



An
Bord
Pleanála

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

Inspector's Report ABP-304068-19

Strategic Housing Development

Demolition of existing structures on site, construction of 142 residential units in Build-to-Rent scheme and associated site works.

Location

Roselawn and Aberdour, Stillorgan Road, Foxrock, Dublin 18.

Planning Authority

Dun Laoghaire Rathdown County Council

Applicant

Granville Hall Partnership

Prescribed Bodies

National Transport Authority
Transport infrastructure Ireland
Irish Water

Dun Laoghaire Rathdown County
Childcare Committee

Observer(s)	19 submissions received- see Appendix A
Date of Site Inspection	20/06/2019
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 Inspector's report for File No. 303355 gives a detailed description of the site and surrounding area, and below is an extract from this description, with which I generally concur:

'The site (stated area 0.85ha) is located on the northern side of the N11 Stillorgan Road, south east of the N11 / Newtownpark Avenue junction in Foxrock, Co. Dublin. The main part of the site is occupied by an existing partially constructed detached house, formerly known as 'Aberdour', along with its associated grounds, in addition to the house and gardens of 'Roselawn'. The site boundary also includes a right of way over a public road serving Knocksinna Court, a cul-de-sac of five detached houses off Granville Road. The public right of way continues via an existing pedestrian laneway to the N11, along the eastern site boundary, which is currently unsurfaced and overgrown.

Levels fall... away from the N11 road frontage within the site. The ground within the site is disturbed and unmaintained. There is a 2.2 m high stone wall along the N11 site frontage, with a vehicular access to the N11 from both properties at Roselawn and Aberdour. There are hedgerows with mature trees along the other site boundaries. The context of the site is generally defined by low density 2 storey residential development, with residential properties to the immediate east and west on the N11 and to the north on Granville Road'.

3.0 Proposed Strategic Housing Development

- 3.1. The proposed development, as per the submitted public notices, comprises the demolition of existing buildings on site, the construction of 142 build to rent apartments and associated site works at Roselawn and Aberdour, Stillorgan Road, Foxrock, Dublin 18.

3.2. The proposal includes the demolition of two detached dwellings, one of which is vacant (Roselawn) and the other partially built (Aberdour), with total stated area 541 square metres.

3.3. The following tables set out some of the key elements of the proposed scheme:

3.4. Table 1: Key Statistics

Site Area	0.8525 ha
No. of units	142 apartments
Other uses	Gym, multifunctional space & lounge- 278m ² Social Integration space within garden- 80 m ²
Density (nett)	166.5 units/ha
Height	Block A- 5-7 storeys over basement Block B- 2-5 storeys over basement
Public Open Space Provision	3,650m ²
Access	From Knocksinna Court off Granville Road
Car Parking Provision	91 spaces (81 at basement; 10 at surface level)
Bicycle Parking Provision	284 spaces
Part v	13 units- 4 x 1 bed and 9 x 2 bed

Table 2: Unit Mix

	1 bed	2 bed	3 bed	Total
Apartments	73	68	1	142
As % of total	51.4%	47.8%	0.7%	100%

3.5. No childcare facility is proposed and a Crèche Demand and Needs Assessment has been submitted with the application. This report concludes that the proposal does not generate a need for a childcare facility due to unit mix, demographics and as a result of a planning review of approvals in the area.

3.6. 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 based on the information supplied and on the capacity currently available in the network(s), as assessed by Irish Water, that subject to a valid connection agreement being put in place, the proposed connection to the Irish Water network can be facilitated.

- 3.7. An Appropriate Assessment Screening Report is submitted with the application, which concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network.
- 3.8. A draft Deed of Covenant has been submitted with the application which stipulates that the apartments will remain in residential rental accommodation for a period of 15 years from the date of the grant of permission.
- 3.9. Included with the application is a letter of consent from Macium DAC, the land owners of Roselawn and Aberdour, (dated 27/03/19), without prejudice, to Granville Hall Partnership to submit a planning application with An Bord Pleanála for this site. A letter of consent from, signed John J. McCarthy on behalf of Thycar Investments ULC (dated 22/03/2019) is also attached to the application confirming their consent to lodge a planning application for the development of the lands.

4.0 **Planning History**

Subject Site:

D16A/0904 (PL06D.248703)

Permission GRANTED for a residential development of 48 apartments and all associated site works (dated November 2017).

D08A/0028

Permission GRANTED for revisions to planning applications D04A/1072 and D04A/0778 by deleting one house to rear of the site, and construct two number two storey five bedroom detached houses with attic conversion and dormer window to front and 1 no. roof light to rear, each with single storey garages, with new outfall sewer to rear of site.

Permission GRANTED for construction 2 no. two storey detached dwellings with single storey garages.

5.0 Section 5 Pre Application Consultation

- 5.1.1. A Section 5 pre application consultation took place at the offices of An Bord Pleanála on the 13th February 2019. 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 would constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála.
- 5.2. The prospective applicant was advised that the following specific information should be submitted with any application for permission:
1. Notwithstanding that the proposal constitutes a reasonable basis for an application, the prospective applicant should satisfy themselves that the proposed building heights provide the optimal architectural solution for this site and in this regard, the proposed development shall be accompanied by an architectural report and accompanying drawings which outlines the design rationale for the proposed building height and scale, having regard to inter alia, National and Local planning policy, the site's context and locational attributes. An accompanying architectural report should outline the design rationale for the proposed building height, scale and massing in light of the publication of 'Urban Development and Building Height' 2018 and specifically with reference to Chapter 3 Building Height and the Development Management process, of the guidelines. The applicant should satisfactorily demonstrate that the proposed development complies with the criteria as set out in section 3 of the guidelines and responds positively to the specific characteristics of the site.
 2. Cross-sections at appropriate intervals, photomontages, computer generated imagery and any other information deemed relevant, illustrating the topography of the site and showing the proposal relative to existing

development in the vicinity. In particular, detail concerning proposed apartment blocks and adjacent residential development to the north east along Granville Road and adjacent properties to the south east and north west should be clearly illustrated and described.

3. Sufficiently detailed cross section drawings through the proposed pedestrian/cyclist connection between the N11 and Knocksinna Court should take account of NDA advice in relation to a Building for Everyone – a Universal Design Approach.
4. A Daylight/Sunlight analysis, showing an acceptable level of residential amenity for future occupiers and neighbours of the proposed development, which includes details on the standards achieved within the proposed residential units, in private and shared open space, and in public areas within the development and in adjacent properties. Specific regard should be had to ground floor apartments at sensitive locations and existing adjacent properties.
5. A mobility management strategy that shall be sufficient to justify the amount of parking proposed for cars and bicycles.
6. A housing quality assessment which provides specific information regarding the proposed apartments and which demonstrates compliance with the various requirements of the 2018 Guidelines on Design Standards for New Apartments, including the specific planning policy requirements in respect of Build to Rent developments.
7. Additional drainage details for the site having regard to the requirements of the Municipal Services Drainage Planning as indicated in their report and contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including associated 'Technical Appendices'), specifically with reference to safe overland flow routes.
8. Contour/site level map accurately and legibly showing levels across the site and adjacent to the site.

9. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority. Streets should be shown up to the boundaries of the site and facilitate future access.
10. Childcare demand analysis and likely demand for childcare places resulting from the proposed development, if any.
11. A building life cycle report shall be submitted in accordance with Section 6.3 of the Sustainable Urban Housing: Design Standards for New Apartments (2018). In addition, the applicant shall ensure that advice provided by the guidelines in relation to the development management process (section 6.0) is followed.
12. Construction and Demolition Waste Management Plan.
13. A proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains in use as Build to Rent accommodation. There shall be a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period (Your attention is drawn to the provisions of Specific Planning Policy Requirement 7 of the 'Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities' 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. This statement provides a response to each of the specific information raised in the Opinion.

6.0 Relevant Planning Policy

6.1. 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

6.2. 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’

There is a specific objective ‘to protect and preserve trees and woodlands’ relating to an adjacent property to the north of the site.

There are a number of policies and objectives within the operative County Development Plan in relation to residential development; urban design principles, building heights and other such matters.

6.3. **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.

7.0 Third Party Submissions

7.1. In total, 19 third party submissions were received. The content of the submissions may be broadly summarised as follows, with the topics expanded upon where necessary within my assessment:

Traffic- increased traffic congestion, represents traffic hazard, parking provision, access, no. of cycle spaces, car charging points, construction vehicles

Residential Amenity- overlooking, overshadowing, devaluation of property, noise, impacts on residents with disabilities

Visual Amenity- density, height and scale, inappropriate site for proposal, use of glazed balconies, removal of trees, out of character with surrounding area

Drainage and Flooding- concerns regarding impacts on site drainage; landscaping proposals in context of site run-off; existing drainage system is substandard; increased pressure on existing services; removal of flooding represents a flooding risk

Other Matters- insufficient quantum of communal open space, predominance of one bed units, suitability of BTR at this location, boundary treatments, impacts on existing wifi, adequacy of public notices, should be subject of oral hearing, non-compliance with Development Plan policy on infill development.

7.2. A list of all submissions received is contained within Appendix A of this report.

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, 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 22nd May 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 description, proposal, zoning, planning history, interdepartmental reports, submissions/observations, summary of views of elected members, policy context

and assessment. A summary of representations received was outlined.

Summary of Inter-Departmental Reports

Drainage Division:

Satisfy requirements, subject to conditions

Transportation Planning Division:

Lack of sufficient off-street parking and setting of precedent in this regard

Conditions attached.

Parks and Landscape Services:

Conditions attached

Housing Department:

Condition attached

Waste Section Planning Report:

Generally satisfied, conditions attached

Public Lighting Section:

Do not accept the lighting design as provided as it does not meet lighting standards;
conditions attached

The main issues raised in the assessment were as follows:

Principle: Proposal considered to be consistent with zoning objective, with residential use permitted in principle on 'A' zoned lands.

Density: Acknowledges the potential of accommodating a higher density development at this location, subject to high standard of design given its prominent location on the N11. Density high relative to immediate surrounds, however it is located on N11 and benefits from excellent public transport infrastructure

BTR: Represents a suitable location for a BTR housing development of this nature

Childcare: Satisfied that provision of childcare facilities is not required in this specific

instance

Mix: Satisfied that acceptable mix provided having regard to provisions contained within SPPR8 of the Apartment Guidelines and the nature of the BTR scheme

Impact on Adjoining Amenities: Proposal will not unreasonably compromise the residential amenity of Humblegarden by reason of overshadowing or being visually overbearing- some concerns with regards overlooking from Block A- condition relating to high level windows should be attached and screening to balconies. In terms of properties at Knocksinna Court, satisfied that proposal will not unreasonably compromise the residential amenity of these properties while properties on Granville Road, screening conditions are recommended. In terms of Kylanure, significant concerns with regards impact of Block B on this property on residential amenity by reasons of overshadowing and being visually overbearing. Recommend units be omitted. Concerns regarding overlooking between apartment blocks- conditions attached

Building Height and Scale: Generally satisfied that proposal is in accordance with Building Height Strategy of the current CDP, subject to suggested conditions. Considered that additional height can be readily absorbed at this location having regard to the specific characteristics of the site and the surrounding context.

Design, Form, Building Line and Materials/Finishes: Generally satisfied that the proposal is designed to a high standard and is of a scale and form which responds to the characteristics of the site and surrounds. Satisfied that the proposal will not unreasonably impact the visual amenity of its immediate surrounds and maintains the character of the existing streetscape. Palette of materials/finishes favoured by the planning authority

Apartment Standards and Amenities: Recommends that a condition be attached to any grant of permission which stipulates that the units remain as residential rental accommodation for a period of 15 years from the date of occupation of the units rather than the date of the grant of permission, as detailed in the Draft Covenant. Acknowledges that majority of units are one bed within the proposed scheme,

however noted that SPPR8(i) of the Apartment Guidelines notes that there shall be no restrictions on dwelling mix within BTR schemes. All units have floor areas, private open space and storage facilities which either meet or exceed the standards prescribed in Appendix 1 of the Apartment Guidelines and are therefore considered to afford an acceptable level of amenity to future occupiers. Complies with SPPR4 in terms of number of dual aspect units. Concern regarding lack of residential support facilities provided on site- condition should be attached in this regard.

Separation distances: satisfied that deviations in proposed separation distances are acceptable in this instance. Future residents would have access to good levels of outdoor sunlight amenity

Public Open Space: Satisfied that communal open space provision is of good quality and standard and will provide a good level of amenity for future occupants- considered to be in accordance with SPPR8(ii) of Apartment Guidelines

Drainage/Water Supply: Conditions recommended

Transportation and Parking: Not in favour of proposed reduction in parking provision; concerns regarding inappropriate/illegal parking on adjoining roads which would endanger public safety; setting of precedent; satisfied that an acceptable arrangement is being proposed with regards accessibility of pedestrian access which will provide a significant planning gain to the area with enhanced permeability through the site

Trees: Considered acceptable having regard to extent of proposed tree removal, tree retention and tree protection on site

Bin Storage/Management: Conditions recommended

Other Issues: Conditions attached in relation to public lighting, Part V, boundary treatments and ecology

The report includes a summary of the views of relevant Elected Members, as expressed at the Area Committee meeting held on 08/05/19 and are summarised

below:

- Traffic, parking and access
- Visual and residential amenity
- Part V
- Flooding

9.0 Prescribed Bodies

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

- Irish Water:
- National Transport Authority:
- Transport Infrastructure Ireland
- Dun Laoghaire Rathdown County Childcare Committee:

Two 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.

Transport Infrastructure Ireland

No observations to make

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.

10.0 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 142 no residential units on an overall site of c. 0.85 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

11.1.1 A 'Screening Report for Appropriate Assessment', has been submitted with the application. The contents of this report appear reasonable and robust. It is noted that the site is not located within or directly adjacent to any Natura 2000 area. The site is composed of artificial habitats such as buildings or gardens and is close to the N11. There are no watercourses in the vicinity. The project will incorporate SUDS that will reduce current run-off rates. Foul effluent from the proposed development will be sent to the wastewater treatment plant at Ringsend. Fresh water supply will be via mains supply. There are no designated sites within a 2km radius of the site. The following sites are considered to be within the zone of influence of this project:

Table 3:

Site Name	Site Code
North Bull Island SPA	004006
South Dublin Bay and River Tolka Estuary SPA	004024
Poulaphouca Reservoir SPA	004063
South Dublin Bay SAC	000210
North Dublin Bay SAC	000206

Table 4: Qualifying Interests/Features of Interest

South Dublin Bay SAC	North Dublin Bay SAC	North Bull Island SPA	S. Dublin Bay & River Tolka Est. SPA	Poulaphouca Reservoir SPA
<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Embryonic shifting dunes</p>	<p>Mudflats and sandflats not covered by seawater at low tide</p> <p>Annual vegetation of drift lines</p> <p>Salicornia and other annuals colonising mud and sand</p> <p>Atlantic salt meadows</p> <p>Mediterranean salt meadows</p> <p>Embryonic shifting dunes</p> <p>Shifting dunes along the shoreline with white dunes</p> <p>Fixed coastal dunes with grey dunes</p> <p>Humid dune slacks</p> <p>Petalwort</p>	<p>Light-bellied Brent Goose</p> <p>Shelduck</p> <p>Teal</p> <p>Pintail</p> <p>Shoveler</p> <p>Oystercatcher</p> <p>Golden Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Black-tailed Godwit</p> <p>Curlew</p> <p>Redshank</p> <p>Turnstone</p> <p>Black-headed Gull</p> <p>Wetlands & Waterbirds</p>	<p>Light-bellied Brent Goose</p> <p>Oystercatcher</p> <p>Ringed Plover</p> <p>Grey Plover</p> <p>Knot</p> <p>Sanderling</p> <p>Dunlin</p> <p>Bar-tailed Godwit</p> <p>Redshank</p> <p>Black-headed Gull</p> <p>Roseate Tern</p> <p>Common Tern</p> <p>Arctic Tern</p> <p>Wetlands & Waterbirds</p>	<p>Greylag Goose</p> <p>Lesser Black-backed Gull</p>

11.1.2 The submitted Assessment concludes that significant effects are not likely to arise, either alone or in combination with other plans or projects that will result in significant effects to the integrity of the Natura 2000 network.

11.1.3 The potential for likely significant effects should be assessed in the context of the relevant sites' conservation objectives. The proposed development site lies outside the boundaries of the Natura sites identified above and therefore there will be no reduction in habitat. The project is not directly connected with the management of

any Natura 2000 site. It is concluded within the Appropriate Assessment Screening that the proposed development will have no significant impacts upon any Natura 2000 sites. Having regard to the 'source-pathway-receptor' model and lack of any direct entry of surface and untreated waste waters to any of the Natura 2000 sites, the use of best construction practices as an integral component of the development and the treatment of waste waters prior to discharge, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites' conservation objectives.

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

12.0 Assessment

12.1.1 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; 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 proposed Build to Rent development
- Design and Layout
- Impacts on amenity
- Traffic and transportation
- Drainage
- Other matters

12.1.2 The attention of the Board to draw to the fact that there is an extant permission on the site (Ref. D16A/0904/ABP PL06D.248703) for demolition of partly constructed dwelling and construction of 48 apartments and associated ancillary works. The permitted development had a smaller area than the site area the subject of this current application (did not include Roselawn) - site area of 0.64 ha (previous appeal) as opposed to 0.85 ha (current application).

12.2 Principle of Proposed Build to Rent Development

12.2.1 Having regard to the nature and scale of development proposed, namely an application for 142 residential units located on lands which are 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. Given that An Bord Pleanála has

recently granted permission for 48 no. apartments on this site, it is my opinion that the principle of apartment development has been accepted on the lands.

12.2.2 I note the policies and objectives within Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness and the National Planning Framework – Ireland 2040 which fully support and reinforce the need for urban infill residential development such as that proposed on sites in close proximity to quality public transport routes and within existing urban areas. 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. I am of the opinion that given its residential zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government’s Action Plan on Housing and Homelessness. The site is considered to be located in a central and accessible location, beside excellent public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community.

12.2.3 The attention of the Board is drawn to the fact that this is a Build to Rent Scheme. Section 5 of the Sustainable Urban Housing: Design Standards for New Apartments, 2018 provides guidance on Build-to-Rent (BRT) and Shared Accommodation sectors. The guidelines define BTR as “purpose built residential accommodation and associated amenities built specifically for long-term rental that is managed and serviced in an institutional manner by an institutional landlord”. These schemes have specific distinct characteristics which are of relevance to the planning assessment. The ownership and management of such a scheme is usually carried out by a single entity. A rationale for the proposed Build-to-Rent development is included within section 2 of the submitted Planning Report. Having regard to the location of the site

in close proximity to the city centre, along the N11 beside excellent public transport facilities, I am satisfied that a Built to Rent scheme is suitable and justifiable at this location. The proposal will provide a viable housing solution to households where home-ownership may not be a priority. The residential type and tenure provides a greater choice for people in the rental sector, one of the pillars of Rebuilding Ireland.

12.2.4 I refer the Board to the provisions of Specific Planning Policy Requirement 7 which provides that:

BTR development must be:

- (a) Described in the public notices associated with a planning application specifically as a 'Build-to-Rent' housing development that unambiguously categorises the project (or part thereof) as a long-term rental housing scheme, to be accompanied by a proposed covenant or legal agreement further to which appropriate planning conditions may be attached to any grant of permission to ensure that the development remains as such. Such conditions include a requirement that the development remains owned and operated by an institutional entity and that this status will continue to apply for a minimum period of not less than 15 years and that similarly no individual residential units are sold or rented separately for that period:
- (b) Accompanied by detailed proposals for supporting communal and recreational amenities to be provided as part of the BTR development. These facilities to be categorised as:
 - (i) Residential support facilities – comprising of facilities related to the operation of the development for residents such as laundry facilities, concierge and management facilities, maintenance/repair services, waste management facilities, etc.
 - (ii) Residential Services and Amenities – comprising of facilities for communal recreational and other activities by residents including sports facilities, shared TV/lounge areas, work/study spaces, function rooms for use as private dining and kitchen facilities, etc.

The public notices refer to the scheme as 'Build-to-Rent' and a draft deed of covenant from solicitors acting on behalf of the applicant indicates that the applicant is willing to accept a condition requiring that the residential units remain in use as

BTR accommodation, that no individual residential unit within the development be disposed of to any third party for a period of 15 years only from the date of grant of permission. The planning authority have recommended in their Opinion that the 15 years should commence from the date of first occupation of the units. I would agree with this assertion. The matter could be adequately dealt with by means of condition.

12.2.5 In terms of resident support facilities and resident services and amenities, I note that the proposal includes for a social integration space in a stand-alone pavilion type building with podium courtyard (stated area of 80 square metres). In addition, a gymnasium, multifunctional area and work lounge for use of residents is proposed within Block B, with stated area of 278 square metres. The planning authority are of the opinion that resident's laundry facilities, concierge/reception facilities should also be provided for. I would agree with this assertion, given the nature of the proposal, and consider that the matter could be adequately dealt with by means of condition.

12.2.6 SPPR 8 sets out proposals that qualify as specific BTR development in accordance with SPPR 7. In this regard, no restrictions on dwelling mix apply and therefore the units mix is considered acceptable, including the extent of one bed units. Flexibility also applies in relation to the provision of a proportion of the storage and private amenity spaces associated with individual units as set out in Appendix 1 and in relation to the provision of all of the communal amenity space as set out in Appendix 1, on the basis of the provision of alternative, compensatory communal support facilities and amenities within the development. The proposal in this instance seeks minimal relaxations in residential amenity standards, with all units generally consistent with the requirements of the Apartment Guidelines. I consider that any subsequent extension of use of the subject accommodation as BTR beyond the 15 years should be agreed with the planning authority prior to the expiration of the covenant, or any proposal to alter the tenancy type should be subject to a further planning application so as to allow further assessment of residential amenity associated with the subject units or suitability of the scheme for any other purpose that maybe proposed in the future.

12.3 Design and Layout

- 12.3.1 The proposal involves the demolition of two existing structures (an uninhabited dwelling and a partially completed dwelling) and the construction of 142 residential apartments. The proposal comprises of two blocks in linear form separated by podium courtyard. Block A has frontage onto the N11 and reads as a five/six storey block when viewed from the N11 and seven storey when viewed from the north. Block B ranges in height from two to five storeys when viewed from the N11 with a maximum height of six storeys when viewed from the north, due to level differences. While I acknowledge the height of many of the properties in the immediate vicinity as being two-storey/dormer/single storey properties, I do consider that given the locational context of the site that the proposed height and scale is generally considered acceptable. I am satisfied that the site has capacity to absorb a development of the nature and scale proposed and in my opinion, if permitted the proposal would add to the streetscape and provide a stronger urban edge at this location. The planning authority are generally satisfied that the height accords with the Building Height Strategy of the operative County Development Plan. I am cognisant of national policy in this regard, in particular the Urban Development and Building Heights, guidelines for Planning Authorities (2018). I consider this to be an inner suburban area close to Dublin city centre where excellent transport links are evident and it is my opinion that height/density/scale such as that proposed should be welcomed at such locations.
- 12.3.2 This is a sloping site and the proposal before me reflects this in terms of levels, layout and design. The layout proposed is generally considered acceptable and optimises the site area without undue detriment to the surrounding amenities. Elevational treatments are acceptable and finishes/materials are of a high quality. Green roofs are proposed for both apartment blocks.
- 12.3.3 Density at 167 units/ha is considered appropriate for this location and in compliance with relevant section 28 ministerial guidelines. It is stated that over 61% of all units are dual-aspect. All single aspect units are stated to face south-south east. Given the nature of the use, the site and its locational context, this is considered acceptable.

- 12.3.4 Unit mix is acceptable with 51.4% of the units being 1 bed units; 47.9% being 2 bed units and 0.7% being 3 bed units. Again, the nature of the BTR scheme and the provisions of SPPR8 in this regard are noted. The proposed mix would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. Given the established nature of the area and the larger properties that are characteristic of the area, I am of the opinion that 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. A Housing Quality Assessment is included within Appendix A of the submitted Planning report. The font size is such that it is difficult to read. I examined this information online on the applicant's website. www.roselawnshd.ie.
- 12.3.5 No public open space is proposed and a levy in lieu of same is recommended by the planning authority. This is considered acceptable in this instance. Communal open space is primarily provided by way of a podium courtyard, while private open space is provided to all units in the form terraces/balconies. While there is some shortfall in communal open space proposed, from that required under Development Plan standards, the provisions of SPPR8(ii) of the Apartment Guidelines are again noted which highlight that flexibility shall apply in relation to the provision of all community amenity space. I am satisfied that all open space is of a high quality and a high degree of passive surveillance is noted. Permeability through the site is good, as are connections with the wider area. The access roadway and all paths should come right up to red line boundary, to avoid any issues of ransom strips into the future. This matter could be adequately dealt with by means of condition. The upgrade of the existing right of way through Knocksinna Court to the N11 will be a real planning gain to the wider community.
- 12.3.6 The location of the 13 Part V units within Block B is generally considered acceptable. The planning authority state that, in the event of a grant of permission, alternative Part V compliance options would need to be explored, given the nature of the build to rent scheme. The matter may adequately dealt with by means of condition.
- 12.3.7 The proposal does not include for the provision of a childcare facility. A Crèche Demand and Needs Assessment was included with the application which notes that permission has been approved for four additional childcare facilities within the area

and two extensions to existing such facilities. Following an assessment of existing facilities in the local area, the report concludes that there will be sufficient childcare capacity and availability within the local catchment area to accommodate the likely childcare generated by the proposed development, which is a demand for seven spaces based on the assessment undertaken. The rationale put forward by the applicants is considered acceptable in this instance.

12.4 Impacts on Amenity

- 12.4.1 Impacts on residential amenity have been raised in many of the submissions received. Concerns have been raised in terms of inter alia, overlooking, overshadowing, overbearing, loss of privacy, devaluation of property and noise. Having regard to the orientation of the site, the separation distances involved and the design of the proposed units, which includes for stepping down of building heights, I do not have undue concerns with regards the impacts on amenity of properties in the vicinity in this regard. The site is currently vacant, overgrown and somewhat derelict. Evidence of some anti-social behaviour was visible at the time of my site visit. In my opinion, the appropriate redevelopment of the site would be of benefit to the wider area.
- 12.4.2 The planning authority in their Opinion recommend that within Block B, Units No. 96 and 104 from the third floor and Units 119 and 124 from the fourth floor be omitted, as a measure to mitigate the visual impact of the proposal and reduce potential for overshadowing impacts. I note the level differences between the subject site and the properties fronting onto Granville Road, with existing ground levels being at a higher level than those properties fronting onto Granville Road. However, I also note the separation distances of in excess of 50 metres between the proposed rear elevation and that of the properties fronting onto Granville Road. I also note the mature screening along this boundary which is to be supplemented as part of this current application. I accept that there may be some level of overshadowing/overlooking of the properties fronting onto Granville Road and that there will be a change in outlook for these properties. However, it is acknowledged that this is an urban location and some degree of overlooking/overshadowing is to be expected at such locations. I note the submission of Daylight Assessment with the application and I am generally satisfied with the contents thereof. I am satisfied that the impacts on the level of amenity of these properties would not be so great as to warrant a refusal of

permission. I consider that the omission of two units from the fourth floor of Block B would be sufficient to address this, namely Units 119 and 124. I do not consider there need to reduce units from the third floor. However, if the Bord is minded to do so, the matter may be adequately dealt with by means of condition.

12.4.3 Impacts on any other properties in the vicinity is considered to be negligible.

However, I recommend that if the Bord is minded to grant permission, a condition be attached stipulating that the windows on the north-western elevation (to living rooms) and south-eastern elevation (to bedrooms) be either of a high level or comprise obscure glazing from a height of 1.8 metres above floor level. I also recommend that side balcony screens on these elevations be comprised of obscure glazing, in order to avoid any issues of perceived overlooking. These matters could be adequately dealt with by means of condition.

12.4.4 Given their location within the overall development, together with the nature of the uses, I do not anticipate that the proposed gymnasium/common rooms would result in excessive noise or negative impacts on residential amenity.

12.4.5 Given the nature of the development proposed, I do not anticipate noise levels to be excessive. There may be some noise disruption during the course of construction works and concerns relating to such were expressed in some of the submissions received. Such disturbance or other construction related impacts 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 and Demolition Waste Management Plan should be submitted and agreed with the Planning Authority prior to the commencement of any works on site. This would include dealing with the matter of excavation. A traffic management plan will also be required thus ensuring the appropriate management of traffic to and from the site. As such these plans are considered to assist in ensuring minimal disruption and appropriate construction practices for the duration of the project. This is particularly pertinent for the residents of Knocksinna Court and Granville Road.

- 12.4.6 I have no information before me to believe that the proposal if permitted would lead to devaluation of property in the vicinity. In fact, the improved connectivity from Knocksinna Court through the site to the N11 will substantially increase amenity in the area and may in fact aid in increasing property values in the vicinity.
- 12.4.7 The level of amenity being afforded to proposed occupants is considered good. Adequate separation distances are proposed between blocks to avoid issues of overshadowing or overlooking.
- 12.4.8 Having regard to all of the above, I am satisfied that the level of amenity being afforded to future occupiers of the proposed scheme is acceptable and the proposal if permitted would be an attractive place in which to reside. I am also satisfied that impacts on existing residential amenity would not be so great as to warrant a refusal of permission. This is a zoned, serviceable site and I consider the proposal appropriate at this location. I consider that the proposal does not represent over-development of the lands in question. This is a high quality development, which includes for community gain in the form of improved access to the N11.

12.5 Traffic and Transportation

- 12.5.1 A Traffic and Transport Assessment was submitted with the application, together with a DMURS Statement of Consistency. The proposed development has frontage onto the N11, with vehicular access to the subject site being provided through Knocksinna Court, from Granville Road. Emergency access only is being provided at the location of the existing 'Roselawn' entrance. It is stated by the planning authority that the applicant went through a detailed pre-planning process with regards to matters of transportation. From a traffic safety viewpoint and having regard to national policy in relation to intensification of openings onto primary routes, the planning authority are satisfied with the proposed access arrangements which do not include for primary access onto the N11. Concerns regarding increased traffic congestion were raised in some of the submissions received. I am of the opinion that this is an urban area and that some levels of congestion are to be anticipated. Traffic volumes around the vicinity of Granville Road and Knocksinna Court were very low at the time of my site visit. I have no information before me to believe that the existing road network cannot cater for the level of increased traffic being generated by the proposed development.

12.5.2 In terms of car parking provision, 91 spaces are proposed (81 spaces at part undercroft/part basement level and 10 spaces at surface level). This translates to 0.64 spaces/unit. Five car sharing spaces are proposed. Table 8.2.3 of the operative County Development Plan sets out car parking standards for residential development. The planning authority in their report states that while a reduction in County Development Plan standards would be deemed appropriate at this location, not to the extent proposed. The planning authority recommend one space/unit, namely 142 spaces. This leaves a shortfall of 51 spaces over the preference of the planning authority. They have concerns that insufficient parking spaces may create inappropriate/illegal parking on adjoining roads which would endanger public safety, as well as negatively impacting on the amenity of the area. A 'Car Parking Rationale & Mobility Management Strategy' has been submitted with the application and I note the contents thereof. I acknowledge the concerns of the planning authority in this regard and acknowledge that the figure proposed for parking is marginal. The opinion of the planning authority of one space per unit is not unreasonable, from a car storage point of view if nothing else. However, I also note the location of the site beside excellent public transport links and close to a range of employment areas. I note the nature of the proposal, namely Build to Rent, and the measures put forward in relation to parking within the submitted documentation. Having regard to all of the above, I am satisfied with the level of parking proposed. I note that issues relating to illegal parking are a matter for An Garda Síochána, outside the remit of this planning application.

12.5.3 The planning authority has not raised concerns in relation to the level of cycle parking proposed, namely 284 spaces and I do not have issues in this regard.

12.5.4 The planning authority expressed some concerns in relation to Part M compliance of the proposed pedestrian/cyclist link onto the N11 and it not being fully accessible. This has also been raised in some of the submissions received. While I acknowledge that compliance with Building Regulations does not fall under the remit of this planning assessment, accessibility and Building for Everyone is an issue for assessment. This was raised as a specific point in the section 5 Pre-application Consultation Opinion which issued from An Bord Pleanála. I acknowledge that the site constraints are such that there are significant changes in site levels across the site with a 10 metre fall from the N11 to the entrance to Knocksinna Court at

Granville Road. The applicant states that they investigated the potential to make the pedestrian and cycle link between the N11 and Knocksinna Court as accessible as possible and justification has been set out as to the rationale for the pedestrian/cycle link as proposed. This rationale is considered acceptable to me and includes the need to have the main body of open space accessible to all, thereby necessitating a level of 83.8 to remain set. Having examined the justification, I am satisfied with the contents thereof. The planning authority state that on the basis of the foregoing the provision of Part M accessibility through the length of the pedestrian link is not practicable given the extent of level differences across the site. The link now proposed caters for the widest range of accessibility possible. Having regard to the characteristics and the quality and design of the proposed pedestrian link, the planning authority is satisfied that it provides an acceptable arrangement in this instance and will provide a significant planning gain to the surrounding area through the creation of enhanced permeability through the site. I would concur with this assertion. While there is presently a link in place, I note that it is overgrown, unsupervised and provides limited accessibility for those less mobile. I would have safety concerns regarding its present condition/lack of supervision, in particular at night. The proposal before me provides a far superior offering, with which I am satisfied.

- 12.5.5 Having regard to all of the above, I consider that the subject site is well served by public transport with the N11 QBC located immediately beside the subject site. Good cycle and pedestrian facilities are available in the immediate vicinity. The proposal will greatly improve pedestrian linkages and safety within the area. I note the reports of Transport Infrastructure Ireland and the planning authority in this regard. 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 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. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted by the applicant, as required. It states that subject to a valid connection agreement being put in place, the proposed connection to Irish Water network can be facilitated. It

continues by stating that in the case of wastewater connections, this assessment does not confirm that a gravity connection is achievable. Therefore a suitably sized pumping station may be required to be installed at the site. A report was received from Irish Water, at application stage, which raises no objections to the proposal, subject to condition. The report of the Drainage Division of the planning authority, as contained in the Chief Executive Report does not raise significant issues, subject to proposed conditions.

- 12.6.2 The Notice of Pre-Application Consultation Opinion which issued from An Bord Pleanála referred to additional drainage details for the site having regard to the requirements of the Drainage Division as contained in Appendix B of the Planning Authority's Opinion. Any surface water management proposals should be considered in tandem with any Flood Risk Assessment, which should in turn accord with the requirements of 'The Planning System and Flood Risk Management' (including the associated 'Technical Appendices').
- 12.6.3 An Engineering Report was submitted with the application, as was a Flood Risk Assessment and Surface Water Audit.
- 12.6.4 The submitted flood risk assessment states that the site has been analysed for risks from flooding and through careful design and appropriate mitigation measures, the risk and consequences of flooding have been mitigated across the development. I note that the site is located wholly within Flood Zone C. This is considered reasonable.
- 12.6.5 The OPW mapping website, www.floodinfo.ie shows no recorded flooding in the vicinity of the site. The planning authority state that based on the information provided in the SSFRA, the conclusions contained therein are accepted and thus the proposed development is considered to be in accordance with Appendix 13 of the operative County Development Plan, subject to condition. 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.

12.7 Other issues

- 12.7.1 Some of the submissions received stated that inadequate details were submitted in relation to boundary treatments. It is noted that a 'Boundary Treatment Plan',

prepared by Mitchell + Associates was submitted as part of the landscaping package. The matter could adequately be dealt with by means of condition, if the Bord is disposed towards a grant of permission.

- 12.7.2 An Ecological Impact Statement was submitted with the application, which recognised the low ecological sensitivity of the subject lands. A site survey was undertaken in July 2018. The contents of this assessment are noted. It states, inter alia, that features of the site were assessed for their suitability for roosting bats. Due to the low ecological value of the treeline habitats, a lack of obvious roof cavities and lack of mature trees with cracks and crevices, the features on the site were assessed as having low suitability for roosting bats. Mitigation and monitoring is proposed within section 6 and 9 respectively of the submitted Assessment. It is noted that the Parks Division of the planning authority are of the opinion that the applicant should appoint and retain the services of a qualified ecological consultant for the duration of the development. They are also of the opinion that the developer should appoint a bat ecologist to carry out a bat survey, prior to the commencement of works on site. I would concur with these and recommend that the matters be dealt with by means of condition.
- 12.7.3 While the issue of an oral hearing was raised in a submission, no fee was paid in this regard. Notwithstanding this, I am of the opinion that there is adequate information on file for me to undertake a comprehensive assessment of the proposal, without recourse to an oral hearing.
- 12.7.4 The issue of inadequacy of public notices has been raised in some of the submissions received. I note that the general purpose of the public notices is to alert the public to proposed development works on the site. This has obviously occurred given the extent of submissions received.

13.0 Conclusion and Recommendation

- 13.1 In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a

high quality development, with an appropriate mix of units and an acceptable density of development catering to a range of people at varying stages of the lifecycle. Importantly, the proposed pedestrian connections should be welcomed as a positive for the wider area.

13.2 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.

13.3 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.

14.0 Reasons and Considerations

Having regard to the following:

- (a) the site's location close to the established settlement of Foxrock village
- (b) the policies and objectives set out in the Dun Laoghaire Rathdown County Development Plan 2016,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, 2016
- (d) Urban Development and Building Heights, Guidelines for Planning Authorities, 2018
- (e) the Design Manual for Urban Roads and Streets (DMURS), 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) the nature, scale and design of the proposed development,
- (j) the availability in the area of a wide range of social, community and transport infrastructure,
- (k) the pattern of existing and permitted development in the area,
- (l) the planning history within the area,
- (m) the submissions and observations received, and
- (n) the report of the Inspector

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 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.

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. The development hereby permitted shall be for build to rent units which shall operate in accordance with the definition of Build-to-Rent developments as set out in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for

Planning Authorities (March 2018) and be used for long term rentals only. No portion of this development shall be used for short term lettings.

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

3. Prior to the commencement of development, the owner shall submit, for the written consent of the Planning Authority, details of a proposed covenant or legal agreement which confirms that the development hereby permitted shall remain owned and operated by an institutional entity for a minimum period of not less than 15 years and where no individual residential units shall be sold separately for that period. The period of fifteen years shall be from the date of occupation of the first apartments within the scheme.

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

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

Reason: In the interests of orderly development and clarity

5. 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 Units 119 and 124 from the fourth floor of Block B
 - (II) Windows on the north-western elevation (to living rooms) and south-eastern elevation (to bedrooms) respectively be either of a high level or be comprised of obscure glazing at a level below 1.8 metres as measured from floor level.

- (III) Privacy screens on the side of balconies of on north-western and south-eastern elevations
- (IV) Full details of proposed green roofs
- (V) Provision of dedicated resident laundry facilities on site, within lower ground/basement level and a dedicated reception/concierge within the garden pavilion block located in the podium courtyard
- (VI) Written agreement outlining that members of the public will have free and unrestricted access at all times to the pedestrian and cycle link which connects Granville Road with the N11
- (VII) Revised site layout plan which clearly shows the access roadways and all paths continuing right up to red line boundary of the site, so as to avoid the creation of 'ransom strips'.

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

6. The number of residential units hereby permitted is 140 no.

Reason: In the interests of clarity

7. 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.

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

Reason: In the interests of proper planning and sustainable development

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

(d) 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

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

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

10. 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.

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

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

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

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

12. 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

13. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the ecological impact assessment and Construction and Demolition Waste 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) The applicant shall appoint and retain the services of a qualified ecological consultant for the duration of the development. The consultant shall ensure

that the mitigation measures recommended are implemented in full. In particular, the consultant shall supervise the erection of bird nest boxes at secluded/unlit retained trees

- (c) Vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st- August 31st)
- (d) 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
- (e) The applicant shall appoint a bat ecologist to carry out a bat survey, during the appropriate period, prior to commencement of development on site, to revise the assessment of potential impacts in the Ecological Impact Assessment Report and to determine if a derogation licence for bats would be required. The bat survey shall include a range of trees and buildings by several surveyors on several nights. The bat ecologist shall also review the engineer's lighting plan for the development and make such recommendations for adjustments to the plan as necessary to mitigate light spill on feeding bat habitats
- (f) 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
- (g) If required, the applicant shall commission and implement a Japanese Knotweed Control/Eradication Plan, prior to the commencement of development for the written agreement of the planning authority

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

14. Details of the materials, colours and textures of all the external finishes, including pavement and link finishes shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

Reason: In the interest of visual amenity.

15. 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.

16. 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.

17. During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest dwelling shall not exceed:-
- (i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive. Prior to commencement of development, proposals for an apartment numbering scheme and associated signage shall be submitted to the planning authority for agreement.
 - (ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

- (iii) (b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

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

18. 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.

19. 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, following demolition, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

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. Prior to commencement of development, a phasing programme for the development shall be submitted to the planning authority for agreement.

Reason: To provide for the orderly development of the site

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

Reason: In the interest of sustainable waste management.

23. 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

24. 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.

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

25. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car-pooling to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport

26. Prior to commencement of development on site, the developer shall submit, for the written agreement of the Planning Authority, details of the Management Company, established to manage the operation of the development together with a detailed and comprehensive Build-to-Rent Management Plan which demonstrates clearly how the proposed Build-to-rent scheme will operate.

Reason: In the interests of orderly development and the proper planning and sustainable development of the area

27. 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.

28. 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 June 2019

APPENDIX A- List of submissions received

Aileen Hunt

Bernard and Peggy Kingston

Donagh and Jennifer O'Doherty

Eleanor Kilmartin

Graham Sheelagh and Owen Stubbs

Irish Water

John Ellaway

Louise Feeney

Marguerite Dooney

Mary Burke

Mary Egan

Niamh Hurley

Norma and Janine Gunning

Peter and Jean O'Neill

Peter Bennett and Trina McCauley

Rene McNally Associates Ltd

TII

Violet Twomey

Walter Hobbs