16. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably qualified archaeologist who shall carry out site testing and monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection (in situ or by record) of any remains that may exist within the site

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

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

18. 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.

19. A Final Site Specific detailed Construction and Environmental Management Plan (CEMP) shall be submitted, for the written agreement of the planning authority at least 5 weeks in advance of site clearance and site works commencing

Reason: To protect the environment during the construction phase and also to avoid impacts on water quality, fisheries, sustainable drainage and flooding

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

Reason: To ensure the satisfactory completion of the development.

21. 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.

Lorraine Dockery
Senior Planning Inspector

01st March 2019

APPENDIX A:

Angelos and Elaine Athanaspoulos

Antonina Goncharova and Franco Faustini

Bryan Kennedy

Catherine Walsh

Cllr Anne Feeney

Cllr Mary Freehill

Conor Sexton

Irish Water

Mary Ryan

Rathgar Residents Association

St. John of God Trust (Ireland)

Stephen Liddy

Teachers Union of Ireland (Kavanagh Tuite Architects)