



An
Bord
Pleanála

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

Inspector's Report ABP-304420-19

Strategic Housing Development

132. no residential units (19 no. houses, 113 no. apartments), childcare facility and associated site works.

Location

Our Lady's Grove, Goatstown Road,
Goatstown, Dublin 14

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Durkan Estates Clonskeagh Ltd

Prescribed Bodies

1. Irish Water (IW)
2. Transport Infrastructure Ireland (TII)
3. National Transport Authority (NTA)

Observer(s)

48 number observations

Date of Site Inspection

15th July 2019

Inspector

Fiona Fair

Decision Quashed

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1.0 Introduction

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

2.0 Site Location and Description

- 2.1.1. The subject site is located in the suburban area of Goatstown, approx. 5 km south of Dublin city centre. The subject site has a stated area of 1.969 hectares and is located off the western side of the regional road R-825 Goatstown Road linking Sandyford to Donnybrook. The site is accessible via an internal circulation road off Goatstown Road which also services a childcare facility (Goatstown After School - GAS), a primary school (Our Lady's Grove), a secondary school (Jesus and Mary College) and an existing residential development (The Grove).
- 2.1.2. The surrounding area is mainly residential in character. There is a newly completed residential development to the east/south-east of the development site. There is a five storey apartment block with basement currently under completion at the junction of the local road serving the Grove and the Goatstown road, R-825. Goatstown Road is also identified as a bus priority corridor and is currently served by the no. 11 Dublin bus.
- 2.1.3. The subject site is bounded to the west by primarily single storey detached houses along Friarsland Road, to the south by two-storey semi-detached houses with longer gardens along Larchfield Road, (7 no. 2 ½ storey detached and terraced houses) and Roebuck Grove House adjacent to the east. Circulation and car parking associated with the two schools is located adjacent to the north east. There is a recent grant of planning permission for a reoriented hockey pitch running parallel to the northern boundary of the site.
- 2.1.4. The development will be accessed by a roundabout located at the eastern part of the site. The site itself has been disturbed with mounds of earth piled around the site and with cleared areas. The eastern portion of the site is in use for storage of construction vehicles, waste skips and building / materials storage. The existing afterschool facility (GAS building) is located to the north eastern corner of the site.

The northern and north western portion of the site has been cleared of grass / sports ground and at the time of my site visit comprised a bear flat ground, cleared of topsoil. There are large mature trees along the southern and western site boundaries. With the exception of the heaped mounds of cleared topsoil the subject site is relatively flat.

3.0 Proposed Strategic Housing Development

3.1. The proposed development, as per the submitted public notices, will consist of:

- The demolition of the existing GAS building (966 sq. m)(in addition to the removal of an associated single storey prefabricated structure (117 sq. m));
- The construction of a scheme comprising 132 No. residential units consisting of:
 - 19 No. 4-bed, two storey houses (with habitable attic accommodation over);
 - 3 No. five storey apartment buildings with balconies
 - (comprising Block A with a 3,520 sq m gross floor area (38 No. units – 6 No. 1-bed units, 30 No. 2-bed units, and 2 No. 3-bed units);
 - Block B with a 3,520 sq m gross floor area (38 No. units – 6 No. 1-bed units, 30 No. 2-bed units, and 2 No. 3-bed units); and
 - Block C with a 3,176 sq m gross floor area (33 No. units – 6 No. 1-bed units, 21 No. 2-bed units, and 6 No. 3-bed units));
 - Block D comprises 2 No. 3-bed duplex units above 2 No. 2-bed Ground Floor Level apartments to form a three storey terrace with First Floor balconies (395 sq. m in total)
- 3,327 sq. m basement level car park (96 No. spaces), motorcycle parking (9 No. spaces), storage facilities, bin storage, plant, etc., extending under Blocks A and B
- Public open space;

- A one and part-two storey childcare facility (measuring 434 sq. m) with terrace at First Floor Level on the western elevation.
- Car parking (73 No. spaces), motorcycle parking (9 No. spaces), and bicycle parking facilities to accommodate 239 No. bicycles, including 3 No. bicycle/bin storage rooms (collectively measuring 130 sq m) all at surface level;
- internal routes; Sustainable Urban Drainage Systems including detention basins, permeable paving, attenuation tanks, and green roofs; renewable energy facilities (PV panels); substation; associated signage; hard and soft landscaping works including provision of public open space, boundary treatments and lighting, and changes in levels; piped services and drainage; and infrastructural works above and below ground.
- The development will also consist of the temporary use of the Ground and First Floor Levels of Block D (apartment/duplex units) as a childcare facility (300 sq m) with an interim internal/external layout, pending the completion of the proposed childcare facility.
- The development also includes all other associated site excavation and development works above and below ground.

3.1.1. The application contains a statement setting out how the proposal will be consistent with the objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.”

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

Table 1: Development Standards

Site Area	1.933ha (19,334 sq. m)
No. of units	132
Total Gross Floor Area (including the creche 434 sq. m)	17,621 sq. m
Gross Density	68 units/ha

Plot Ratio	1.097
Public Open Space (OS Parcel A, B and C)	0.558 ha / 5583 sq. m

Table 2: Unit Mix

Block	1 bed	2 bed	3 bed	4 bed	Total
A	6	30	2	0	38
B	6	30	2	0	38
C	6	21	6	0	33
D	0	2	2	0	4
Total Apt	18	83	12	0	113
Houses	0	0	0	19	19
Total Units					132

Table 3: Building Height

Block	Storeys	Parapet Height mOSD
A	5	16.650
B	5	16.650
C	5	16.650
D	3	11.71
Childcare Facility	1-2	4.4 - 7.25
Houses	2.5 storey	9.650

Table 4: Part V Provision

Requirement: 13 units	Provision: 13 units
	The proposed mix of Part V units to be transferred includes 2 no. one bed apartments, 9 no. two bed apartments and 2 no. three bed apartments, location unspecified.

Table 5: Childcare Provision

Requirement:	Provision:
36 childcare spaces	<p>434 sq. m standalone unit part single part two storey creche building</p> <p>* The new childcare facility has been designed to facilitate the capacity of the existing facility as well as additional capacity to serve the proposed development. The County Childcare Committee have no observations to make. The temporary use of Block D as an interim facility between the demolition of the existing facility and construction of the new childcare facility (which is proposed as phase 1) is noted.</p>

Table 5: Car Parking

	Number of car parking spaces
Requirement for Houses	38
Proposed for Houses	38
Proposed for Apartments	129
Requirement for Apartments	160
shortfall	31
Requirement for creche	10
Proposed	7
Visitor parking	16 included as part of the 129 proposed for apartments
Total Provision	Albeit information states 174. There is 169 indicated on plans
Surface	Stated 78 – However 73 indicated on plans – shortfall of 5
underground	96

Table 7: Bicycle / Motorcycle Parking

Bicycle parking spaces	239
Motorcycle spaces	9

- 3.3. In term of site services, a new water connection to the public mains is proposed, together with a new connection to the public sewer. An Irish Water Pre-Connection Enquiry in relation to water and wastewater connections has been submitted, as required.
- 3.4. The project will be constructed as part of 3 phases of development, with the phasing as follows:
- Phases 1 includes:
 - Childcare Facilities including: Construct Block D (and fit out as temporary childcare facility) and open space to the north of the facility which would be used by GAS during its temporary re-location
 - Existing childcare facility to continue to operate during build out of Phase 1
 - Phase 2 includes
 - Demolish existing childcare facility
 - Main roads and associated services (drainage, SuDS systems, watermains, telecoms)
 - Construct apartment blocks A, B, C, (109 units) and basement
 - Provide majority of public open Space
 - Construct new childcare facility
 - Phase 3 includes:
 - Fit out Block D for residential use (2 no. apartments / 2 no. duplexes)
 - Construct 19 no. houses
 - Install children's playground and complete main public open space.

4.0 Planning History

There has been a substantial planning history on site and on the wider original 'Our Lady's Grove' landholding including the school sites to the north and north east and the residential area to the east. All relevant notable planning applications are as follows:

On Site

D05A/0093 – Permission – Single storey prefab building for after-school care adjacent to the existing Primary School – Granted. (The Primary School was originally on the site subject to the current planning application prior to its re-location and it appears that the prefab subject to the application is the 117sqm prefab to be demolished as part of the current application).

D10A/0255 – Permission – Change of use to part ground floor of existing convent to after school care facility and Montessori/pre-school centre together with general refurbishment works – Granted. (It appears this is the structure to be demolished as part of the current application).

Adjacent to East (Residential Area)

D06A/0858 – Permission – 109 no. residential units in 4 no. blocks up to five storeys in height and a residential institution building (convent; 24 no. beds), 176 no. car parking spaces (166 no. in basement), new vehicular and pedestrian accesses from Goatstown Road – Granted. The convent building (Errew House) has been constructed.

D11A/0349 – Permission – Amendments to permitted scheme (D06A/0858) comprising a reduction in the number of residential units from 102 no. units permitted to 45 no. units to comprise 21 no. apartments, 10 no. duplex units and 14 no. houses and change of use from childcare to residential of Roebuck Grove House, omission of basement car parking, alterations to access road and roundabout etc. – Refused because (i) inadequate public open space, (ii) Block 6 is inadequate in floor area, storage and private open space and (iii) inadequate car parking provision.

D11A/0595 – Permission – Amendments to permitted scheme (D06A/0858) comprising a reduction in the number of residential units from 102 no. units permitted to 40 no. units to comprise 17 no. apartments, 9 no. duplex units and 14 no. houses

and change of use from childcare to residential of Roebuck Grove House, omission of basement car parking, alterations to access road and roundabout etc. – Grant.

D11A/0595/E – Extension of Duration for permission granted under D11A/0595 – Granted until 03.04.2022.

D15A/0199 – Permission – Amendments to permitted scheme (D11A/0595) to replace permitted Terrace 1 (4 no. apartments plus 4 no. duplex units) with a four storey building comprising 16 no. apartments – Granted.

D16A/212 – Permission – Amendments to developments permitted under D11A/0595, D15A/0199 and D15A/0324 and primarily to Terraces 4, 5 and 6 reducing the permitted scheme's total number of residential units from 47 no. permitted to 41 no. proposed – Granted.

Adjacent to North/North East (Educational Area)

D07A/1504 – Permission and permission for retention – Permission for a two storey 16 no. classroom primary school building with 8 no. support teaching rooms, general purpose room and 103 no. car parking spaces with new access roundabout and permission for retention of relocation of temporary school car park from that granted under D06A/0858 – Granted and constructed.

D18A/0387 – Permission – A synthetic all-weather pitch on an east-west axis, 3m high boundary fencing, 58m long access road for maintenance/emergency, changes to levels, hard and soft landscaping works, diversion of services, associated site excavation, infrastructural and all other site development works above and below ground – Granted by the Planning Authority and on foot of a third-party appeal (ABP-302898-18).

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 16th January 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. Pursuant to article 285(5)(b) of the Planning and Development (Strategic Housing Development) Regulations 2017, the prospective applicant is hereby notified that in addition to the requirements as specified in articles 297 and 298 of the Planning and Development (Strategic Housing Development) Regulations 2017, the following specific information should be submitted with any application for permission arising from this notification:

1. A detailed statement of consistency and planning rationale, clearly outlining how in the prospective applicant's opinion, the proposal is consistent with local planning policies having specific regard to the zoning objective of the site, objective 'SIC 8' pertaining to schools, and the 'INST' symbol and its applicability to the development site in question having regard to the concerns raised in the Planning Authority's opinion. The prospective applicant is advised to liaise with the Department of Education and Skills with regard to the potential and/or suitability of the development lands for future educational purposes and the existing remaining lands in the vicinity of the schools and their potential to accommodate any future expansion.
2. Additional documentation including site investigations report relating to surface water management pertaining to the site including details as to how discharge rates and attenuation volumes were calculated and justification why Soil Type 2 was chosen. The prospective applicant is advised to have regard

to comments from the Drainage section as set out in the Planning Authority's opinion and provide an appropriate response to matters raised.

3. 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.
4. Full and complete drawings, including levels and cross sections showing how the development will interface with adjoining residential lands particularly to the west.
5. 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.
6. Justification for the proposed location of the entrance to the basement car park. Consideration should be given to the re-location of this entrance closer to the roundabout serving the development site in the interests of future residential amenity.
7. A construction and demolition waste management plan.
8. 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.
9. A site layout plan indicating all areas to be taken in charge.

10. Relevant consents to carry out works and/or facilitate connections to water networks 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.

6.0 Applicant's Statement

6.1. 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 **ten** issues raised in the Opinion.

6.1.1. Item 1. A statement of consistency and planning rationale / report has been submitted. It sets out:

- Site suitability with respect to land-use zoning
- Policy SIC8 not applicable to the proposed development
- 'INST' Objective not applicable to the proposed development
- Liaison with Department of Education and Skills (DoES)

It is submitted that the Development Plan gives no justification that the subject site has been identified (and reserved) for educational development. Furthermore, DoES has given no indication that the lands are required for a new school. It is contended that the development of the lands for residential purposes is in accordance with the site's land use zoning objective. It would be unreasonable to preclude the development of residential lands in the Goatstown / Stillorgan area pending the formal identification, purchase and delivery of two school sites by DoES and the Local Authority.

6.1.2. Item 2. Drainage. DBFL has prepared a detailed response to drainage queries.

6.1.3. Item 3. Tree protection measures. OMP's site plan (Drawing number 1612-OMP-00-00-DR-A-XX-11002) illustrates the proposed development incl. the location of existing trees to be retained on site and proposed new trees.

6.1.4. Item 4. Architectural Drawings. OMP has prepared a detailed suite of drawings incl. levels and cross sections. Drawings No.'s 1612-OMP-00-11-DR-A-XX-31001 and

1612-OMP-00-11-DR-A-XX-31002 (proposed site sections 01 and proposed site sections 02) provide cross sections of the site and the adjoining lands, incl those to the west.

- 6.1.5. Item 5. Drainage. There are no existing watercourses transversing the site. OS mapping indicates an historical ditch along the southern boundary of the site. Following the urbanisation of the area to the south of the south site, this ditch was fed only by a storm water drainage pipe on Friarsland Avenue that collected the runoff from this road through existing gullies. Drainage works were carried out in 2018 to divert this pipe into the new storm water network of the permitted residential development (The Grove) to the east of the subject site, as agreed with the LA.
- 6.1.6. Item 6 Basement Carpark Entrance. As requested by the LA the basement car park entrance has been relocated from between Block A and block C as originally proposed at preplanning stage to Block B next to the site entrance. This ensures that vehicular traffic to the basement will not transverse the entire site.
- 6.1.7. Item 7 Construction and demolition waste management plan. A preliminary construction waste management plan has been prepared by Awn Consulting Engineers and submitted.
- 6.1.8. Item 8. Phasing. A phasing plan for the proposed scheme has been submitted. Drawing no. 1612-OMP-00-00-DR-A-XX-11006
- 6.1.9. Item 9. Areas to be taken in charge. Drawing no. 1612-OMP-00-00-DR-A-XX-11005 illustrates all areas within the scheme proposed to be taken in charge.
- 6.1.10. Item 10. Irish Water connection. IW have accepted the developments design submission. All works to the existing network are included within the red line boundary

7.0 Relevant Planning Policy

7.1. National Planning Policy

- 7.1.1. 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.

- National Planning Framework (NPF) is the Government’s high-level strategic plan for shaping the future growth and development of Ireland to the year 2040.
- Draft Eastern and Midland Region Spatial and Economic Strategy (RSES) published on 5th November 2018
- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated Urban Design Manual)
- Urban Development and Building Heights Guidelines for Planning Authorities, 2018.
- Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities
- Design Manual for Urban Roads and Streets
- The Planning System and Flood Risk Management (including the associated Technical Appendices)
- Childcare Facilities – Guidelines for Planning Authorities
- Architectural Heritage Protection

7.2. Local Planning Policy

7.2.1. Dun Laoghaire Rathdown County Development Plan 2016-2022

7.2.2. The site has a land use zoning ‘objective A – To protect and or improve residential amenity’. There is an ‘INST’ symbol indicated to the portion of the original landholding along the Goatstown road which is also identified for a proposed quality bus/bus priority route. There are also symbols indicating the protection and preservation of trees and woodlands.

7.2.3. Section 1.2 (Core Strategy) (1.2.2.1) (Context) notes that the County “falls almost exclusively within the Metropolitan Area where the primary objective is one of consolidation of the existing urban area”.

7.2.4. Chapter 2 deals with “Sustainable Communities Strategy”.

7.2.5. Section 2.1.3.3 Policy RES 3 Residential Density sets out inter alia that “where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line,

BRT, Priority 1 Quality Bus Corridor and/or 500 metres of a Bus Priority Route, and/or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

- 7.2.6. “The question of density plays an important part in ensuring that the best use is made of land intended for development. The Development Plan seeks to maximise the use of zoned and serviced residential land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system. This has the potential to reduce the urban and carbon footprint of the County. While it is acknowledged that there appears to be a current short-term market-led demand for own door houses, the Development Plan has a much wider role in determining the ‘bigger picture’ over a longer time frame. Widespread endorsement of lower density standards would undermine the very development imperatives that are required to provide and support high capacity public transport modes and the promotion of sustainable residential communities.”
- 7.2.7. “As a general rule the minimum default density for new residential developments in the County ... shall be 35 units per hectare”.
- 7.2.8. Section 2.1.3.5 Policy Res 5: Institutional Lands provides that in the development of such lands, average net densities should be in the region of 35-50 units per hectare. In certain instances, higher densities will be allowed where it is demonstrated that they can contribute towards the objective of retaining the open character and/or recreational amenities of the lands. In cases of rationalisation of an existing institutional use, as opposed to the complete cessation of that use, the possible need for the future provision of additional facilities related to the residual retained institutional use retained on site may require to be taken into account. (This particularly applies to school where a portion of the site has been disposed of but a school use remains on the residual part of the site).
- 7.2.9. Section 8.2.3.4 (Additional Accommodation in Existing Built-up Areas) (xi) (Institutional Lands) (relates to ‘INST’ designation on CDP maps)
- 7.2.10. “Where no demand for an alternative institutional use is evident or foreseen, the Council may permit alternative uses subject to the area’s zoning objectives and the open character of the lands being retained.

- 7.2.11. There are still a number of large institutions in the established suburbs of the County which may be subject to redevelopment pressures in the coming years. The principal aims of any eventual redevelopment of these lands will be to achieve a sustainable amount of development while ensuring the essential setting of the lands and the integrity of the main buildings are retained. In order to promote a high standard of development a comprehensive masterplan should accompany a planning application for institutional sites. Such a masterplan must adequately take account of the built heritage and natural assets of a site and established recreational use patterns. Public access to all or some of the lands may be required. Every planning application lodged on institutional lands shall clearly demonstrate how they conform with the agreed masterplan for the overall site. Should any proposed development deviate from the agreed masterplan then a revised masterplan shall be agreed with the Planning Authority.
- 7.2.12. A minimum open space provision of 25% of the total site area (or a population-based provision in accordance with Section 8.2.8.2 whichever is the greater) will be required on Institutional Lands. This provision must be sufficient to maintain the open character of the site - with development proposals built around existing features and layout, particularly by reference to retention of trees, boundary walls and other features as considered necessary by the Council. In addition to the provision of adequate open space, on Institutional Lands where existing school uses will be retained, any proposed residential development shall have regard to the future needs of the school and allow sufficient space to be retained adjacent to the school for possible future school expansion/redevelopment.”
- 7.2.13. **Policy SIC8** relates to schools and states that “It is Council policy to ensure the reservation of primary and post-primary school sites in accordance with the requirements of the relevant education authorities and to support the provision of school facilities and the development / redevelopment of existing schools throughout the County.”
- 7.2.14. Section 8.2.12.4 also relates to School Development and sets out a range of requirements that will be considered by the planning authority in the case of such applications. In particular, regard will be had to the requirements of the Department of Education and Skills, as set out in ‘The Provision of Schools and the Planning System, A Code of Practice for Planning Authorities, the Department of Education

and Science, and the Department of the Environment, Heritage and Local Government, 2008'. Regard will also be had to such issues as "Site location, proximity of school to catchment area, size of site relative to outdoor space requirements and the future needs of the school (i.e. sufficient space provided for future expansion)"

7.3. 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.

8.0 Third Party Submissions

8.1. Forty eight number third party submission received they are collectively summarised under the following headings:

Impact upon residential amenity

- Overbearing impact, overlooking, overshadowing to rear of existing houses in Friarsland Road and The Grove
- Height and proximity of Block D to houses in The Grove (8.5m separation distance to party boundary) is unacceptable.
- Block D should be omitted / reduced in height / reconfigured internally,
- Construction hours should be restricted to 8 am – 7 pm Mon – Fri and 8 am – 2 pm on Saturdays, Sundays and Bank Holidays
- Consideration of overshadowing impact on fossil fuel usage of existing houses
- Noise and pollution from car parking areas
- Loss of light - Inadequate overshadowing survey submitted.
- Removal of existing cypress leylandii trees and their replacement with Hornbeam, concern over the width of the spread. No information provided.
- Replacement trees will not provide privacy
- Lack of consultation with neighbouring properties
- Traffic congestion
- Security risk increased
- Negative impact upon quality of life
- Open space should be increased

- Boundary walls should be securely finished
- Western boundary party wall should be 2.4m high
- Devaluation of property
- Light overspill from apartments
- Services for apartment blocks A and D incl. bin stores, bike stores & ESB substation in proximity of houses in The Grove unacceptable
- Construction phasing of development along the boundary, with The Grove, should be done in one phase.
- Houses should be constructed before the apartments to mitigate against dust and noise nuisance to Larchfield Road.
- Comments made in relation to the submitted Flood Risk Assessment in terms of flooding and a section drawing.

Character of the Area

- Density is excessive on institutional lands should be reduced to 35 / 50 units per ha
- Site is remote from Luas, city centre and priority bus corridor.
- Height of blocks excessive and should be reduced to 2 / 3 storeys.
- Overdevelopment
- No transition in scale
- Piecemeal development
- Lack of public open space
- Mature trees being removed
- Destruction of a natural habitat
- Goatstown Road Streetscape needs to be improved
- Poor development design
- Inadequate public services to accommodate the development.
- Environmental implications from tree removal.
- The development would set a precedent for further similar development.

Traffic and Transportation

- Lack of public transport

- There is no QBC along Goatstown Road
- Distance to the LUAS stop at Dundrum 1,300 meters from the site is not conducive to higher density such as that proposed.
- Exacerbation of traffic congestion in the area
- No bus lanes
- Congestion at school peak times (drop off and collection)
- No site traffic management plan
- Need for a road safety audit
- Need to increase the provision of electric vehicle charging points
- Under provision of car parking
- Spaces for bus parking and set down should be provided
- Set down area for creche is inadequate
- Inadequate visitor parking places proposed.
- The proposal is car based with excessive surface car parking
- Confused layout for cyclists
- Lack of pedestrian permeability.

Health and Safety

- Lack of access to green space / play areas
- Inability to travel to, from and around school campus safely
- First floor terrace on the creche raises safety concerns
- Balconies overlooking children – privacy issues
- Construction management plan should take account of school community and the local community
- Concern of fire access to the primary school
- If the development is permitted, a structural survey should be undertaken of houses along Friarsland Road prior to commencement of development and following completion of development.

Institutional Zoning of the Lands

- Contrary to guidelines set out in section 8.2.3.4 (xi) of the County Development plan on the development of institutional lands

- Adequate capacity must remain for development or expansion in the future and open character of the lands to be retained.
- The primary school is already limited in recreational space.
- No room for further / future school expansion
- Lack of clarity as to the 'Institutional' designation implication for the site/the 'Institutional' designation should relate to the overall original landholding.
- 'Institutional' requirements as per the County Development Plan 2016-2022 should apply to the subject site/'Institutional' requirements have not been met.

Open Space

- Not enough public open space proposed
- Need to serve the needs of the school community as well as the residential community
- Use of proposed public open space as a retention pond is worrying
- Un-useable in wet conditions
- Provision of a playground is welcomed. However, it should be useable by all age groups, incl. those younger than 6 years.

Safety of children

- Overlooking of childcare facility, school playing yards
- Reduction in the number of childcare places currently available
- Safety of children given one vehicular access for 44 preschool children and 10 staff, 480 primary school children and 25 staff, 330 secondary school children, residents from 132 residential units.

9.0 Planning Authority Submission

9.1. 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 4th July 2019. The report may be summarised as follows:

9.2. Information Submitted by the Planning Authority

Details were submitted in relation to the site description, proposal, pre-application consultations, planning history, interdepartmental reports and consultees. A summary of representations received was outlined and a summary of the views of the elected members as expressed at the Area Committee Meeting.

9.3. **Summary of Inter-Departmental Reports**

Transportation Section: Report received dated 18.06.2019. A number of comments have been made in relation to the proposed development. The report recommends a grant of permission subject to 11 no. conditions.

Drainage Planning Section: No objections subject to conditions.

Parks & Landscape Services: No report received.

Public Lighting Section: Report received which indicates some issues with the development. However, it is considered that these can be addressed by way of a compliance condition.

Housing Section: Report received dated 17.06.2019 and indicates no objection to a grant of permission subject to a standard condition requiring the applicant/developer to enter into an agreement in accordance with Part V of the Planning and Development Act 2000 (as amended) prior to commencement.

The main issues raised in the assessment are summarised as follows:

- Residential development is 'permitted in principle' on 'A' zoned lands, as is a childcare facility. As such, the proposed development is acceptable in principle.
- The proposed density is approx. 67 units per hectare (132 no. units on a 1.969-hectare site) and, in principle, this density is considered to be acceptable and not excessive.
- There are a number of policy considerations to apply to this proposal on foot of its interaction with the primary and secondary schools within the overall Our Lady's Grove 'campus', which can be summarised as follows.
 - Impact on the availability of sites for 'new build' schools
 - Impact on the function of the two existing schools on the campus
 - Impact on the potential expansion of the existing schools on campus
 - Implications of the 'INST' designation on the Our Lady's Grove campus

- Policy SIC8 of the County Development Plan seeks to “ensure the reservation of primary and post-primary school sites.” This is primarily achieved by the identification of sites on the CDP’s zoning maps by way of ‘PS’ and ‘PPS’ symbols. It is acknowledged that no such designation applies to the Our Lady’s Grove campus, but it is also accepted that these designations are not exhaustive.
- It is noted that the DoES was circulated with notification about the current application, as requested by the board, but that no submission was forthcoming.
- It is considered that the proposed scenario would leave the primary school, and in particular the secondary school, with significantly undersized residual sites. This is contrary to DoES policy, and as such, is contrary to the policies of the CDP, which reference these policies. Furthermore, the scenario that would arise on foot of the proposed development would be contrary to the zoning objective for the area, which is to “To protect and-or improve residential amenity”. The protection of viable, sustainable community infrastructure, including schools, is an integral part of this objective. As such, the planning authority recommends that permission be refused on this issue.
- There is a notable line of trees running east-west through the subject site, which reflects a field boundary that is represented on the 25” mapping for this area. The proposed layout does not work with this natural site feature. As such, the planning authority considers that the proposed development is contrary to the policies of the CDP and should be refused on this basis.
- There is no objection to the demolition of the subject structures.
- Separation distances between the buildings is considered to be adequate.
- The proposed houses location, design and heights is considered to be acceptable.
- While the area of public open space provided (28.9% of the overall site area as per Section 4.4.2.5 of the submitted ‘Planning Report’) exceeds the 5,200sqm required in quantitative terms, it is not considered that the public open space proposed is of particularly high quality or usable. The main public open space

area in the north east also functions as an attenuation pond and the public open space area in the north west corner also functions as a bio-retention area. While some level of 'dual use' is acceptable, and indeed a prudent use of limited site resources, it would be reasonable to expect some compensation for impaired quality elsewhere within the scheme.

- The planning authority ultimately considers that the proposed development is deficient in its provision of public open space and should be refused permission on this basis.

Refusal Recommended

The planning authority recommends that permission be refused for the following reasons.

1. The proposed development, by virtue of its bringing about of a scenario whereby lands that were previously available to the two schools on the overall Our Lady's Grove campus would be made permanently unavailable to those schools, would result in a situation whereby the existing schools on site would be operating on sites that would be smaller than those recommended under Technical Guidance Documents TGD-025 and TGD-027 as produced by the Department of Education and Skills. As such, the proposed development would be contrary to the 'Code of Practice on the Provision of Schools and the Planning System', prepared jointly by the Department of Environment, Heritage, and Local Government and the Department of Education and Science in 2008, and by extension would be contrary to Section 8.2.12.4 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which references this Code of Practice. Furthermore, and by extension, the proposed development would result in a scenario whereby the campus would be unavailable to address the identified demand for school places in the area by way of expansion. As such, the proposed development would be contrary to Policy SIC8, and Section 8.2.12.4 of the County Development Plan, and indeed the zoning objective to "protect and-or improve residential amenity" of which the provision of community facilities, including schools, forms part. As such the proposed development would materially contravene the County Development

Plan and would be contrary to the proper planning and sustainable development of the area.

2. The proposed development, by virtue of reducing the provided and potential public open space across the Our Lady's Grove campus to a level below 25%, and by virtue of the removal of the vast majority of trees from within the subject site, would be contrary to Section 8.2.3.4 (xi) of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
3. The proposed development would be deficient in terms of the quantity and quality of public open space available to the residents of the scheme, as required under Section 8.2.8.2 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.

Should the board be minded to grant permission, the following amendments to the scheme might go some way towards addressing the recommended reasons for refusal

- a) Omission of Block C and its replacement with an expanded area of public open space
- b) Reorientation of Blocks A and B to an east-west axis such that the existing line of trees on site could be retained.

Conditions attached – 25 conditions.

10.0 Prescribed Bodies

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

- Irish Water
- Transport Infrastructure Ireland
- Relevant Childcare Committee
- Department of Education and Skills

Irish Water:

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

Transport Infrastructure Ireland:

The observation submitted is summarised as follows:

- The subject site provides an opportunity to deliver residential development on an infill suburban site, which accords with a key Strategic Planning Principle in the Transport Strategy (Section 7.1.2). As the site is served by existing bus services on Goatstown Road and would continue to be served under the network proposed in the BusConnects Dublin Area Bus Network Review in 2018, the proposed development would increase the number of people living within walking and cycling distance of public transport. This is consistent with the Local Planning Principles contained in the Transport Strategy.
- The NTA is supportive in principle of the proposed development as it aligns with the principle of land use and transport integration set out in the Transport Strategy.
- The NTA wishes to submit recommendations regarding cycle parking provision within the subject site.
- The applicant has proposed 239 cycle parking spaces to serve the development; While this exceeds the minimum provision required by Dun Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (2018), it is below the level specified in the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities (DHPLG, 2018).
- In the Transportation Analysis submitted, the applicant has stated that the proposed quantum achieves a balance between the Council minimum and the DPHLG 'desirable' level of provision (Section 4.3.7).

- While the quantum of cycle parking proposed does exceed the Council minimum, the NTA submits that, in other respects, the design of cycle parking does not comply with the Council's Standards.
- The Standards state that 'Cycle parking should always be as near to or closer to the destination than the nearest non-disabled car parking space' and that Cycle parking... must not... Be hidden away behind buildings or tucked away in the corner of a car park'.
- As proposed, the cycle parking is located on the periphery of the site at a remove from the building entrances and is less accessible than many car parking spaces.
- The NTA recommends that the design of the proposed cycle parking, in particular regarding the location of parking clusters, should comply with the Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments and with the NTA's National Cycle Manual, in order to support the use of this mode in the achievement of national and regional sustainable transport objectives.

Dun Laoghaire Rathdown County Childcare Committee

The report from the County Childcare Committee states "Dun Laoghaire Rathdown County Childcare Committee have no comments or observations to make with regard to this application".

11.0 Oral Hearing Request

None requested.

12.0 Assessment

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 2016-2022, relevant Section 28 Ministerial Guidelines; provisions of the Planning Acts, as amended and associated Regulations; the nearby designated sites; the Record of Section 5 Consultation Meeting; Inspector's Report at Pre-Application Consultation stage and Recommended Opinion; together with the Notice of the Pre-Application Consultation Opinion. I have visited the site and its environs. In my mind, the main issues relating to this application are:

- **Compliance with Planning policy**
- **Density and Design**
- **Residential Amenity**
- **Open Space and Natural Heritage**
- **Transport and Carparking**
- **Other matters**
 - **Ecology**
 - **Sewerage System Capacity**
 - **Construction Management and Phasing**
 - **Taking in Charge**
 - **Part V**
 - **Childcare Facility**
- **Environmental Impact Assessment (EIA)**
- **Appropriate Assessment (AA)**

12.1. Compliance with Planning Policy

- 12.1.1. Having regard to the nature and scale of development proposed, namely an application for 132 residential units and childcare facility, 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.
- 12.1.2. In the Dun Laoghaire-Rathdown County Development Plan 2016-2022 the subject site is zoned 'Objective A; To protect and-or improve residential amenity'. Residential development is 'permitted in principle' on 'A' zoned lands, as is a childcare facility.
- 12.1.3. There is an 'INST' designation in the north east corner of the original landholding on Map 1 of the Plan. This is an objective 'To protect and/or provide for Institutional Use in open lands. There is a tree symbol on site, along the southern boundary, which indicates an objective 'To protect and preserve Trees and Woodlands'. There is an objective on Goatstown Road for a 'Proposed Quality Bus/Bus Priority Route'. The boundary of the Goatstown Local Area Plan 2012 (extended to 10.04.2022) is along the southern boundary of the subject site. The site is not within the LAP boundary.
- 12.1.4. The planning authority consider that there are a number of policy considerations to apply to this proposal on foot of its interaction with the primary and secondary schools within the overall Our Lady's Grove 'campus', which they summarised as follows.
- Impact on the availability of sites for 'new build' schools
 - Impact on the function of the two existing schools on the campus
 - Impact on the potential expansion of the existing schools on campus
 - Implications of the 'INST' designation on the Our Lady's Grove campus
- 12.1.5. The chief executive officers report recommends that the proposal be refused in the first instance, on grounds that, the proposed development, by virtue of its bringing about of a scenario whereby lands that were previously available to the two schools on the overall Our Lady's Grove campus would be made permanently unavailable to those schools, would result in a situation whereby the existing schools on site would be operating on sites that would be smaller than those recommended under Technical Guidance Documents TGD-025 and TGD-027 as produced by the

Department of Education and Skills. As such, the proposed development would be contrary to the 'Code of Practice on the Provision of Schools and the Planning System', prepared jointly by the Department of Environment, Heritage, and Local Government and the Department of Education and Science in 2008, and by extension would be contrary to Section 8.2.12.4 of the Dun Laoghaire-Rathdown County Development Plan 2016-2022, which references this Code of Practice. Furthermore, and by extension, the proposed development would result in a scenario whereby the campus would be unavailable to address the identified demand for school places in the area by way of expansion. As such, the proposed development would be contrary to Policy SIC8, and Section 8.2.12.4 of the County Development Plan, and indeed the zoning objective to "protect and-or improve residential amenity" of which the provision of community facilities, including schools, forms part. As such the proposed development would materially contravene the County Development Plan and would be contrary to the proper planning and sustainable development of the area.

- 12.1.6. I shall deal with how the proposal interacts with surrounding land uses below. However, regard being had to the issues raised I consider the principle of the proposed development to be appropriate and acceptable at this location and in compliance with the zoning objective for the area ('A' zoned lands), as set out in the operative Dun Laoghaire Rathdown County Development Plan.
- 12.1.7. Policy SIC8 relates to both the provisions of new schools and the expansion of existing schools. The Department of Education has no objection to the reduction in the size of the existing school's campus. Should the subject planning application be successful, it is the applicant's intention to transfer the 'Option Site' (an area to the north of the Primary School) to the DoES for the sole use of the primary school for educational use. The development of the subject site, which are privately owned lands, does not preclude the extension of the existing schools within their sites. It is noted that the sale of the subject lands included the provision of a new all-weather hockey pitch, which will enhance the Secondary Schools facilities. Planning permission has been granted for this synthetic all-weather pitch on foot of Reg. Ref. ABP-302898-18. It is submitted that the DoES did not seek to purchase the lands when they were placed on the open market by the RJM in 2017.

12.1.8. The Development Plan does not indicate that the subject lands have been identified (and reserved) for educational development. The legal opinion from Eamon Galligan SC enclosed with the application is highlighted. Policy SIC8 makes it clear that potential school sites are to be identified in the Development Plan. Regard being had to the position of the planning authority that 'INST' Objective does apply to the subject site and overall lands, I am of the opinion that it is clearly placed on the school lands to the north of the subject lands. The lands the subject of this application are zoned objective 'A', are in private ownership and the 'INST' local Objective only refers to general institutional purposes and does not amount to the identification of the relevant lands specifically for school or educational purposes.

12.1.9. Regard is had that the recommended draft reason for refusal by the planning authority, considers that the proposed development would materially contravene the County Development Plan. I disagree, in this regard the lands are zoned 'A' (to protect and / or improve residential amenity), where 'residential' is listed as a 'permitted in principle' land use, and 'education' is listed as an 'open for consideration' land use. In addition having regard to the current housing shortage, I agree it would be wholly unreasonable to preclude the development of residential lands in the Goatstown / Stillorgan area pending the formal identification, purchase and delivery of two school sites by the DoES and the local authority, therefore I highlight that Section 37 (2) (b)(i) of the Planning and Development Act 2000 can be relied upon if deemed necessary by the Board. Also, I would note and agree with the argument, put forward by the first party, that potential provision of a third school within Our Lady's Grove could have consequential impacts on the residential amenity of existing residents in The Grove and surrounding dwellings.

12.2. Density and Design

12.2.1. Third party concern is raised with respect to the density proposed and it is submitted that a density of 35 units per hectare would be more appropriate. It is contended that Blocks A and C are too high that there is no tapering of building heights to the boundary at Friarsland Road and with The Grove. There would be overlooking from Block D.

- 12.2.2. The site layout comprises a row of houses along the southern boundary with 3 no. five-storey apartment buildings in the central and northern area with a replacement childcare facility in the north east corner. Public open space is largely confined to the north east area between Apartment Blocks B and C and the childcare facility and it doubles as an attenuation area. The Planning Authority notes the relocation of the basement access to the eastern area close to the entrance roundabout and considers this is a positive amendment reducing the number of car trips through the development.
- 12.2.3. In agreement with the Planning Authority I am satisfied that the proposed layout has successfully responded to the subject site and represents a high standard of urban design in accordance with the principles set out in Section 8.1 of the County Development Plan 2016-2022, the Design Manual for Urban Roads and Streets, 2013, the Urban Design Manual, A Best Practice Guide, 2009 and the National Planning Framework 2018.
- 12.2.4. Policy RES 3 of the County Development Plan 2016-2022 requires a minimum default density of 35 units per hectare for new residential development in areas outside of e.g. a 1km pedestrian catchment of a Luas line, 1km from a Town or District Centre etc. Densities of 50 units per hectare are required within these catchments. The subject site is around a 1.4km walk to the nearest Luas stop and town/district centre. As such, the required minimum default density of 35 units per hectares applies.
- 12.2.5. Density at 67 units per hectare (132 no. units on a 1.969 hectare site) is considered appropriate for this location and in compliance with relevant section 28 ministerial guidelines. The proposal to increase the density is considered appropriate given the location of the site and the proposal is not considered to represent overdevelopment of the site. The 3 no. proposed five-storey apartment blocks have 109 no. apartments in total. Block A, the south western block, has 38 no. units; Block B the south eastern unit, has 38 no. units and Block C, the north western block, has 33 no. units. There are 4 no. apartment units in Block D comprising two ground floor apartments with 2 no. duplex apartments above. Unit mix is good with 18 no. 1-bed units, 83 no. 2-bed units and 12 no. 3-bed units proposed. This would lead to a good population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with Specific Planning Policy Requirements (SPPRs) in the

Sustainable Urban Housing: Design Standards for New Apartments' Guidelines 2018. The proposal for higher density at this location accords with Ministerial Guidelines.

- 12.2.6. The Urban Development and Building Heights Guidelines for Planning Authorities (2018) relate to building heights for apartment buildings. Reusing brownfield land and building up urban infill sites is required to meet the needs of a growing population without growing urban areas outwards and "increased building height is a significant component in making optimal use of the capacity of sites in urban areas..." Section 3.1 states that "it is Government policy that building heights must be generally increased in appropriate urban locations. There is therefore a presumption in favour of increased heights in ... urban locations with good public transport accessibility". The site is proximate to public transport, with bus routes on Goatstown Road and the NTA report is supportive of the proposed development.
- 12.2.7. The general height of development in the vicinity is relatively mixed. Blocks A, B and C are five storeys in height. All three blocks are 16.65m in height with substantial glazing and an external finish comprising a light brick and a 'pressed aluminum fascia' to the fourth-floor area. The design of the proposed scheme is contemporary in style with quality materials and finishes proposed. The design of all blocks exhibits a consistency in design and external finish. The roofs have both a sedum finish and photovoltaic panels. Block D, containing 2 no. apartments and 2 no. duplex units above, includes a similar brick finish as Blocks A, B and C as well as render similar to the proposed houses. It has a height of 11.71m with a standard pitched tile roof. I agree with the conclusion of the planning authority that the apartment buildings are visually interesting, avoid undue monotony and are acceptable in principle in terms of design.
- 12.2.8. The proposal has the potential to be an attractive place in which to live. The breaking up of the apartments into 3 no. separate blocks results in a development that is not monolithic in scale and it has well-considered external finishes. The location of the childcare facility is also considered acceptable.
- 12.2.9. Separation distances between the buildings are considered to be adequate. There is a separation distance of approx. 22m between Blocks B and C and while the separation between Blocks A and C is significantly less (approx. 10m). However, all

of the most affected units (the northern end of Block A and the southern end of Block C) are dual and triple aspect units so any shadowing that may occur will not affect the entire unit. It is considered, in conclusion, that the proposed five storey height is acceptable in principle, is consistent with the Urban Development and Building Heights Guidelines for Planning Authorities (2018) and would not result in an unsatisfactory residential environment for prospective occupants. The submitted 'Sunlight and Daylight Access Analysis' states that "all living rooms within the proposed development are likely to achieve Average Daylight Factors considerably in excess of the minimum levels recommended by the British Standard for achieving a predominantly daylight appearance".

12.2.10. There are 19 no. houses proposed along the southern boundary of the site. These are two-storey in scale with front dormer windows and are to be externally finished in a light brick to the front and side elevations and render to the rear. They are contained within 5 no. terraces of 4 no. with 4 no. houses and 1 no. terrace with 3 no. houses. The houses are c.9.66m in height with a two-storey gable feature to the front and a zinc cladding dormer and, it appears, to the fascia area at the top of the gable feature. The Quality Housing Sustainable Communities Guidelines requires a gross floor area of 120sqm for a four bed/seven person/three-storey house. The 19 no. houses have stated floor areas of 163.2sqm therefore comfortably exceeding the minimum floor area. The proposed houses are considered to be acceptable.

12.3. Residential Amenity

12.3.1. Concern is raised with respect to impact on the residential amenity of adjacent property generally arising from overlooking, shadowing and overbearing impact. It is contended that Blocks A and C are too high and should be stepped down to respect the nature of single storey houses on Friarsland Road.

12.3.2. Blocks A and C are the closest apartment buildings to the party boundary. Above ground floor balconies on the western elevations of these buildings are approx. 23-24m from the western boundary of the site. There is no side elevation window to the end-of-terrace house in the south western corner of the site. The minimum separation distance generally required between an above ground floor window and

the boundary it faces is 11m. In this case the closest above ground floor balconies are double the minimum distance away from the boundary and therefore, in agreement with the opinion of the planning authority, it is not considered that undue overlooking impact occurs to the houses along Friarsland Road. It is noted that the rear gardens of the properties to the west of Block C are shorter, however, given the set back of balconies approx. 23-24m from the western boundary of the site, I do not believe this would impact residential amenity of properties to such an extent that permission should be refused or the proposal amended materially as suggested by the planning authority. The suggestion to omit Block C, rotate Blocks A and B through 90 degrees and reposition on the site such that existing east-west treeline can be retained is noted. However regard being had to site location, zoning, national policy, density and design, it is considered the layout as proposed is acceptable and would not give rise to devaluation of property or negative impact upon residential amenity such that permission should be refused.

12.3.3. Houses along Larchfield Road have relatively long rear gardens. The minimum rear garden area achieved for the proposed terraced houses is approx. 12m and in some cases is significantly longer. It is not considered overlooking occurs to the south from the terraced houses. Block D is located in the southeastern area of the site backing onto 2 ½ storey houses in The Grove (which are similar in design to the proposed terraced houses). There is a first-floor terrace provided for both duplex units at a distance of approx. 9-10m from the boundary with houses in The Grove. First and second floor windows to the duplex unit are approx. 11-12m from the party boundary and therefore achieves the generally required distance. It is considered that the provision of a 1.8m high screen along the rear terrace area is appropriate in this instance as it would maintain the use of the terrace while protecting the residential amenity of the affected houses in The Grove. The only overlooking to the north (over the proposed hockey pitch previously permitted) would occur from Block C. The northern elevation of Block C had been designed to reduce the overlooking potential in this direction by way of angled windows centrally in the elevation which reduces/removes any overlooking onto the proposed pitch and by way of high-level kitchen windows on the first, second and third floors. I note that the planning authority's report states that 'there is a significant glazed area to the kitchen/living/dining area at fourth floor level which could be omitted by the Board if it

so chose. However, having regard to the foregoing, it is not considered that undue overlooking would occur to existing adjacent residential property subject to an increase in the height of the terrace wall/panel on the east elevation of Block D'. I concur with this assessment.

- 12.3.4. Regard is had that any development in an urban area will have an impact on the residential amenity of the existing receiving environment. This is an inevitable consequence of urban development. It is considered that the development as proposed is consistent with the Urban Development and Building Heights Guidelines for Planning Authorities (2018) (as referenced in Section 11.5 of this Planning Report) and it is considered that the separation distances achieved between the proposed development and the site boundaries with other development, is acceptable and will not lead to undue adverse overlooking impact.
- 12.3.5. The overbearing impact that may result is also not considered to be unduly excessive. The proposed building heights are acceptable and, as referenced in Policy RES3 of the County Development Plan 2016-2022, "The Development Plan seeks to maximise the use of zoned and serviced residential land. Consolidation through sustainable higher densities allows for a more compact urban form that more readily supports an integrated public transport system." It is considered that the development will not have a significant undue adverse impact on the residential amenity of the adjoining area. Given the height of the proposed buildings and the distances to the site boundaries it is considered that any shadowing impact that will occur will be limited.

12.4. **Open Space and Natural Heritage**

- 12.4.1. Concern is raised with respect to the quantum and quality of public open space proposed. Its location, the use of the proposed open space for stormwater attenuation and its capacity to ensure passive surveillance of children.
- 12.4.2. A significant issue with this planning application is its disputed 'INST' institutional designation under the CDP. The applicant does not agree with the position of the Planning Authority that the institutional designation applies to the overall original 6.4 hectare Our Lady's Grove site, including the site subject to the current planning application.

- 12.4.3. The planning authority consider that the development plan policy, Section 8.2.3.4(x) of the County Development Plan, regarding the requirement for 25% of the site area to be provided as Open Space for institutional lands should be adhered to. In addition, it is considered important to retain trees and hedgerows which run east west centrally through the site.
- 12.4.4. The planning authority chief executive officers report recommends that the proposal be refused planning permission, by virtue of reducing the provided and potential public open space across the Our Lady's Grove campus to a level below 25%, and by virtue of the removal of the vast majority of trees from within the subject site, would be contrary to Section 8.2.3.4 (xi) of the Dun Laoghaire-Rathdown County Development Plan 2016-2022.
- 12.4.5. Applying the 'INST' local objective to the entirety of the lands requires a minimum open space provision of 25% of the total site area, or a population-based provision in accordance with Section 8.2.8.2 of the Plan, whichever is greater. The 'red line' site area is 1.969 hectares, therefore 25% of this is 4,922.5sqm. The population-based equivalent is 3,900sqm for 15sqm per person or 5,200sqm for 20sqm per person. As such, the 'population based' requirement of 5,200sqm applies irrespective of the considerations of the '25%' issue.
- 12.4.6. The primary area of public open space is in the north eastern section of the site with some more minor areas in the north west corner, between the apartment blocks and in the vicinity of the roundabout. This combined area is cited as 5,583sqm and is set out in the 'Public Open Space & Taking in Charge drawing (Drawing No. 1612-OMP-00-00-DR-A-XX-11005).
- 12.4.7. The planning authority consider that while the area of public open space provided (28.9% of the overall site area as per Section 4.4.2.5 of the submitted 'Planning Report') exceeds the 5,200sqm required in quantitative terms, it is not of particularly high quality or usable. It is highlighted that the main public open space area in the north east functions as an attenuation pond and the public open space area in the north west corner functions as a bio-retention area.
- 12.4.8. I consider that the 'dual use' is acceptable and that the location of the open space adjoining the childcare facility is appropriate and acceptable. I do not consider that

passive surveillance would be an issue given the positioning of Apartment Block C and the childcare facility.

12.4.9. It is noted that there are other smaller public open space areas located between apartment blocks or in the vicinity of the roundabout and basement car park entrance. While these may be limited in their amenity value they add to the sense of open space, parkland setting and ensure soft landscaping is incorporated into the proposal.

12.4.10. Given the zoning of the site, the availability in the area of a wide range of community infrastructure and the need to maximise the use of zoned serviced lands. I consider the level of public open space proposed is appropriate and acceptable.

12.4.11. The planning authority and third parties also have concern with regard to removal of trees from within the site. The chief officers report states: 'The final relevant consideration under the 'INST' designation, as set out in Section 8.2.3.4 (xi) relates to the retention of site features that contribute to the character of the site, such as trees. Notwithstanding item 3 of the board's opinion, issued under ABP-303130-18, the proposed development seeks to remove almost all the existing trees on site. The majority of those identified for retention in the submitted 'Tree Protection Plan' are outside the site boundary. There is a notable line of trees running east-west through the subject site, which reflects a field boundary that is represented on the 25" mapping for this area. The proposed layout does not work with this natural site feature. As such, the planning authority considers that the proposed development is contrary to the policies of the CDP, and should be refused on this basis.

12.4.12. The Tree File undertook a tree survey in August 2018 to establish the current status of the trees on site, in order to identify which trees are of sufficient quality to retain. Subsequent to that exercise, Ronan McDiarmada Associates in association with OMP Architects, prepared a landscape design proposal for the subject site.

12.4.13. The quality of the trees along the eastern and western sections of the southern boundary are very different. At the western end of the southern boundary, there are a number of good quality trees both within the site and on neighbouring sites. The good quality trees within the subject site in this area will be retained. Where trees are located outside of the subject site and in a neighbouring property, root protection zones have been detailed.

- 12.4.14. The eastern side of the southern boundary comprises a row of leylandii trees (these have been identified in the Tree survey as 'C' category trees. A number of neighbours adjoining have requested that these trees be removed as they do not enhance the residential amenity of existing or future residents. It is also noted that the remaining life of these trees is limited. The proposed replacement boundary is more suitable in the long term for residential amenity.
- 12.4.15. Along the western boundary there is another line of trees including a large number of Leylandii, all with limited remaining lifespans. In the interest of long-term visual amenity for both the neighbouring and future residents, a line of *Carpinus betulus* 'Frans fontaine' trees (hornbeam) is proposed to be planted. The replacement trees will measure 5 – 7 m when initially planted and will grow to 9m within 25 years.
- 12.4.16. Whilst tree surveys of the site carried out in previous years indicated that some of the larger trees in the central part of the site may have been suitable for retention within the proposal, the most recent survey (enclosed with this application) illustrates that the quality and likely lifespan of the larger trees have diminished. The landscape masterplan proposes a boulevard of trees between the apartment Blocks A and B.
- 12.4.17. The subject layout proposes to remove the centrally located trees. However, compensatory tree planting is proposed as part of the enclosed landscape plan. The proposed landscape plan incorporates a significant number of trees near the entrance to the scheme at the end of the entrance spine road, including three large specimen trees (London Planes). Dense boundary planting is also proposed along the western and northern site boundaries to prevent overlooking of the adjoining houses.
- 12.4.18. It is contended that the proposed development and Landscape Plan will therefore, support the objective to protect and preserve trees and woodlands in this area by supplementing the existing trees most suitable for retention with trees which are suitable for a residential area in the long term.
- 12.4.19. I consider the proposal has had regard to Item 3 of the Boards Opinion ABP-303130-18 and see no fundamental issues in this regard. This is a brownfield serviced urban site. The proposed development provides for open space, including a

children's play area, which is accessible to the general public. It is considered the landscape design has had regard to the tree symbol on the southern boundary of the subject site, with the objective 'to protect and preserve trees and woodlands'. While trees centrally within the site are to be removed their replacement by trees more suitable in the long term in terms of residential amenity is considered justified and acceptable in principle, in particular, given site location, zoning and national policy.

12.5. Transportation and Carparking

- 12.5.1. Sections 4.2 and 4.3 of the Traffic and Transport Assessment prepared by DBFL Consulting Engineers provides a detailed rationale for car and cycle parking provision in the proposed development. In addition, DBFL has prepared a Mobility Management Plan which accompanies the planning application documentation.
- 12.5.2. The report considers nearby developments and different scenarios. Section 6 - Network analysis states that the junction with Goatstown Road junction will operate with significant reserve in the 2035 scenario. More notably, the transportation modelling forecasts the following for the 2035:
- A 3.55% increase (47) new trips in the AM peak period and
 - A 3.16 (50 new trips) in the PM peak period
- 12.5.3. The report concludes that only minimal impact will be caused by the development and that it will not cause material deterioration of the local road network. The subject site benefits from good accessibility levels by public transport with bus interchanges located within 205m of the Our Lady's Grove junction on Goatstown Road. Furthermore, Windy Arbour and the Dundrum Luas Stops are located within approx. 1.0Km and 1.3Km respectively to the west and southwest of the subject site.
- 12.5.4. The location of the entrance to the car park was revised on foot of discussion with the planning authority. It has been relocated from between Blocks A and Block C to Block B closer to the site entrance. This ensures that vehicular traffic to the basement will not transverse the entire site. There is an agreement in place between the applicant and the local authority to provide a replacement pedestrian crossing on Goatstown Road. The relocated pedestrian crossing will better serve the current entrance to the two schools located off Goatstown Road.

- 12.5.5. The proposed development provides 96 car parking spaces at basement level and 73 surface level car parking spaces. 30 car parking spaces are located to the front of the 19 number houses to the south of the site, with 32 spaces located along the western boundary to the west of Apartment Blocks A and C and the remainder located along the access spine toad. The planning authority highlights, while acceptable, there is a shortfall of some 31 car parking spaces from the 160 required to serve the apartments as per County Development Plan standards. I also note there appears to be a discrepancy in the number of car parking spaces proposed at surface level with documentation stating 78 surface car parking spaces however only 73 are indicated on the plans submitted. This is a shortfall of 5 spaces.
- 12.5.6. I recommend that the discrepancy be resolved by way of condition given it is a shortfall of only 5 spaces. Overall, I agree the level of reduction is acceptable based on specific site location and when assessed against the underlying principles contained in the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2018), which seeks to reduce car parking provision in accessible locations. Furthermore, it is noted that the application is accompanied by a Mobility Management Plan, with the objective to reduce car use and the need for car use at the site by increasing the attractiveness and practicality of other modes of transport.
- 12.5.7. The proposed development provides for the total provision of 239 no. bicycle parking spaces of which 133 no. are long term and 106 no. are short-term. The spaces are dispersed around the site. The NTA report is noted and it is considered that the recommendation that the design of the proposed cycle parking, in particular regarding the location of parking clusters, should comply with the Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments and with the NTA's National Cycle Manual, should be the subject of condition in any grant of planning permission forthcoming from the Board. In addition I recommend that a condition be attached which requires the developer to ensure that the internal road network, public footpaths, car parking and cycle parking should comply with the requirements of the planning authority for such works. To ensure a satisfactory standard of development.

12.5.8. The subject site provides an opportunity to deliver residential developments on an infill suburban site. It is considered that overall connectivity, traffic and carparking is deemed acceptable in principle, subject to condition.

12.6. Other matters

12.6.1. Ecology

An Ecological Impact Assessment was submitted with the application. I note that bat studies were carried out in 2017 and 2018 and bat activity was found to exist within the site. The static bat detectors deployed from the 19th October 2017 to 15th November 2017 returned results of three bat species present; Common Pipistrelle *Pipistrellus Pipistrellus*, Soprano Pipistrelle *Pipistrellus Pygmaeus* and Leisler's bats *Nyctalus leileri*. The static bat detector located in the south western corner of the proposed development site had a total of 79 common pipistrelle recordings and 57 pipistrelle sp. (social calls) recordings. The static detector located in the treeline to the south of the hockey pitch has a total of 13 Common pipistrelle recordings, 4 Soprano Pipistrelle recordings, 1 Leisler's bat recording and 12 pipistrelle sp. Recordings. A dusk emergency survey and a pre-dawn survey were also carried out on the subject lands. As a precautionary approach due to the potential suitability of habitats within the subject lands for bat activity, the value of the site for bats has been valued as a local ecological importance (higher value).

The Ecological impact Assessment concludes that potential impacts which may arise from the proposed development in the absence of mitigation may be summarised as follows:

- Impact on breeding birds at a local scale due to the removal of suitable nesting habitat during the breeding bird season
- Impact on bats at a local scale due to the removal of trees and treelines identified as being suitable for foraging, commuting and roosting bats, and

- Impact on bats at a local scale due to artificial lighting illuminating previously unlit areas during the construction and operational stages of the proposed development.

Mitigation measures are proposed, summarised as follows:

- No vegetation removal will be undertaken during the breeding bird season. If this is not feasible, a breeding bird survey will be undertaken to confirm whether or not birds are nesting on site. Should nesting birds be encountered during surveys, the removal of trees or hedgerows may be required to be delayed until after the nesting season.
- It is recommended that if bats are encountered during any works at the site the relevant activity will be suspended until the advice of a suitably qualified and licensed bat ecologist is sought. A derogation licence may need to be sought from NPWS in order to permit removal of bats and mitigate for the loss of any roosts on the site;
- It is recommended that the potential bat roost trees are inspected by an experienced ecologist for the presence of bats prior to felling and section felled using controlled rigging under the supervision of an experienced ecologist. If bats are present, the relevant works will have to cease and National Parks and Wildlife Service will have to be contacted in order to obtain a derogation licence; and lighting proposals for the construction stage of the proposed development will be reviewed by a qualified bat ecologist.

It is concluded that no cumulative impacts will arise as a consequence of the proposed development acting in-combination with other plans and projects within the same zone of influence. The construction stage lighting plan will be reviewed by a qualified bat ecologist to ensure no significant impacts will arise on bats as a result of artificial lighting associated with construction of the proposed deployment. I recommend that conditions should be attached requiring the developer to implement the measures contained in the Ecological Impact Assessment and that a suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and

construction of the proposed development should permission be looked upon favourably.

12.6.2. Sewage system capacity

Concern is raised that there needs to be an investigation of the sewage system due to capacity constraints. I note that the Local Authority's Drainage Department, dated 27th June 2019, which advises that it is satisfied with the principles of the proposals for the piped infrastructure and associated works. I consider that the proposed development is acceptable in principle from an infrastructural services point of view subject to condition.

12.6.3. Construction Management and Phasing

A 'Preliminary Construction Management Plan' has been submitted. It is anticipated that construction works will take 24 months from commencement in Q4 of 2019.

Proposed working hours from 7am until 5pm on a Saturday are not acceptable in a residential area and should be revised to 8am to 7pm Monday to Friday and 8am to 2pm on a Saturday. This matter can be dealt with by way of condition.

It is anticipated that agreement on a final CEMP may be necessary to avoid traffic hazard and congestion with the opening and closing times of the schools.

Some mitigation measures are set out in relation to dust, dirt, noise, vibration and pollution control. It is noted that Section 6.6 of the submitted Plan outlines an environmental complaint procedure and Section 9.3 states staff and visitor parking will be located within the site itself.

A Construction Phasing Plan has been submitted (Drawing No. 1612-OMP-00-00-DR-A-XX-11006) and also attached to the back of the Construction Management Plan, see section 3.4 of this report for full detail. The construction of the apartment buildings and open space in advance of the construction of the houses, is noted and welcomed, so that the higher density area of the development is provided earlier.

12.6.4. Taking in charge

A taking-in-charge layout plan has been submitted. This indicates that all public open space (including the attenuation pond and bio-retention area) and most of the footpaths and the internal road layout except car parking spaces and the basement entrance are to be taken-in-charge. The Planning Authority generally only takes in charge more 'traditional' housing developments. The chief officers report states that: 'As this is a predominantly apartment development the development in its entirety would normally be managed by a management company. However, in the interests of securing access to public open space within the scheme, which might be desirable, this matter should be addressed by compliance condition, should permission be granted'. This matter can be dealt with by way of condition.

12.6.5. Part V

13 no. units are proposed to be provided as part of the Part V obligations; 2 no. 1-bed units, 9 no. 2-bed units and 2 no. 3-bed units located in Blocks C and D.

The Housing Section of the Council considers that the proposal is capable of complying with the requirements of Part V and recommends a condition be attached requiring the applicant/developer to enter into an agreement in the event of a grant of permission. The Planning Authority is satisfied with Part V proposals. A general Part V condition should be attached.

12.6.6. Childcare facility

The retention of the childcare use on site is noted and welcomed as is the provision of the larger, upgraded childcare facility. Its location is on the same footprint as the existing facility and associated vehicular traffic will not have to enter into the residential development. The proposed structure is 7.25m in height with a floor area of 434sqm. Its design is similar to that of rest of the development with a mix of a light brick similar to the apartment blocks and render. Terraces at first floor level are provided which increases the open space area associated with the development.

Balconies and overlooking of the school's open space and creche play area has been raised as a concern by observers. The Planning Authority has no objection with first floor terraces in principle if deemed appropriate by the operator. I concur with this opinion. It is noted in this regard that the Dun Laoghaire Rathdown County Childcare Committee had no comment to make. The temporary use of Block D as an interim facility between the demolition of the existing facility and construction of the new childcare facility (which is proposed as Phase 1) is deemed appropriate and acceptable.

12.6.7. **Environmental Impact Assessment**

EIA is not mandatory for the proposed project and I do not consider that there is a sub-threshold requirement. The Ecological Impact Assessment, carried out by Scott Cawley, is noted and considered acceptable.

Having regard to the nature and scale of the proposed development, the nature of the receiving environment and proximity to the nearest sensitive location, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

12.6.8. **Appropriate Assessment (AA)**

Screening report

The applicant has submitted an AA screening report which sets out a description of the proposed development, identifies the Natura 2000 sites within 15kms of the development. The report examines cumulative impacts and concludes that the proposed development is located 2.7kms from the nearest Natura 2000 site, South Dublin Bay SAC (site code 000210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024). No Annex species or habitats were noted on the site or in its immediate environs. No significant impact on Natura 2000 sites are foreseen.

Table 1

Natura 2000 sites within 15km range of site Natura 2000 Code	Site Code	Distance to site (as the crow flies to nearest point of Natura 2000 site)
South Dublin Bay SAC	0000210	2.7km northeast
North Dublin Bay SAC	000206	7.4Km northeast
Rockabill to Dalkey Island SAC		
Island SAC	003000	9.8km east
Glenasmole Valley SAC	001209	9.9km southwest
South Dublin Bay and River Tolka SPA	0004024	2.7km east
Ballyman Glen SAC	000713	11.4km southeast
Knocksink Wood SAC	000725	10km south
Bray Head SAC	000714	8.6km
Wicklow Mountains SAC	002122	7.7km southwest
Wicklow Mountains SPA	004040	7.9km southwest
Howth Head SAC	000202	12km northeast
Baldoyle Bay SAC	000199	12.9km northeast
North Bull Island SPA	004006	7.4Km northeast
Dalkey Island SPA	004172	9.8km southeast
Baldoyle Bay SPA	004016	12.9km northeast
Howth Head Coast SPA	004113	14km northeast

As identified in Table 1 above there are sixteen European sites located within a 15-kilometre range of the proposed project. Site synopsis and conservation objectives for each of these Natura 2000 sites are available on the NPWS website. In particular, the attributes and targets of these sites are of assistance in screening for AA in respect of this project.

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 sites which are South Dublin Bay SAC (site code 000210) and South Dublin Bay and River Tolka Estuary SPA (site code 004024). I consider it is reasonable to conclude that on the basis of the information on the file, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any European site, in view of the said sites' Conservation Objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Conclusion and Recommendation

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

14.0 Reasons and Considerations

14.1. Having regard to the following:

- (a) the site's location on lands with a zoning objective for residential development and policy provisions in the Dun Laoghaire Rathdown County Development Plan in respect of residential development and institutional lands,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the County Development Plan and appendices contained therein,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness, (Government of Ireland, 2016),

- (d) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013
- (e) the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, 2009
- (f) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018
- (g) the nature, scale and design of the proposed development,
- (h) the availability in the area of a wide range of social, community and transport infrastructure,
- (i) the pattern of existing and permitted development in the area and
- (j) to 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 amenity 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.

15.0 Conditions

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

Reason: In the interest of clarity.

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

- (i) A revised cycle parking layout that complies with the requirements of the planning authority's "Standards for Cycle Parking and associated Cycling Facilities for New Developments" (2018) in terms of location and layout.
- (ii) A revised car parking layout that complies with the quantitative requirements of the planning authority.

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

3. The area in the northeast of the campus identified as 'Option Site' shall be used for education purposes only. The area of public open space within the subject site shall be made available for use by all users of the wider Our Lady's Grove campus, including the schools.

Reason: In the interests of providing for the existing and future needs of the educational uses on the campus.

4. (a) Prior to the commencement of development revised floor plan and elevation drawings and a revised 'Housing Quality Assessment' shall be submitted for the written approval of the Planning Authority demonstrating that a minimum 50% of apartment units are dual aspect units.

(b) Prior to commencement of development a revised 'Housing Quality Assessment' shall be submitted for the written approval of the Planning Authority demonstrating that individual bedroom widths and floor areas are provided in accordance with Appendix 1 of the Sustainable Urban Housing – Design Standards for New Apartments, 2018.

Reason: In the interests of residential amenity, compliance with the provisions of the Sustainable Urban Housing – Design Standards for New Apartments, 2018 and the proper planning and sustainable development of the area.

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

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

6. Each apartment shall be used as a single dwelling unit, only.

Reason: To prevent unauthorised development.

7. The glazing to the all bathroom and en-suite windows shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.

Reason: In the interests of residential amenity.

8. The developer shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining property(s) as a result of the site construction works and repair any damage to the public road arising from carrying out the works.

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

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

(ii) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and TII (Transport Infrastructure Ireland) standards. The Quality Audit team shall be approved by the Planning Authority and all measures recommended by the Auditor should be undertaken unless the Planning Authority approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.

Reason: To ensure a satisfactory standard of development.

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

developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of orderly development.

11. 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, and

(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.

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

12. All mitigation and monitoring measures outlined in the plans and particulars, including the Ecological Impact Assessment report submitted with this application

shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

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

Reason: In the interest of nature conservation.

14. 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.

15. Site development and building works shall be carried out only 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.

16. 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

17. 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.

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. 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.

20. The submitted phasing programme for the development shall be strictly adhered to, unless otherwise agreed in writing with the planning authority.

Reason: To provide for the orderly development of the site

21. Prior to occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

Reason: In the interest of visual amenity.

22. 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.

23. The construction of the development shall be managed in accordance with a Construction Management Plan, which shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction

practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

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

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

25. 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.

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

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

Fiona Fair

Planning Inspector

2nd August 2019

APPENDIX A- List of submissions received

1. Ronan Markey
2. Siobhan Rynhart
3. Paul Coyle and Roisin Cleere
4. Michael Redmond
5. Mark and Deirdre Leonard
6. Mary Madden
7. Maria Gardiner and Carl Byrne
8. Marie Ryan
9. Gerry and Anne Ormond
10. Imelda Farrell
11. Jeffrey Mark Siskind
12. Kate Thornhill
13. Emma and Greg Mollins
14. Emma Reilly and others
15. Barak Pearlmutter
16. Cathal and Aoife Cavanagh
17. Catherine Martin TD
18. Claire White and Lorcan Keogh
19. Dr. Ciara McManus and John O'Carroll
20. Amy and Frank Shanahan
21. Tracey Nelson
22. Ryan Sherlock and Melanie Spath
23. Seamus and Marie O'Donoghue
24. Shane and Suzanne Cotter
25. Patrick Walsh
26. Rosbuck Residents Association
27. Niall O'Buachalla
28. Nora and Shaun Saurin
29. Patricia and Geraldine Hackett

30. Jennifer O'Connor
31. John Foody
32. Mairead and James Cormican
33. Frances and Paul Gorman
34. Gerry and Anne Nangle
35. Hilary Gow
36. Jacinta Bond
37. D. Mason
38. Edward Quinn
39. Elizabeth and Adrian O'Connor
40. Alan and Anne Egan
41. Andrew and Amy O'Malley
42. Ann and Robert Simmons
43. Christophe Henry
44. Maria Costello
45. Jenifer and Lauterio Zamparelli
46. Gut and Laurie Easterby
47. Wendy Jennings and Fergus Bolger
48. Denis Frederick Galvin
49. Irish Water
50. NTA
51. TII