



An
Bord
Pleanála

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

Inspector's Report ABP-303804-19

Strategic Housing Development

294 no. apartments, conversion of St. Teresa's House, dismantling and relocation of St. Teresa's Lodge and associated site works at St. Teresa's House and St. Teresa's Lodge (Protected Structures), Temple Hill, Monkstown, Blackrock, Co. Dublin

Location

St. Teresa's House/Centre and St. Teresa's Lodge (Protected Structures), Temple Hill, Monkstown, Blackrock, Co. Dublin.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Oval Target Ltd.

Prescribed Bodies

Irish Water
Transport Infrastructure Ireland
Córas Iompair Éireann
Minister for Culture, Heritage, and the
Gaeltacht
Heritage Council
An Taisce – the National trust for
Ireland
An Comhairle Ealaíon
Fáilte Ireland
Dun Laoghaire Rathdown County
Childcare Committee

Observer(s)

See Appendix A

Date of Site Inspection

May 22nd 2019

Inspector

Lorraine Dockery

1.0 Introduction

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

2.0 Site Location and Description

2.1. The description of the site and surroundings as set out in Inspector's Report for ABP-302632-18 is as follows:

'The development site... is located on zoned lands within the development boundary of the Blackrock LAP 2015, approximately 1.5km south of Blackrock Village centre, within the jurisdiction of Dun Laoghaire Rathdown County Council. The site would appear to have once formed part of the Rockfield Estate; Rockfield Public Park is located south of the development lands. Access to the site is via the N31 directly in front of a Gate Lodge, a Protected Structure, which sits perpendicular to the N31 beyond the location of the current access gates and avenue to the site. The existing gate and avenue serves St. Teresa's, a Victorian, two storey over basement Protected Structure and also St. Catherine's (Daughters of Charity) and all associated structures including a Quaker cemetery located to the south of the development lands.

There are existing institutional structures located within the site which it is proposed to demolish. It was not possible to gain access into these structures at time of inspection, however they appear to be unoccupied for some time. The Alzheimer Ireland Unit is located west of the Victorian structure and is located within the walled garden area. Access to this unit which offers respite care is via entrance gates along the N31 that are also a Protected Structure located to the northern section of the site serving St. Louise's Park also, a small development of traveller accommodation. The entrance gates at this location were re-located in the 1980's from the southern section of the site where the Gate Lodge is located to this area following works to upgrade the dual carriageway'.

2.2. I would generally concur with this description. The site has a stated site area in the application form of 4.56 hectares. The history of the overall lands has been detailed within the documentation submitted and is dealt with within my assessment.

3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, comprises an application for a 10 year permission for demolition of a number of structures on site (stated area proposed for demolition is 2,787m²) and construction of 294 residential units; conversion of existing Protected Structure into 6 residential units; relocation and re-use of existing Gate Lodge to provide 1 residential unit; crèche; residential club and all ancillary site works.

3.2. Table 1: Key Statistics

Site Area	4.56 ha/ (3.97 ha- main site area within applicant's control)
No. of units	294
Other uses	Childcare facility- 286m ² Residential Club House- 136 m ² Relocation of Gate Lodge further south by 66m
Density (nett)	74 units/ha (based on area of 3.97 ha)
Height	2-8 storeys
Public Open Space Provision	14,887m ² (37.5%)
Access	
Car Parking Provision	272 spaces (163 at basement +109 surface)
Bicycle Parking Provision	666 spaces
Part v	29 units in Block A1- 26 x 1 bed and 3 x 2 bed

3.3. Table 2: Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments	124	114	50 + 6 duplex	294
As % of total	42%	39%	19%	100%

3.4. Table 3: Phasing

Phase	Proposed Works
Phase 1	Preliminary and enabling works Dismantling & reconstruction of St. Teresa's Gate Lodge Drainage works New junction layout Demolition of redundant buildings
Phase 2A	Construction of Blocks A1-B4 and C1-C3 & ass. works
Phase 2B	Construction of Blocks D1-E5 and landscaping works
Phase 3	Refurbishment/alteration of St. Teresa's house, landscaping works & final road surfacing

- 3.5. 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, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.
- 3.6. A Natura Impact Statement, Environmental Impact Screening Report and Ecological Impact Assessment have been submitted with the application.
- 3.7. Included with the application is a letter of consent from Dun Laoghaire Rathdown County Council, (dated 18/02/19) to Oval Target Ltd to include Council lands at St. Teresa's, Temple Hill in a planning application for proposed SHD development. A map outlining the area to be included is attached. Letters of consent from Sean Dunne and Mary Dunne (dated 06/02/2019), The Alzheimer Society of Ireland (dated

14/02/19) and Leman Solicitors (dated 14/02/19) are also attached to the application confirming their consent to include a hatched area, being part of their property, in the planning application. Relevant maps included.

- 3.8. Legal opinion from Eamon Galligan, Senior Counsel has been submitted with the application in relation to any possible public rights of way and their extinguishment prior to planning in the context of the proposed revised junction arrangement at the entrance to the strategic housing development. The Opinion states that it is well established that any possible clarification on public rights of way does not preclude the Board from making a planning decision and that ABP can grant permission in such circumstances.
- 3.9. A second legal Opinion from Eamon Galligan, Senior Counsel has been submitted with the application in relation to the powers of the planning authority and/or An Bord Pleanála to grant permission for the removal and re-siting of the Lodge, which is a Protected Structure, in the context of the intended strategic housing development at St. Teresa's, Blackrock, Co. Dublin. Opinion was sought as to whether the removal of the said structure could be regarded as constituting demolition, the consequence of which would be that neither the planning authority nor An Bord Pleanála could permit such demolition unless there were exceptional reasons for doing so. Advice was also sought as to whether there are circumstances which would qualify as 'exceptional circumstances' in the context of such demolition. The Opinion concludes that while a significant amount of the original building will be saved in the proposed removal of the Lodge to another location, he is of the opinion that it involves partial demolition requiring 'exceptional circumstances' to justify a grant of permission in that regard. The Opinion continues by stating that the Conservation Consultant's Report identifies a number of considerations that can be regarded as 'exceptional circumstances' in this context. The key issues of transportation planning and traffic safety can be regarded as 'exceptional circumstances' to which it is appropriate that An Bord Pleanála would have regard in circumstances where the revision to the junction is accompanied by a considered and careful conservation approach to the relocation of the Gate Lodge. The Bord has a wide discretion in determining what the relevant 'exceptional circumstances' are in any particular case. In any event, the relocation allows for the building to be brought back into active use, thereby safeguarding its future.

4.0 Planning History

Subject Site:

D18A/0954

Current application by Oval Target seeking permission for the construction of a new entrance gateway at the entrance, consisting of 2 no. 2.1m high granite clad piers, each with the words 'Daughters of Charity' engraved thereon, a pair of 1.8m high single painted steel pedestrian gate and matching painted steel railings over a granite clad plinth wall, all with ancillary controls. The gateway will be across the existing entrance drive, inside the boundary with the adjoining property, St Teresa's House (also a Protected Structure).

Adjoining Site to the west

D05A/1596

Permission GRANTED for revisions and amendments to previously planning application reg. ref. D03A/1047 for the development of the grounds within the walled garden. The development will consist of a new day care and respite centre for people with Alzheimer's disease and new headquarters facilities for the Alzheimer Society of Ireland. The walls of the walled garden are a Protected Structure and are therefore to be retained. The building is to be contained within the walls of the walled garden and a new opening for access is to be formed in the elevation facing Temple Hill Road. The building is single storey with some rooms being double height and with clerestory windows. A large area of the existing garden is to be retained as smaller gardens for use by the Alzheimer patients and staff at the centre. A strip of the existing hardstanding directly in-front of the wall is to be used for car parking and drop off. The proposal includes the demolition of the small greenhouse, the shed and out-building contained within the garden walls.

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 5th November 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 required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the following issues was required:

1. Architectural, Cultural Heritage and Conservation Considerations

Further consideration and/or justification of the documents as they relate to the architectural, heritage and cultural value of existing structures on site. Details should provide reference to all former historical and contemporary uses of structures on the site. A photographic record of all existing structures on site including those proposed for demolition should be provided. Consideration of the inter-connectivity of former and current land-uses both within the site and surrounding area, in particular lands at Dunardagh, should also be considered in the context of heritage and cultural assessment.

Further consideration for the rationale for the deconstruction and relocation of the Gate Lodge, a Protected Structure, is required which specifically addresses the issue of precedent and alternatives as raised in the Planning Authority's Conservation Officer's report. A detailed method statement for such is also required. Further consideration should also be given to the new proposed location of the Gate Lodge having regard to the original function and association of the Lodge with St. Teresa's House and the original entrance gates and avenue that serve the house.

Further consideration should also be given to the Planning Authority's opinion and concerns raised therein with regard to the potential impact on Protected Structures and consideration of an appropriate response to such matters having regard to the overall design strategy proposed by the applicant. Further consideration of this issue may require an amendment to the documents and/or design proposal submitted.

2. Access, Movement and Connectivity

Further consideration and/or justification of the documents as they relate to the proposed improved access and junction arrangements on Temple Hill and associated works on third party lands. Consideration should be given to the existing road network, pedestrian and cycle paths and the consequential impacts on layout arrangements for all street users. All works should as far as possible be included in the red-line boundary and relevant letters of consent to carry out such works, where they occur on third party lands, should be included with any application. Regard should be given to any existing public rights of way.

Further consideration of vehicular, cycle and pedestrian connections including legibility and permeability through the development site to Rockfield Park, the N31 and lands south of the development site at Dunradagh. A layout plan highlighting such connections should be provided.

Further consideration of these issues may require an amendment to the documents and/or design proposal submitted.

3. Urban Design Response and Height

Further consideration and/or justification of the documents as they relate to the height and design strategy for the site.

In this regard, the prospective applicant should satisfy themselves that the design strategy for the site as it relates to height provides the optimal architectural solution for this site. The proposed development shall have regard to inter alia, national policy including the National Planning Framework and Sustainable Urban Housing: Design Standards for New Apartments (March 2018) and local planning policy, the site's context and locational attributes.

Consideration of the potential impact on existing residential amenities of the area by way of overlooking and/or overshadowing. Regard should be given to the change in levels across the site. Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

4. Surface water management and Risk of Flooding

Further consideration of documents as they relate to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream. This further consideration should have regard to the requirements of the Council in respect of surface water treatment and disposal and SUDS measures proposed for the scheme. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices'). Further consideration of these issues may require an amendment to the documents and/or design proposals submitted.

5.2. Furthermore, the prospective applicant was advised that the following specific information should be submitted with any application for permission:

1. A layout plan with the zoning objectives overlain on the proposed residential blocks to provide clarity regarding location of residential units vis-à-vis the open space lands.
2. Landscaping proposals including an overall landscaping masterplan for the development site and a site layout plan indicating the full extent of tree retention and removal. Details of proposed tree protection measures during construction. Details pertaining to the quantity, type and location of all proposed hard and soft landscaping including details of play equipment, street furniture including public lighting and boundary treatments should be submitted.
3. An Archaeological Impact Assessment.
4. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with contiguous residential developments, the adjoining Alzheimer services unit, the N31, and existing Protected Structures on site.
5. Details of existing and proposed levels across the development site relative to adjoining lands in particular contiguous residential properties. Full details of any changes in levels proposed should be provided.

6. All existing watercourses and utilities that may traverse the site including any proposal to culvert/re-route/underground existing drains/utilities should be clearly identified on a site layout plan.
7. A Building Life Cycle Report in respect of the proposed apartments as per section 6.13 of Sustainable Urban Housing: Design Standards for New Apartments- Guidelines for Planning Authorities (2018).
8. A report identifying the demand for school places likely to be generated by the proposal and the capacity of existing schools in the vicinity to cater for such demand.
9. A construction and demolition waste management plan.
10. A phasing plan for the proposed development which includes the phasing arrangements for the delivery of the public open spaces, surface water management proposals having regard to sub-catchments within the scheme and Part V provision.
11. A site layout plan indicating all areas to be taken in charge.
12. Relevant consents to carry out works on lands that are not included within the red-line boundary. The prospective applicant is advised that all works should as far as possible be included within the red-line boundary.
13. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) [if applicable] of the Planning and Development Regulations 2001-2018

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. Information contained therein is included in the main assessment below.

6. 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
- Urban Development and Building Heights, Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities

Other relevant national guidelines include:

- Project Ireland 2040, National Planning Framework.
- Framework and Principles for the Protection of the Archaeological Heritage Department of Arts, Heritage, Gaeltacht and the Islands 1999.
- Architectural Heritage Protection, Guidelines for Planning Authorities.

Local Planning Policy

The Dún Laoghaire-Rathdown County Development Plan 2016-2022 is the operative County Development Plan for the area.

Zoning:

‘Objective A’ which seeks to ‘protect and/or improve residential amenity’

The southern portion of the site, adjacent to Rockfield Park is on lands zoned 'Objective F' which seeks to 'preserve and provide for open space with ancillary active recreational amenities'.

Lands are subject to a local objective which seeks to 'protect and provide for institutional uses in open lands'.

There is an objective to 'protect and preserve trees and woodlands' on the site.

There are a number of policies and objectives within the Plan in relation to residential development, the creation of sustainable communities, together with the protection of architectural and archaeological heritage.

Buildings identified as Protected Structures are as follows:

- St. Teresa's House or Centre (RPS No. 398)
- St. Teresa's Lodge, known as the Gate Lodge (RPS 1960)
- Entrance gates along the north of the site (RPS 398)

The Blackrock Local Area Plan 2015-2021 applies

Chapter 3 of the LAP deals with Urban Structure and Character and section 3.5.1 in particular provides a 'Site Framework Strategy: St. Teresa's and Dunardagh'. There are a number of specific objectives i.e. DS5-DS17 and design principles pertaining to the site. The strategy also provides guidance on height, density and housing mix objectives.

Of note:

'Objective R16'- it is an objective of the Council to improve road safety for motorists, cyclists and pedestrians in the vicinity of Temple Hill/Stradbroke Road/Newtown Park Avenue junctions

'Objective R18'- it is an objective of the Council to facilitate the future upgrading of the junction at Temple Hill/Newtown Avenue/St. Vincent's Park in tandem with the redevelopment of the St. Teresa's and Dunardagh landholdings in accordance with Objective DS15 (St. Teresa's and Dunardagh Site Framework Strategy)

Applicant's Statement of Consistency

A Statement of Consistency with local and national policy has been submitted with the application, as per Section 8(1)(iv) of the Act of 2016.

A Material Contravention Statement, relating to the height of the proposed development has been submitted.

7. Third Party Submissions

7.1 In total, 28 third party submissions were received. A list of all submissions received is contained within Appendix A of this report. Many of the submissions welcome the appropriate redevelopment of the site but have specific concerns. It is noted that many of the submissions are from residents of St. Vincent's Park, Maretimo Road and Temple Hill Road. A submission from 'The Residents of St. Vincent's Park', containing a number of signatories was also received. Three submissions were received from public representatives. The content of the submissions may be broadly summarised as follows, with the topics expanded upon where necessary within my assessment:

- Consistency with Blackrock LAP
- Height, density, layout and scale
- Unit size and distribution
- Impacts on amenity- noise; loss of privacy; loss of security; overshadowing; overlooking; impacts on solar energy and light; anti-social behaviour
- Impacts on visual amenity and character of the area
- Amenity uses not open to wider public
- Protected Structures- contravention of Development Plan in terms of relocating Gate Lodge; contrary to good conservation practice
- Traffic issues -parking, access, public transport
- Links to Blackrock village/pedestrian connectivity
- Part V- size and location

- Tree removal/landscaping/removal of gates between development and Rockfield Park
- Waste Management/recharging points
- Construction practices/working hours/duration of development/communication with residents during works
- Structural impacts on neighbouring properties

8. Planning Authority Submission

In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 18th April 2019. The report may be summarised as follows:

Information Submitted by the Planning Authority

Details were submitted in relation to the pre-application consultations, site location and surrounding area, proposal, zoning, planning history, submissions/observations, prescribed bodies, summary of views of elected members, policy context and assessment. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Drainage Division:

Generally satisfy requirements, subject to conditions

Transportation Planning Division:

Applicant went through detailed pre-planning process. Conditions attached.

Conservation Officer and Senior Architect

Works to St. Teresa's House are generally considered acceptable aside from treatment of exterior of Protected Structure- conditions attached

Development around St Teresa's- main area of concern is Block C3- suggests that applicant to revisit proposals for this block

In relation to urban design considers that proposal (blocks B1-B4) will be unduly

overbearing relative to width of Temple Hill and two-storey dwellings opposite; potential to impact on setting of St. Teresa's House when viewed from the south

Parks and Landscape Services:

Conditions attached

Waste Section:

Conditions attached

Public Lighting:

Satisfied with lighting design, as proposed

Housing Department:

Condition attached

A thorough and very detailed report has been prepared by the Planning Authority. I shall reference pertinent issues raised therein throughout my assessment. The main issues raised in their assessment were as follows:

- Welcomes an application for a residential scheme on this site and considers that the proposal is consistent with the relevant objectives of the CDP and Blackrock LAP
- Height: Strongly recommend a reduction in height of Blocks B1-B4, C3 and E1-E3- omission of the suggested floor levels will result in reduction of 32 no. residential units, providing a total of 262 units. Will result in overall density of 66 units/ha on site. Subject to compliance with suggested modifications, it is considered that proposed development has been well designed having regard to its setting
- Density: 74 units/ha proposed- provides a density which exceeds minimum density range as prescribed in LAP, an outcome which is generally considered to be appropriate given close proximity to Blackrock village and

excellent public transport infrastructure- satisfied that higher density is acceptable at this location

- Mix: proposal provides an appropriate mix of housing types and sizes on this site given its location
- Heights, scale and design: subject to omission of 1 storey in Blocks B1-B4, Block C3 and Blocks E1-E3, considered that proposal is acceptable- detailed analysis undertaken against section 28 guidelines- proposal accords with current emerging national strategic policy which aims to provide for additional building height at appropriate locations- proposed heights would accord with proper planning and sustainable development of the area and would not detract from the amenity of adjoining properties, subject to conditions
- Public realm, design and layout: given the existing condition of the PS and its current isolated location on the periphery of the site, there is significant merit in considering its relocation within the site to form a focal point of the overall scheme. There is also significant planning gain to be achieved in securing the Gate Lodge's reuse as habitable accommodation. Various alternatives have been considered, however it is stated that the proposal represents the only viable solution for providing acceptable vehicular access to the subject site. It is considered on balance that the dismantling and relocation of St. Teresa's Lodge is acceptable in this instance and will facilitate the development of a strategic landbank, including the future development of lands to the south to provide a well-designed and considered residential development. Proposal satisfies many of the design principles as set out in the Site Framework Strategy Design Principles
- Apartment Standards, Dwellings and Amenities: proposed units have generally been designed to provide a high level of accommodation for intended occupiers

- Impacts on Adjoining Amenities: Generally satisfied that proposal is acceptable having regard to the residential amenity of surrounding area- omission of one floor is blocks detailed above
- Private/Public open Space: Satisfactory arrangement proposed, which will afford good quality of amenity for future occupants. Removal of existing southern boundary wall to Rockfield Park will greatly enhance permeability through the site and the Park will serve as an important amenity for future residents
- Drainage/Water Supply: Following a process of engagement, the applicant has submitted a report and drawings that generally satisfy the requirements of drainage Planning, subject to condition
- Transportation/Parking: Would recommend 1 car parking space per residential unit
- Landscaping and Trees: Proposal provides for the retention of the tree belt along the southern boundary of the site which it shares with Rockfield park- proposal is considered acceptable. Removal of boundary with Rockfield Park is a favourable outcome and will benefit both occupants of scheme and wider area. Quantum of open space provision exceeds the 25% requirements for lands which are subject to an institutional objective
- Bin Storage and Waste Management: Generally satisfied with Operational Waste management Plan submitted, with conditions recommended
- Public Lighting: Generally satisfied, as proposed
- Part V: Condition attached
- Phasing: Phasing Plan submitted; condition recommended
- Taking in Charge: Condition recommended

- AA/Ecology: NIS concludes that the proposal will have no adverse impact on the integrity of the two relevant European sites. Ecological Impact Assessment concludes that overall ecological implications of the project are limited to the local level impacts; outlines measures that have been provided to reduce the potential impacts on key ecological receptors and to ensure compliance with wildlife law. Conditions attached
- Boundary Treatments: Condition attached

9. Prescribed Bodies

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

1. Irish Water
2. Transport Infrastructure Ireland
3. Córas Iompair Éireann
4. Minister for Culture, Heritage, and the Gaeltacht
5. Heritage Council
6. An Taisce – the National trust for Ireland
7. An Comhairle Ealaíon
8. Fáilte Ireland
9. Dun Laoghaire Rathdown County Childcare Committee

Five bodies have responded and the following is a brief summary of the points raised. Reference to more pertinent issues are made within the main assessment.

The Minister for Culture, Heritage and the Gaeltacht:

Archaeology:

This Department has examined the Archaeological Assessment (Johnny Ryan, Archaeology and Built Heritage Limited, 4 February 2019) submitted with the above planning application. On the basis of the information in the Archaeological Assessment there are no archaeological objections to a grant planning subject to the

implementation of the proposed mitigation measures (Section 5, page 17) at pre-construction and construction phases as conditions of any such grant.

Reason: To ensure the continued preservation (either *in situ* or by record) of places, caves, sites, features or other objects of archaeological interest.

Architectural Heritage

This proposal relates to a Protected Structure, St Teresa's House and its Gate Lodge. The layout and design of the proposal is generally acceptable in architectural heritage terms. This response covers two issues: the relocation of the Gate Lodge and the construction of Block C3.

- The Gate Lodge faces south-east with a gable wall onto the road. It is sited immediately at the roadside arising from 1980s road widening and is now connected to a modern gateway. The Lodge is an attractive composition and the most publicly visible structure associated with St Teresa's, albeit compromised by the existing setting. The main vehicular entrance to the site is to be located at this area, with the Gate Lodge relocated a short distance to the south off the avenue and facing north. (The Local Area Plan contains an objective to upgrade the Temple Rd junction in tandem with the redevelopment of the St Teresa's and Dunardagh land holdings). The relocation of the Gate Lodge was an item discussed at pre-planning stage with the planning authority. The applicant's response to this issue is included in the document Appendix B – Gate Lodge Strategy Report.
- It does not seem that consideration has been given to relocating the Gate Lodge some metres to the west to retain it as an entrance feature. The layout indicates that the area to the west of the new access road is to be given over to soft landscaping with new trees. It would appear feasible to move the Gate Lodge several metres west to an appropriate position near the edge of this area of ground, facing in the same direction as at present, but with some garden curtilage to the north-east as well as on its other sides along with a more appropriate boundary wall and railings. The Department recommends that a revised layout of this small area of the development site showing the Gate Lodge and garden sited further to the west be submitted to the Board for its consideration. The reconstruction method statement in the Gate Lodge

strategy report remains applicable. The work should be monitored by a qualified and experienced conservation architect.

- The conversion of the house to two apartments per floor is designed in a sensitive way. Several greatly altered ancillary buildings and later additional structures are to be demolished. The gain to the principal structure offsets these demolitions especially that of the greatly altered stable block.

In terms of the proposal in general, the apartment blocks are higher to the rear of the Protected Structure (adjoining Temple Hill) and closer to it than those to the parkland to the south west. The latter are sufficiently distant for the height and bulk not to be overbearing on the setting of the Protected Structure. A vista is obtained towards the mountains, bookmarked by two apartment blocks. To the north of the Protected Structure there is a gap in apartment blocks to allow for a view towards the Protected Structure from a landscaped pedestrian entrance at Temple Hill. In general terms the house will remain prominent from the southern parkland but entirely hidden from the Temple Hill direction, flanked to the rear and sides by apartment blocks. The quality of the architectural design is a mitigating factor in offsetting the nature and extent of the scheme.

However, Block C3 would give rise to an adverse impact on the character of St Teresa's, a proposed clubhouse and apartment block which is sited close to the rear of the Protected Structure. It is slightly smaller in footprint and of a similar height due to a setback penthouse level. The rear elevation of the Protected Structure, despite later alterations, displays a symmetrical arrangement of the fenestration. It was designed to be visible. The close proximity of the clubhouse/apartment block is clearly illustrated by view P8, p.9 of the CGI booklet. View P2 shows the view from Temple Hill, which entirely obscures visibility of the Protected Structure, even though it appears the rationale for the gap in the apartment blocks was to create an opening on axis with pedestrian access to the development.

The Modelworks verified views booklet, coupled with the Arc visual impact assessment, indicates the overall visual effects of the scheme. View 13 of this series looks towards the gap with terraces and steps into the development, however the view is taken from across Temple Hill at Craigmores Gardens and the Protected

Structure is obscured amongst the blocks. The text in the visual impact assessment does not discuss the visual effect of the clubhouse/apartment block C3 on the character of the Protected Structure.

The planning authority's response at pre-planning stage considered the clubhouse to be a problematic element of the design (item 6 on p.41 of the Architectural and Master planning Design Statement), contrary to the objective to create an improved setting for St Teresa's (Local Area Plan objective D11). Item 9 of the council's opinion voiced concern at the selected location to which the Gate Lodge is to be moved. A previous named location is preferred. Of concern to the Department is that the design team did not respond to items 6 or 9 in the architectural and masterplan report.

In light of the foregoing, the Department recommends that the clubhouse/apartment block C3 be redesigned so that it sufficiently mitigates the adverse effect on the character and setting of St Teresa's. This may involve creating a greater distance between it and the Protected Structure and/or reducing the footprint and/or height of C3 or relocating this block elsewhere and allowing the symmetrical rear elevation of St Teresa's to become a focal point of the terraced pedestrian access route from Temple Hill. The Department favours this last option, which should be complemented by an appropriately landscaped curtilage of the rear of St Teresa's.

National Transport Authority

Conditions attached in relation to location and design of bus stops and access points. Considers that the existing lane to St, Vincent's Park be closed and that access to this estate be provided via to proposed signalised junction.

Transport Infrastructure Ireland:

Will rely on planning authority to abide by official policy in relation to development on/affecting national roads as outlined in DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), subject to the following:

- Proposed development shall be undertaken strictly in accordance with the recommendations of the Transport Assessment. Any recommendations

should be incorporated as conditions on the permission, if granted. Any additional works required as a result of the Assessment and Road Safety Audits should be funded by the developer

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 agreement being put in place between Irish Water and the developer, the proposed connections to the Irish Water networks can be facilitated.

An Taisce

Makes submission on the particular issue of the part of this application relating to the Gate Lodge, Protected Structure which it is proposed to demolish and reconstruct on another part of the site. It is submitted that before putting forward a demolition proposal the onus is on the applicant for the identification and consideration of alternatives. The applicants have presented the case for demolition and relocation as if it were a fait accompli and that inadequate consideration has been given to provision of detailed alternative site layout options for vehicular access, which would allow the Gate Lodge to be retained in situ. It is recommended that the Board now request the applicant to undertake this.

10. Environmental Impact Assessment (EIA) Preliminary Examination

- 10.1 The application was submitted to An Bord Pleanála after the 1st September 2018 and therefore after the commencement of the European Union (Planning and Development) (Environmental Impact Assessment) Regulations 2018.
- 10.2 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.)

- 10.3 The proposed development involves 294 no residential units on an overall site of c. 4.56 ha. The site is located in an urban 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.
- 10.4 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.

11.0 Appropriate Assessment

- 11.1 A document entitled ‘Screening Report and Natura Impact Statement’, prepared by Scott Cawley, has been submitted with the application. An error in relation to the naming of the competent authority is noted on pages 1 and 4 of this report, however this does not impact on the outcome of this assessment. I am satisfied that adequate information is provided in respect of the baseline conditions, potential impacts are clearly identified and sound scientific information and knowledge was used. The information contained within this report is considered sufficient to allow me undertake an Appropriate Assessment of the proposed development.
- 11.2 The subject lands do not overlap with or are not located directly adjacent to any European sites. None of the habitats within the lands are qualifying interests for any European sites within the vicinity. During field survey visits in March 2018, no evidence of special conservation interest species for which European sites within the

vicinity have been designated, were recorded within the subject lands. There are no surface water features within the subject lands, although the Carysfort-Maretimo stream is located adjacent to the lands. No public information is available from the EPA in relation to the water quality of this stream. However, it is stated that given the stream's location within the Dublin area and given the numerous storm water pipes outfall to it, it is considered likely that the stream is subject to water quality pressures at present.

- 11.3 The closest European sites, South Dublin Bay SAC (000210) and South Dublin Bay and River Tolka Estuary SPA (004024), are both located approximately 300m to the north of the development site and are connected to the lands via the surface water network. The zone of influence in this case is considered to extend to European sites within Dublin Bay, to which surface and foul waters from the proposed development will drain. This is considered reasonable. These designated sites are as follows:

Table 4:

Site Name	Site Code	Distance
North Bull Island SPA	004006	c.5.4km north
South Dublin Bay and River Tolka Estuary SPA	004024	c.300m north
Howth Head SAC	000202	c.9.2km NE
Howth Head Coast SPA	004113	c.10.7km NE
Rockabill to Dalkey Island SAC	003000	c.5.4km east
Dalkey Island SPA	004172	c.5.5km SE
South Dublin Bay SAC	000210	c.300m north
North Dublin Bay SAC	000206	c.5.4km north

- 11.4 The Stage One screening conclusions note that applying a precautionary principle and on the basis of objective information, it is not possible to exclude that the proposed development, individually or in combination with other plans or projects, will have a likely significant effect on the following sites:

Table 5:

Site Name	Site Code	Distance
South Dublin Bay SAC	000210	c.300m north
South Dublin Bay and River Tolka Estuary SPA	004024	c.300m north

- 11.5 In the case of these two sites, the only likely significant risks, in the absence of mitigation, arises from potential construction-related discharges to surface waters from the proposed development and the potential for these effects to reach downstream European sites. It was concluded therefore that the likely significant effects on these two European sites may require mitigation in order to avoid adverse impacts on the integrity of the European sites concerned and therefore an NIS has been submitted.
- 11.6 The qualifying interests/special conservation interests of the designated sites, referenced above, are summarised as follows:

Table 6:

South Dublin Bay cSAC	South Dublin Bay & River Tolka Est. SPA
Mudflats and sandflats not covered by seawater at low tide [1140]	Light-bellied Brent Goose [A046]
Annual vegetation of drift lines [1210]	Oystercatcher [A130]
Salicornia and other annuals colonising mud and sand [1310]	Ringed Plover [A137]
Embryonic shifting dunes [2110]	Grey Plover [A141]
	Knot [A143]
	Sanderling [A144]
	Bar-tailed Godwit [A157]
	Redshank [A162]
	Dunlin [A149]
	Black-headed Gull [A179]
	Roseate Tern [A192]
	Common Tern [A193]
	Arctic Tern [A194]
	Wetlands & Waterbirds [A999]

Potential effects arising have been outlined in Table 2 of the NIS, with the only potential adverse effects on the integrity of the two relevant European sites arising from potential construction-related surface water discharges from the proposed development and the potential for these effects to reach downstream European sites. In the absence of mitigation, accidental spillage of oils, cement or other potential pollutants, during construction works could potentially be released into the surface/storm water drainage network and ultimately to Dublin Bay via Carysfort-Maretimo stream.

11.7 The following qualifying interests/special conservation interests potentially exposed to risk have been identified as follows:

Table 7:

South Dublin Bay cSAC	South Dublin Bay & River Tolka Est. SPA
Mudflats and sandflats not covered by seawater at low tide [1140]	Light-bellied Brent Goose [A046] Oystercatcher [A130] Ringed Plover [A137] Grey Plover [A141] Knot [A143] Sanderling [A144] Dunlin [A149] Bar-tailed Godwit [A157] Redshank [A162] Black-headed Gull [A179]

It is stated that there is no potential for adverse effects on any other qualifying interests of the South Dublin Bay SAC or special conservation interests of the South Dublin Bay and River Tolka Estuary SPA in light of their conservation interests.

11.8 It is acknowledged within the NIS that some overwintering bird species, for example the light bellied brent geese, oystercatcher and plover are known to visit amenity and agricultural grassland sites outside of the SPA boundary in the Dublin region for supplementary forage. None of these species were noted within the subject lands, either observations, droppings or feathers, in March 2018 or during the winter of 2016/2017 when a study of feeding sites for brent geese was undertaken to inform a NIS at lands east of St. Paul's College, Raheny, Dublin 5. Likewise, no signs of

overwintering birds was noted at Rockfield Park. The development site contains rank grassland which is considered to be suboptimal for grazing waterfowl.

11.9 Mitigation measures have been outlined in section 6.2 of the submitted NIS, which state that a construction management plan has been prepared for the proposed development and includes measures for the protection of water courses during construction. Mitigation measures include:

- Installation of silt control measures such as barrier device on storm inlets
- Fuel construction vehicles and store hazardous materials in designated area of site, removed from storm water outlets
- Hazardous materials to be stored within bunded area
- Pollution kits maintained on site

In my opinion, these are considered to be essentially best practice construction measures.

11.10 It is concluded within the NIS that the measures outlined above, when implemented, will ensure that no adverse effects on European sites will arise from the construction or operational stages of the proposed development. It is also stated that there will be no adverse effects on the integrity of European sites arising from the proposed development in combination with other plans or projects. It is acknowledged within the documentation that ongoing development and those granted permission over the lifetime of the construction of the project could, in the absence of mitigation, contribute to water quality pressures in Dublin Bay in-combination with the proposed development. However, the detailed mitigation measures, set out above fully address the potential impacts arising from the proposal such that it will not give rise to significant impacts either alone or in combination with other potential impact sources. The NIS concludes that in light of best scientific knowledge, there is no reasonable scientific doubt remaining as to the absence of adverse effects from the proposed development on any European site.

11.11 Having regard to all of the above and having examined the information before me, I am satisfied that the measures to be put in place, which are essentially best practice construction measures, will ensure that the conservation objectives and integrity of the Natura 2000 sites identified above and that they will not be adversely affected by

construction-related surface water discharges from the proposed development. I consider that the proposed measures are clearly described, are reasonable, practical and enforceable. I also consider that they fully address the potential impacts arising from the proposed development such that it will not give rise to significant impacts either alone or in combination with other potential impact sources. I consider it reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, that the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the two relevant European sites, in view of their Conservation Objectives.

12.0 Planning Assessment

12.0.1 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 Dun Laoghaire Rathdown County Development Plan 2016; the provisions of the Blackrock LAP 2015; relevant section 28 Ministerial guidelines; provisions of the Planning Acts, as amended and associated Regulations; 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 visited the site and its environs. In my mind, the main issues relating to this application are:

- Principle of development
- Design, Height and Layout
- Architectural Heritage and Archaeology
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters

12.1 Principle of Proposed Development

- 12.1.1 Having regard to the nature and scale of development proposed, namely an application for 294 residential units located on lands which are substantially located within the zoning 'Objective A', in which residential development is 'permitted in principle', 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. Part of the south-western corner of the site is zoned 'Objective F' which seeks to 'preserve and provide for open space with ancillary active recreational amenities'. It is noted that no residential development is proposed on such zoned lands.
- 12.1.2 There is an objective on the site to 'protect and/or provide for Institutional Use on open lands. Section 8.2.3.4(xi) of the operative County Development Plan deals with institutional lands. This states that a minimum open space provision of 25% of the total site area will be required on institutional lands. It is noted that a stated 37% of the site area is proposed as open space in this current application, with the open character of the lands being retained. A masterplan layout has been submitted, as required. The question as to whether the setting of the lands is being retained will be dealt with below. In considering the residential use proposed for these institutional 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, ABP-300559 St. Paul's Raheny and ABP-303133 Marianella Rathgar.
- 12.1.3 A Material Contravention Statement was submitted with the application in relation to the height of the proposed development. The prescribed maximum building height, as per the adopted LA,P range generally from 3-5 storeys. The height proposed in this current application ranges from 3-8 storeys. I am 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.

12.1.4 I also 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. 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. 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. It also recognises the need for enabling infrastructure and supporting amenities to realise potential development areas. The enabling infrastructure, in terms of junction upgrade works, are being provided in this application.

12.1.5 I am of the opinion that notwithstanding the contravention of the building height, the Bord is not precluded from granting permission for the development proposed. Given its residential 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 the 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 site is the subject of a Site Framework Strategy, as included in the Blackrock LAP and is considered to be generally in compliance with same. 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. The proposed development, which includes for junction upgrade works, will assist in overcoming the barrier to development currently impacting the deliverability of residential development at this location. The proposed development has been Lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites

in the provision of housing in meeting both current and future need. The issue of height has been further dealt with in section 12.2 below.

12.2 Design, Height and Layout

12.2.1 The proposal involves the construction of 294 residential apartments in twelve no. blocks; the subdivision and conversion of St. Teresa's House into 6 residential units and the provision of one residential unit within the relocated St. Teresa's Gate Lodge at the former home for young boys at Temple Hill, Co. Dublin. The proposal is generally 3-8 storeys in height. 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. The layout is such that the open character of the site is being retained, a strong frontage onto Temple Hill Road is proposed, with vistas through the site, and the refurbishment of St. Teresa's House will enhance the historical character of the site. The relocated Gate Lodge, which shall be dealt with further below, will signify the entrance to the development, restoring its significance which has been lost over time since the development of the by-pass. The positioning of the blocks such that views through the site will be achievable, while the area of public open space opening directly onto Rockfield Park, without hard boundary, will enhance the amenity of the area significantly for new and existing residents. The wide sylvan margin along Temple Hill Road with own door units opening onto the street is welcomed.

12.2.2 The mix of units at 124 x 1 bed; 114 x 2 bed units and 50 x 3 bed 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.

12.2.3 Density at approximately 74 units/ha is considered marginal for this urban location and is generally in compliance with relevant section 28 ministerial guidelines, although the site location a short distance from the district centre of Blackrock with its established services and facilities, in very close proximity to excellent transport

links is a location where higher densities and greater heights may be achievable, as per the Urban Development and Building Heights, Guidelines for Planning Authorities (2018). While the site constraints are noted, a greater density may have been achievable on the overall site, in particular towards the southern end of the site overlooking the public park and the area fronting onto Temple Hill Road. This is a wide dual-carriageway which, in my opinion would have capacity to accommodate a greater height.

12.2.4 In terms of height, I note that the proposal ranges from three storeys to eight storeys with buildings generally 4-6 storey fronting onto Temple Hill Road, with the exception of Block B1 which is 7/8 storeys in height. The blocks overlooking the public park, Blocks E1-E5, range in height from 2-5 storeys. Cross section, CGIS and visualisations have been submitted with the application. The applicant states in the application form and public notices that the proposal represents a material contravention of the operative Development Plan and a statement to this effect has been submitted with the application. It is noted that the building heights as per the adopted LAP are generally 4 storeys in height, with the exception of Block A1, for which a 5 storey structure is allowable. While regard is had to local policy, I note the section 28 ministerial guidelines Urban Development and Building Heights, Guidelines for Planning Authorities (2018) in this regard and I have had regard to section 3.2 Development Management Criteria in undertaking my assessment. Blackrock is designated as a district centre within the operative CDP, it is served by excellent public transport links, both QBC and DART. The proposal if permitted has the potential to make a positive contribution to place-making, and could contribute positively to the urban design of the general area. I am of the opinion that the site could accommodate a greater height than that proposed, in particular, as I have already stated, towards the southern end of the site overlooking the public park and also along the frontage with Temple Hill Road. The Planning Authority in their Opinion, have recommended that one floor per block B1-B4, C3 and E1-E3 be omitted from the scheme. This would reduce the number of units from 294 proposed to 262, with a corresponding reduction in density to 66 units/ha. The planning authority considers that as proposed, the blocks fronting onto Temple Hill Road (B1-B4) would have an overbearing impact on the character of streetscape along this interface. I do not concur with this opinion and consider that the roadway is wide

enough at this location, being of dual carriageway width, to accommodate the height proposed.

12.2.5 The proximity of Block C3 to St. Teresa's House is noted. From an architectural heritage viewpoint, I am of the opinion that the location of Block B3 is such that it obscures the Protected Structure and detracts from its setting. This has been dealt with below under the section 12.3. In relation to Blocks E1-E3, I note the comments of the planning authority in relation to their massing and form. Again, I do not have undue concerns in this regard and consider that the passive supervision from these blocks over the area of public open space is to be welcomed.

12.2.6 Public open space is provided by way of two main areas, the communal parkland lawn to the front of St. Teresa' House and the Woodland Park to the south of the site, which will form a continuum with Rockfield Park to the south. There is an objective to 'preserve trees and woodland' on the site and I note the sylvan character of the site at present. I note that, contrary to the many submissions, a significant amount of trees and planting along the southern/eastern boundary of the site is being retained with compensatory planting proposed. Detailed landscaping plans have been submitted with the application, together with Landscape Design Booklet, Woodland Management Plan and an Arboricultural Report, which acknowledges that trees are being lost because of competition for space. Where possible and with the adoption of controlled construction techniques and tree protection measures, the potential for tree retention has been maximised as best as possible and tree losses have been mitigated by what is a substantial planting scheme incorporating numerous large tree specimens. This is considered reasonable, I consider that the proposal is a sensitive intervention in terms of landscaping, tree retention and open space provision. I note that the planning authority have not expressed concerns in this regard, subject to conditions. I concur with the opinion of the planning authority, that a condition should be attached to any grant of permission which stipulates that members of the public should have unrestricted access to the open space within the site, including the proposed tree walks and trails. This matter could be dealt with by means of condition.

12.2.7 A contemporary elevational treatment is proposed to the new blocks, which are somewhat pavilion in style and which follow the slope of the roadway. Quality materials, finishes and detailing are proposed. Exact details relating to same should

be dealt by means of condition, if the Bord is disposed towards a grant of permission.

12.3 Architectural Heritage and Archaeology

12.3.1 In my opinion there are three matters of relevance to the assessment of this proposal in respect of architectural heritage and archaeology. The first is the proposed relocation of the Gate Lodge, the second is the potential impact of the proposal on St. Teresa's House and associated lands and the third is archaeology. I will address each in turn.

12.3.2 The most pertinent of the three issues as I see it, is the deconstruction and relocation of the Gate Lodge, a Protected Structure- firstly the principle of the deconstruction and relocation of the Gate Lodge and secondly the actual relocated position. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration and/or justification of the documents as they relate to the architectural, heritage and cultural value of existing structures on site. Further consideration for the rationale for the deconstruction and relocation of the Gate Lodge, a Protected Structure, is required which specifically addresses the issue of precedent and alternatives as raised in the Planning Authority's Conservation Officer's report. A detailed method statement for such is also required. Further consideration should also be given to the new proposed location of the Gate Lodge having regard to the original function and association of the Lodge with St. Teresa's House and the original entrance gates and avenue that serve the house.

12.3.3 In terms of the principle of the dismantling and relocation of the Gate Lodge, I note that a number of documents have been submitted with the application which aim to address this issue. I shall very briefly summarise the information, outlining the background and justification for the Bord. The Gate Lodge is a single storey, double-fronted Lodge with hipped roof and central chimney. It has been described as Italianate in style and of a pattern common in south Dublin with similar examples in Newtownpark, Homestead and Tibbradden. The Gate Lodge was one of three structures (two Gate Lodges and a monumental gateway) which originally made up the formal architectural composition marking the entrances to the twin estate of Dunardagh and Craigmore, which subsequently became St. Catherine's and St. Teresa's, both communities of the Daughters of Charity. The houses were built in

1862 and the Lodges shortly thereafter. The entrance structures are understood to have remained relatively intact until the creation of the Blackrock by-pass, which opened in 1988. A large swathe of ground was acquired to facilitate the construction of the road resulting in the boundary being moved approximately 15m SW for the entire frontage. At this time, the Lodge opposite was demolished and the monumental gateway was dismantled and reconstructed at the northern corner of the property, where it remains today.

12.3.4 Presently, the Gate Lodge is dilapidated and has been vacant for many years. As is stated in the documentation, instead of being a detached pavilion located behind a boundary wall or entrance gate, as is the case with most Lodges, it is now perched on the reconstructed boundary wall which underpins the north-east external wall. The boundary treatment, which includes for new granite wall, modern gateway and railings are all in pastiche historic style. A lean-to extension has been constructed at a date unknown since the 1930s. The property has been unsympathetically maintained through the years with non-original elements and graffiti is evident on the rear wall. A large traffic directional sign has been placed close to the building, along with a significant amount of traffic signal poles and pedestrian safety barriers.

12.3.5 The proposal before me is to reconstruct the existing building in a form close to its original, at a new location approximately 66 metres from its current position. The building will mark the entrance to the grounds of the main house as it originally did, however it will no longer be diminished by the lean-to extension and will have its own setting, free standing rather than attached to the boundary wall and railing, as is presently the case. It will have the original granite plinth and cills; the external render will be replicated; roof reassembled using original components and later non-original fabric of inferior specification will be substituted with new materials matching the original likely original specification. Internally the building will retain the historic features that currently exist.

12.3.6 A number of alternatives were examined by the applicants, which include (i) retaining the Gate Lodge in situ and repair and restore it (ii) demolish the Lodge and dispose of the fabric off-site (iii) dismantle the Gate Lodge and move it to a position in Rockfield Park which would bear the original relationship to the monumental gateway (iv) dismantle and relocate the Lodge to a position relating to the public access point to Rockfield Park from St. Teresa's and (v) dismantle and relocate the

Gate Lodge to a position which architecturally and symbolically marks the entrance to the immediate grounds of St. Teresa's House. Discussion on each of the alternatives has been provided within the documentation.

12.3.7 I draw the attention of the Bord to Section 57(10)(b) of the Planning and Development Act 2000, as amended, which states that permission shall not be granted for the demolition of a Protected Structure or proposed Protected Structure save in 'exceptional circumstances'. However I would note that it is not proposed to demolish the structure *per se*. The Act and the Architectural Heritage Guidelines are clear as to what demolition entails, namely the complete removal of the structure. This is not the case in the present instance. Notwithstanding, sections 13.9.1 and 13.9.2 of the Architectural Heritage Guidelines refer to moving Protected Structures which they note can result in damage to the fabric. In this regard and as outlined in Section 13.9.2 of the Guidelines, proposals to move a structure should only be permitted in 'exceptional circumstances' and that relocation of the structure is essential to safeguard the structure.

12.3.8 The reports submitted in support of the removal of the structure and its proposed relocation outlines a number of matters to support the principle of relocating the structure, effectively the 'exceptional circumstances' pertaining. These relate to planning, traffic and conservation. In terms of **planning circumstances**, the significant development potential of the lands, which are zoned residential within the DLR County Development Plan and which are earmarked for significant residential development by way of a Site Framework Strategy, as contained in the Blackrock LAP. National policy requires the release the appropriately zoned lands for residential development and it is therefore considered by the applicants that this significant development potential constitutes 'exceptional circumstance' under which the relocation of the Gate Lodge could be positively considered. The second 'exceptional circumstance' put forward by the applicants relates to **traffic safety**. It is acknowledged by all parties that the present junction configuration is highly dangerous and does not meet present standards. RSA records are stated to show a high accident rate for this locality, which is understandable. A report commissioned by the Council, prior to the applicant's involvement in the site, concludes that the present junction is unacceptable and should be re-aligned. The traffic report submitted with the application, prepared on behalf of the applicants, states that the

only way in which to provide safe access to these lands is by removing the Gate Lodge. Essentially, there is inadequate space to safely provide the required footprint for the road/footpaths and cycle lanes to serve the site and the lands to the rear, if the Gate Lodge is to be maintained in its current location. It is noted that access to these lands, as set out in the LAP, is at this location. Objectives within the Blackrock LAP, in particular Objectives R16 and R18 cited above, state that it is an objective of the Council to improve road safety for motorists, cyclist and pedestrians in the vicinity of the site, in particular in tandem with the redevelopment of the St. Teresa's and Dunardagh landholdings. It is noted that the works proposed to this junction are acceptable to the planning authority, subject to conditions and that a number of pre-planning discussions have taken place in this regard.

12.3.9 The final 'exceptional circumstance' put forward by the applicants relates to **conservation**. It is acknowledged that the structure is in its original location, as is the parent structure and a link therefore does remain between the two. However, the context of this location has changed irreversibly, primarily due to the construction of the Blackrock by-pass. The visual relationship has been destroyed. The monumental gateway, which was the centrepiece of the composition has been removed and reassembled at another location and the opposite Gate Lodge at St. Catherine's and parallel avenue have been removed. It is submitted by the applicants that the setting of the Gate Lodge has been destroyed by the removal of the monumental gates; its proximity to the existing gates from the 1980s, its proximity to St. Vincent's Park slip road and the realignment of the boundary wall caused by the construction of the Blackrock by-pass. Instead of the Gate Lodge being located some metres within the boundary wall, as was traditional, the building now sits on top of an inappropriately detailed boundary wall. The justification also outlines examples of where similar developments were justified in terms of Section 57(10)(b) and I note a number of examples are outlined which vary from outright demolition to relocation. It is stated that given the small scale of the Lodge, its dismantlement and reassembly is not an overly complex task and the continued presence of the Lodge in the locality would make a positive contribution to the architectural heritage of the community. The location now proposed signals the arrival of the visitor to the property in an echo of its original function, positioned in a generous garden which allows it to be viewed as a distinct architectural form, with a

visual relationship to St. Teresa's House. I would concur with the applicants that it is sufficiently detached from the adjacent apartment block to retain its legibility.

12.3.10 I note the submission received from An Taisce, which considers that insufficient consideration was given the issue of assessing alternatives, before justifying a demolition proposal, both by the applicants and in their legal Opinion. I do not concur with this assertion. Detailed information in relation to alternatives considered has been included in the documentation submitted. The proposed location of the Gate Lodge has changed during the design process, including on foot of the Section 5 Pre-Application Opinion which issued from An Bord Pleanála. At that time, the Gate Lodge was proposed to be located to the southern corner of the site at the proposed entrance to Rockfield Park. I am satisfied that the issue of alternatives and precedents has been dealt with satisfactorily in the documentation before me.

12.3.11 I note that legal Opinion, detailed above is of the view that 'exceptional circumstances' are required to justify the granting of permission in this particular case. Opinion concludes that the subjects raised in the Conservation Consultant's Report, together with those referred to in other reports provided, provide a very strong basis for concluding that there are 'exceptional circumstances' justifying the proposed relocation of the Lodge. I have read all of the information, which is significant in nature and which appears reasonable and robust, in relation to this matter. Based on this information, I am of the opinion that 'exceptional circumstances' exist in this instance for the dismantling and relocation of the Gate Lodge. The current setting of the Lodge is such that it adds little to the architectural heritage of the area. I would concur with the applicants that it reads as being 'perched' on the edge of the by-pass, surrounded by lighting poles, safety barriers and part of a large traffic junction. Its setting has been severely impinged upon. It is vacant and in a dilapidated state. The traffic movements at this location are unsafe and complicated. It is difficult to navigate and most unsafe for pedestrians and cyclists. Appropriate upgrade works to this junction would be a real benefit to the entire community. This upgrade cannot take place without the removal of the Gate Lodge. Finally, the relocation of the Gate Lodge will allow for improved access which in turn will allow for the release of this large landbank, which is zoned for residential development in an established serviced area, in accordance with national policy.

Therefore, having regard to all of the above, I am of the opinion that that the justification before the Board as outlined in the justification reports submitted is robust and 'exceptional circumstances' exist such that the removal of the Gate Lodge from its current location is acceptable.

12.3.12 In terms of the relocated position of the Gate Lodge, the proposal before the Board is to relocate it to a position some 66 metres SW of its current location. The applicant considers this to be the optimum location as it signals the arrival of the visitor to the property in an echo of its original function, whilst allowing it to have a visual architectural relationship with St. Teresa's House. The planning authority, as set out in the Conservation Officer's report concurs with this and considers the location as proposed to be acceptable. I would concur with the opinion of the planning authority when they state that given the existing condition of the Protected Structure and its current isolated location on the periphery of the site, there is significant merit in considering its relocation within the site to form a focal point of the overall scheme. I consider that the proposal before me creates such a focal point.

12.3.13 I note the report of the DAU in this regard. This Department is of the opinion that the layout and design of the proposal is generally acceptable in architectural heritage terms. However, they state that consideration does not appear to have been given to relocating the Gate Lodge some metres to the west to retain it as an entrance feature. They are of the opinion that it would appear feasible to move the Gate Lodge some metres west to an appropriate position near the edge of the proposed area of soft landscaping, facing in the same direction as present but with some garden curtilage to the NE as well as on its other sides, together with more appropriate boundary wall and railings. A revised layout is recommended in this regard. The planning authority in their submission do not agree with this opinion of the DAU. This recommended relocation to the west of the current location raises concerns with the planning authority with regards the amenity and setting of the single storey Gate Lodge given the height, scale and massing of Block B3 and B4. I would have similar concerns in this regard as those of the planning authority. If moved in a westerly direction to the area of proposed open space, the Gate Lodge would then be located between two apartment blocks, with relatively limited separation distances, coupled with having a dual-carriageway located to its north. While the setting would be an improvement on that existing, I consider that this

improvement would be marginal. I consider the location proposed by the applicants to be acceptable. It will have its own independent setting, appropriate in scale to its role; will have a visual link to St. Teresa's House and will announce the arrival into the proposed scheme. I would concur with the opinion of the planning authority that the render on the Gate Lodge should remain unpainted.

12.3.14 The next matter requiring consideration in respect of architectural heritage is the potential for the proposal to impact of the immediate setting of St. Teresa's House. The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration to be given to the Planning Authority's opinion and concerns raised therein with regard to the potential impact on Protected Structures and consideration of an appropriate response to such matters having regard to the overall design strategy proposed by the applicant. The proposed works to St. Teresa's House are considered acceptable. The renovation of the property and its conversion into 6 residential units is to be welcomed. The demolition of non-original additions on the site is also to be welcomed.

12.3.15 In terms of the impact on the setting of St. Teresa's House, I note that both the planning authority and the DAU have raised concerns with regards to height/location of Block C3 and consider that it would have an adverse impact on the character of the property. It is considered by both bodies that Block C3 should be redesigned which may involve (i) creating a greater separation distance and/or reducing the height and footprint or (ii) relocating it elsewhere, allowing the rear elevation of St. Teresa's to become a focal point of the terraced pedestrian access route from Temple Hill. The DAU favours the second option, namely relocating this block to elsewhere on the site. The Conservation Officer concurs with this view. The Planning Authority also concurs but area also are of the view that one level be removed from the structure as proposed. Presently, the house is not unduly visible from Temple Hill Road. In my opinion, the opening up of the site to increase its visibility from the public realm would be a welcome addition to the streetscape and architectural heritage at this location. It is considered to be a planning gain for the area. However, the positioning of Block C3 is such that it will obscure the view of the Protected Structure from the public realm. The DAU submission states that the structure was designed to be visible. It is clear from the documentation included with the application that Block C3 will almost entirely obscure visibility of the Protected

Structure from Temple Hill Road, even though the rationale in the gaps between the apartment blocks would appear to create an opening on axis with pedestrian access to the development. Having regard to all of the above, I am of the opinion that Block C3 should be omitted from the proposal and relocated elsewhere within the site, as part of a separate application. This would result in the loss of three no. residential units. The proposed amenities to be located within Block C3 should be relocated to with Blocks C1 or C2. This matter could be adequately dealt with by means of condition if the Bord is disposed towards a grant of permission.

12.3.16 Details have been provided which outline the former historical and contemporary uses of the structures on the site, together with a photographic record of all existing structures on site including those proposed for demolition. This is considered acceptable.

12.3.17 The final matter requiring addressing in this section is archaeological heritage. An Archaeological Assessment has been submitted with the application and the information contained therein is noted. There are no recorded archaeological monuments within the site footprint and the most proximate monument is located some 300m to the northeast. The report of the DAU states that on the basis of the information contained within the Archaeological Assessment, they have no objections to a grant of permission, subject to condition which provides for the implementation of proposed mitigation measures at pre-construction and construction phase. This matter could be adequately dealt with by means of condition.

12.4 Impacts on Amenity

12.4.1 The application is accompanied by a Visual Impact Assessment, together with verified CGIs and photomontages. The information contained therein is considered acceptable. 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 institutional piece of land, with low level of development thereon 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 underdeveloped piece of serviceable land, where residential development is permitted in principle. 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 proposal, if permitted will 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 and direct access into Rockfield Park.

12.4.2 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. A Sunlight and Daylight Access Analysis was submitted with the application which concludes that the proposed development is not predicted to result in any undue adverse impacts on sunlight or daylight access to neighbouring lands or buildings. This is considered reasonable. Concerns raised in relation to anti-social behaviour are a matter for An Garda Síochána, outside the remit of this planning application. 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 values in the vicinity.

12.4.3 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.

12.4.4 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. Unit sizes are considered acceptable and are generally in accordance with national policy. Development Plan standards have been met in relation to parameters such as number of dual aspect units, ceiling heights, floor areas and private open space provision. Private open space is

provided to all units, with the exception of the units within St. Teresa's House. This is considered acceptable. I note the extent of open space surrounding St. Teresa's House which will be available for future occupiers of St. Teresa's House.

12.4.5 A residential club house, in the order of 136 m², is proposed within Block C3, which provides for tenant only facilities. I am satisfied that this facility would be an attractive addition to the proposal and am satisfied that these tenant amenity facilities within the club house be available only for residents of the scheme. A childcare facility with capacity for 47 children is also proposed within Block C2. It is anticipated that the childcare facility would be available to the wider area. This is considered acceptable.

12.4.6 A phasing plan has been submitted as requested in the Notice of Pre-Application Consultation Opinion, which issued from ABP (Drawing C12 JJ Campbell & Ass). I draw the attention of the Bord to the fact that the conservation works and alterations to St. Teresa's House is to be undertaken in the final phase of development. I would generally have some concerns in relation to this and consider that ordinarily there may be merit in undertaking these works in Phase 2B, prior to the construction of Blocks D1 and E1-E5. However, I do note that the significant junction upgrade works and dismantling/relocation of the Gate Lodge are to take place in the initial phases of development and therefore I consider the phasing acceptable in this instance.

12.4.7 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.

12.5 Traffic and transportation

12.5.1 At the outset, I draw the attention of the Board to the fact that detailed traffic and transportation drawings are limited. Notwithstanding this, the information on file is sufficient for me to complete an assessment of the proposal in this regard and the matter may adequately be dealt with by means of condition, if the Bord are so minded. The proposal will utilise two existing access points onto Temple Hill Road. The primary entrance to the site will be the more easterly entrance, while a

secondary entrance for emergency access will be from the more western entrance. 272 car parking spaces are proposed, together with 666 bicycle parking spaces and 20 motorcycle spaces. The majority of parking spaces are located at basement level. I note that the vast bulk of the submissions received raise concerns in relation to traffic issues. The proposal also includes for new junction upgrade works/access layout arrangements to be undertaken by the applicant as part of Phase 1 of the proposed development. Traffic safety issues have been identified at the existing junction. The proposed new junction has been designed to function safely and resolve identified traffic safety issues at this location. The new junction will necessitate the relocation of the Gate Lodge from its existing location. This has been further dealt with above.

12.5.2 The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the proposed improved access and junction arrangements on Temple Hill and associated works on third party lands. In summary the applicant was advised of the need for further consideration of the existing road network; pedestrian and cycle paths; consequential impacts on layout arrangements for all street users and connections including legibility and permeability through the development site to Rockfield Park, the N31 and lands south of the development site at Dunardagh. A layout plan highlighting such connections should be provided. Procedural issues relating to rights of way and consents was also raised. Rights of way have been clearly demarcated on the submitted drawings and letters of consent have been included in the application.

12.5.3 A Transportation Assessment Report, DMURS Compliance Report, Travel Plan and Safety and Quality Audit were submitted with the application, together with a response to the ABP Opinion. The Transport Assessment Report concludes that there are no adverse traffic/transportation capacity or operational issues associated with the construction and occupation of the proposed development; the road network and the amended vehicular access junction are more than adequate to accommodate the worst case traffic associated with the facility and the construction and full occupation of the scheme will have negligible and unnoticeable impact upon the operation of the adjacent road network. Trip generation has been ascertained using the TRICS database which shows a total two-way car trips generated traffic by the proposal is 79 trips on weekday AM peak/70 trips on weekday PM peak. The

issue of construction traffic has been dealt with in section 4.12-4.20 of the Transport Assessment.

- 12.5.4 I note the report of the Transportation Division of the planning authority, as set out in the Chief Executive report, which states that the application went through a detailed pre-planning process and their report generally does not raise objections to the proposed development, subject to conditions which include the submission of detailed design drawings. One issue of note relates to car parking provision. 272 spaces are proposed to cater for a development of 292 residential units. The planning authority considers that while a reduction in Development Plan standards in relation to car parking could be deemed appropriate at this location, one space per unit should be provided.
- 12.5.5 Connectivity through the site is good to the lands to the south. The opening up of the boundary with Rockfield Park has been cited above. If the Bord is disposed towards a grant of permission, I recommend a condition stipulating that all paths/streets continue right through to the red line boundary, so as to eliminate 'ransom strips' and facilitate possible future access. This is pertinent in this case in relation to the access road to the west of the site in front of Block E1, which appears to stop short of the red line boundary.
- 12.5.6 Given the location of the site within an urban area on zoned lands, I do not have undue concerns in relation to parking, traffic or transportation issues. The site is well served by both bus and rail transport, while footpaths and cyclepaths are available on Temple Hill Road. I note the reports of the Transport Infrastructure Ireland and National Transport Authority, both of which do not object to the proposal, subject to condition. Issues raised by the NTA in relation to bus stop provision could be adequately dealt with by means of 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 QBC along Temple Hill Road and two DART stations within 600 metres of the site. I concur with the applicants that the site is well placed to take advantage of non-car modes of travel. 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.

12.6 Drainage

12.6.1 In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. The foul drain will connect to the existing combined sewer located within the site boundary on Temple Hill Road, then discharging to an existing manhole in the public combined sewer. SuDS techniques are proposed to control stormwater discharge from the site. The site is served by 2 no. watermain spurs, which are connected to an existing watermain along Temple Hill Road. 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 the diversion of the 900 combined sewer within the site can be facilitated, subject to a valid Diversion Agreement being put in place.

12.6.2 The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to further consideration of the documents in relation to surface and storm water management for the development lands and the risk for displaced or increased discharge of waters downstream, having regard to the requirements of the Council in respect of surface water treatment and disposal and SUDS measures proposed for the scheme. The applicant was advised that any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management Guidelines' (including the associated 'Technical Appendices').

12.6.3 A Drainage and Water Supply Report (Vol. 1 and 2), Basis of Design Report and a Site Specific Flood Risk Assessment were submitted with the application, together with a response to the ABP Opinion. The information contained within these documents appears reasonable and robust.

12.6.4 A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition and states that the proposed connections to the Irish Water network can be facilitated. The report of the Drainage Planning Section of the planning authority, as contained in the Chief Executive Report, states that following a process of engagement by the applicant and their

consultants, the submitted report and drawings generally satisfy the requirements of their section, subject to conditions.

- 12.6.5 As stated above, a Flood Risk Assessment was submitted with the application, prepared by JBA Consulting and contained within JJ Campbell & Associates document 'Planning Submission, Drainage and Water Supply Volume 2'. The print quality of this document is very poor, being largely illegible and similar to the planning authority, I examined this document online on the applicant's website.
- 12.6.6 Part of the subject site, along the northern boundary, is located within Flood Zone A (defended)/ B. It is confirmed in the FRA that the development is not at risk from a 0.1% AEP flood event. The 0.1% AEP event will result in inundation of the access road, but floodwaters will be prevented from entering the site. Flood defences are located along the Carysfort-Maretimo stream, that being the nearest watercourse to the site, which provides protection from a 1% AEP standard. A single apartment block intersects Flood Zone A/B (Block A1) but residential apartments are restricted to the first floor and above of this block. The proposed basement/ground floor car park entrance is located in Flood Zone C, with a freeboard of 600mm above the estimated 1% AEP flood level. All residential properties are located in Flood Zone C. The location of the existing boundary wall along the western site boundary at this location, which is to be retained, is noted. Mitigation measures have been outlined which include for the raising of the car park entrance. The submitted Flood Risk Assessment concludes that as a result of analysis, design and mitigation measures the proposed development is considered to be in line with the core principles of the Planning Guidelines and the objectives outlined in the Dun Laoghaire Rathdown County Development Plan.
- 12.6.7 I note that this is a serviced, appropriately zoned site at an urban location. While I note that the OPW mapping website, www.opw.ie shows recorded historic flooding along Temple Hill Road in 2011, I note the extensive consultation that has been undertaken with the planning authority and the fact that they have not raised issue in this regard. 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 Other Matters

13.1.1. An Ecological Impact Assessment, prepared by Scott Cawley, has been submitted with the application. I have examined the contents of this report and the analysis contained therein appears to be scientific and robust. I also note the copy of the DAU report, dated November 2018, in relation to nature conservation appended to this EclA. Following completion of a desk study, it was concluded that the proposed development will result in significant effects on all key ecological receptors identified and could facilitate the spread of invasive species within the lands. A number of surveys were undertaken between March and June 2018. Bat surveys were undertaken within the main season of bat activity during calm dry weather conditions, with bat activity detected. No signs of bats were noted from the inspections of any of the buildings within the lands. Measures to avoid and minimise impacts on bats are contained within section 7.4.1 of the EclA while assessment of the proposal on badgers is contained with section 7.5. Measures for protection of breeding birds have been outlined which include removal of hedgerows and treelines outside of the breeding bird season and buffer zones around nests while nest boxes will be installed within the subject lands to compensate for the loss of tree nesting sites. Invasive species Spanish Bluebell and three-cornered garlic were identified on site. Measures have been provided for the protection of retained treelines and individual trees during the construction phase of the proposed development and these measures have also been largely contained within the Woodland Management Plan. In addition, measures have been provided for the compensation of loss of hedgerow habitat, together with enhancement measures have been provided for the area of mixed broadleaved woodland habitats. The total length of compensatory hedgerow is stated to be c.100m and will be species native to the area. Other enhancement measures are contained within section 7.2.3 of the EclA. It is stated that following implementation of these measures, impacts on habitats will remain significant, albeit at a local level only.

13.1.2. Mitigation has been provided to reduce the level of impact on bats, birds and badgers within the lands, with enhancement measures provided to facilitate the ongoing suitability of retained habitats for badgers, bats and birds. Monitoring of mitigation, enhancement and compensatory measures will be undertaken following

completion of construction of the proposed development. I am satisfied with the information provided in this regard.

13.1.3. Given the extent of works proposed in this application, I do not have issue with the proposed application for a 10 year permission.

13.1.4. 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.

13.1.5. 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.

13.1.6. Two rights of way are highlighted on the submitted drawings. Issues relating to such rights of way are considered to be legal matters outside the remit of this appeal. 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.

14. Recommendation

14.1.1. 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 notwithstanding my opinion in relation to height and density, 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.

14.1.2. 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. The removal of Block C3 from its proposed position is such that it will aid in providing a more

appropriate setting for the Protected Structure, making it more visible from the public realm as was the intention of its original layout and design. This block may be relocated elsewhere within the site, to a more appropriate location, by means of a separate application for permission.

14.1.3.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. Reasons and Considerations

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 A, which seeks to 'protect and/or improve residential amenity' in the Dun Laoghaire County Development Plan 2016-2022
- (b) the policies set out in the Dun Laoghaire Rathdown County Development Plan 2016,
- (c) the policies set out in the Blackrock Local Area Plan 2015,
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),
- (e) 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
- (f) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009

- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (h) the Planning System and Flood Risk Management (including the associated Technical Appendices), 2009
- (i) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (j) Architectural Heritage Protection, Guidelines for Planning Authorities, 2004
- (k) the nature, scale and design of the proposed development,
- (l) the availability in the area of a wide range of social, community and transport infrastructure,
- (m) the pattern of existing and permitted development in the area,
- (n) the planning history within the area, and
- (o) 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.

16. 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) Omission of Block C3 from the proposal and this area appropriately landscaped. The tenant amenity facilities located within Block C3 shall be relocated to another block, possibly Block C1 or C2. The number of residential units hereby permitted is 291 no.
 - (ii) Revised site layout plan which clearly shows the proposed access roadways continuing right up to boundary of the site,
 - (iii) Details of the interface between the southern boundary of the site and Rockfield Park

Reason: In the interests of proper planning and sustainable development, to safeguard the architectural heritage of the area, to enhance permeability and to secure the integrity of the proposed development including the public park

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 10 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. Ducting shall be provided to all car parking spaces to allow for the future provision of electric vehicle charging points

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

residential amenity.

6. The developer shall liaise with the National Transport Authority to agree the location and design of a bus stop along the Temple Road frontage of the subject site. The bus stop shall be provided prior to the commencement of development

Reason: In the interests of proper planning and sustainable development

7. 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.

8. 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.

(c) The developer shall retain the services of a suitably qualified Arborist throughout the life of the site development works, who shall ensure full implementation of the Arboricultural Method Statement.

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

9. 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

10. Mitigation and monitoring measures relating to ecology outlined in the plans and particulars, including the natura impact assessment, ecological impact assessment, Woodland Management Plan and Construction Management Plan submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:

(a) The applicant shall make available a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application, for the written agreement of the planning authority. This document shall include a programme for the implementation of the mitigation measures including any monitoring requirements by a suitably qualified ecologist shall accompany this document for

written agreement at least 5 weeks in advance of site clearance works

- (b) Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st- August 31st)
- (c) All buildings proposed for demolition and all mature trees proposed for felling shall be examined for evidence of bats, prior to any works by a bat specialist, including an examination of internal roof features. If required, an NPWS derogation licence shall be obtained
- (d) Prior to commencement of development, the applicant shall submit a letter from their bat consultants, stating that they are satisfied that the final design of the external illumination proposed will be to the required specification and that the proposed roosts and important bat corridors are not illuminated
- (e) After installation of the external lighting, a report shall be submitted, prepared by the bat specialist, for the written satisfaction of the planning authority, confirming that it is operating according to specification

Reason: In the interest of protecting the environment and to address any potential impacts on biodiversity

11. 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

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 visual amenity.

13. 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.

14. 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.

15. 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

16. 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.

17. 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.

18. 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) adhere to the mitigation measures as included in the Archaeological Assessment (section 5, page 17) at pre-construction and construction phases
- (d) 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

19. The developer shall ascertain and comply with all requirements of the planning authority in relation to conservation matters and works to Protected Structures. In that regard:

- (i) The external walls of the Gate Lodge shall remain unpainted

- (ii) All repair works shall be carried out in accordance with best conservation practice and the department of Culture, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities'
- (iii) All works are to be carried out under the professional supervision of an appropriately qualified person with specialised conservation expertise who shall manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric and to certify upon completion that the specified works have been carried out in accordance with good conservation practice

Reason: In the interests of architectural heritage

20. 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.

21. 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.

22. 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

23. Prior to commencement of development, the developer shall Lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion and maintenance until taken in charge by the 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.

24. 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

27th May 2019

APPENDIX A- List of submissions received

An Taisce
Brid Ni Chuilinn
Carolyn Gregg
Catherine and Niall Curran
Cllr Deirdre Kingston
Daniel McGrath
DAU
Denise Mears Whelan
Denise O'Neill
Dervla MacManus
Eoin O'Cearbhaill
Eugene McDonough
Irish Water
Jason Taylor
Kathleen Glynn
Mairsile Hourihane
Mary Hanafin
Mary Mitchell O'Connor TD
Maureen Foley
Michael C Coleman
Niamh Farrans and Connor Goodman
NTA
Oran Murphy and Margaret Murray
Renate and Stephen McIntyre and others
Rosemary Brennan
Rupert and Helen Shafe
St Vincent's Park Residents
TII