



An  
Bord  
Pleanála

## Inspector's Report

### ABP-306238-19

Conservation repair works to Dal Riada House and construction of 8 three bedroom houses within the curtilage of Dal Riada House.  
Demolition of Dal Riada Lodge and replacement with 1 three bedroom house

#### Location

Site of 0.6 hectares at Dal Riada House, Avoca Avenue, Blackrock, Co. Dublin (A Protected Structure)

#### Planning Authority

Dun Laoghaire Rathdown County Council

#### Planning Authority Reg. Ref.

D19A/0140

#### Applicant(s)

Red Block Construction Ltd.

#### Type of Application

Permission

#### Planning Authority Decision

Grant permission

#### Type of Appeal

Third Party

**Appellant(s)** Maureen Dolan

**Observer(s)** None

**Date of Site Inspection** 8<sup>th</sup> March 2020

**Inspector** Emer Doyle

## 1.0 Site Location and Description

- 1.1. The appeal site has a stated area of 0.6 hectares and has access points from Avoca Avenue and Grove Avenue, Blackrock, Co. Dublin. The site accommodates 'Dal Riada House', a protected structure (Ref. No. 465), and 'Dal Riada Lodge' which is not a protected structure.
- 1.2. Dal Riada House is accessed from Avoca Avenue and is a large two storey over-basement house with an original stable building and yard to the north east of the house. Dal Riada Lodge is a single storey cottage which is accessed from Grove Avenue.
- 1.3. A watercourse bounds the site to the north together with The Elms apartment block and No. 5 Grove Avenue. A large two storey dwelling, 'Tanrego' (protected structure Ref. No. 477) bounds the site to the east. Grove Avenue and a bungalow 'Judeville' in the middle section of the site bounds the site to the west.
- 1.4. The site context is characteristic of a mature suburban area and has a wide range of housing. There are a large number of mature trees on the site, in particular in the section of the site on the corner of Grove Avenue and Avoca Avenue.

## 2.0 Proposed Development

- 2.1. Permission is sought for the following:
  - Conservation repair works to Dal Riada House, a protected structure, including addressing water ingress from multiple breach sources, render repair, roof repair, entrance step repair, window and joinery repair, general Coach House repair, removal of a 20<sup>th</sup> Century lean-to to the rear of the Coach House.
  - Demolition of the former gate lodge known as Dal Riada and replacement with 1 No. two storey three bedroom dwelling.
  - The construction of 8 No. two storey over basement, three bedroom semi-detached dwellings within the curtilage of Dal Riada House. The dwellings face each other onto a courtyard where it is proposed to reduce the existing ground level by 1.8m.

- New vehicular access through the site to the rear of Dal Riada House.
- The development will also include alterations to existing levels, proposed internal roads and pathways, retaining walls, site landscaping, boundary treatments, pedestrian access to Grove Avenue and all associated site development and excavation works.

2.2. The application is accompanied by the following:

- Site Access and Roads Assessment
- Arboricultural Assessment
- Design Statement
- Planning Application Report
- Conservation Report
- Landscape Masterplan and report

2.3. Revised information was submitted to the Planning Authority dated the 2<sup>nd</sup> of July 2019 in response to the Further Information Request. Revised details included the following:

- Contiguous elevation of proposed replacement dwelling and the dwelling to the north at No. 5 Grove Avenue.
- Assessment of architectural significance of Dal Riada Lodge
- Natura Impact Assessment and Appropriate Assessment Screening
- Elevation of existing and proposed pedestrian entrance
- Revised landscaping drawings and masterplan
- Construction Management Plan
- Flood Risk Assessment
- Site lighting details
- Drainage details

2.4. Revised information was submitted to the Planning Authority dated the 29<sup>th</sup> of October 2019 in response to the **Clarification of Further Information Request** which included the following:

- Revised boundary details for pedestrian entrance
- Revised lighting design
- Revised Site Specific Flood Risk Assessment
- Units 1-8 were altered so that the proposed excavation of the access road was reduced to c. 1400mm. The overall increase in ridge height proposed is c. 300mm.
- Revised drainage details.

### 3.0 **Planning Authority Decision**

#### 3.1. **Decision**

Permission granted subject to 24 No. conditions.

Noteworthy conditions include the following:

**Condition No. 4** required that all repairs and restoration to Dal Riada and its coach house shall be undertaken concurrently with the construction of the 9 No. dwellings on site and shall be completed prior to the occupation of the proposed dwellings.

**Condition No. 5** required the applicant to submit a detailed strategy and methodology for the planned refurbishment works to Dal Riada and the Coach House.

**Condition No. 6** required that all repair works to the protected structure were carried out in accordance with best conservation practice.

**Condition No. 7** required that all works are carried out under the professional supervision of an appropriately qualified person.

**Condition No. 14** required the applicant to comply with the proposed 'designed in mitigation' measures as outlined in the submitted Natura Impact Statement.

**Condition No. 16** required archaeological monitoring and recording of any material found.

All other conditions are of a standard nature.

### 3.2. Planning Authority Reports

#### 3.2.1. Planning Reports

- The planner's report considered that the modification to the scheme to alter the access would provide for the preservation of the existing mature trees to the west of Dal Riada House and would ensure that the setting of Dal Riada House is preserved. It was also noted that the revised layout and revised design had specific regard to the residential amenities of properties in the vicinity and had adequately addressed Refusal Reason No. 2. It was considered that the provision of dedicated communal open space would benefit from an excellent orientation and passive surveillance and would adequately overcome Refusal Reason No. 3.
- It was noted that the site has a direct abuttal to the priory stream and that a source-pathway-receptor link exists as this stream is a direct pathway to both the South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA. The applicant was requested to submit a Natura Impact Statement to the Planning Authority by way of further information.
- A second report considered that clarification of Further Information was required in relation to drainage, lighting and boundary treatment of pedestrian entrance. It noted the conclusions of the Natura Impact Statement and considered that in the event of a grant of permission, a condition should be attached requiring the applicant to comply with the proposed 'designed in mitigation' measures and 'other avoidance/ reduction measures' as outlined in Table 8 of the submitted Natura Impact Statement together with a revised construction management plan which establishes the connectivity of the Priory Stream and South Dublin Bay and the requirement for avoidance in terms of both direct and indirect construction activity.

- The third report was satisfied with the response to the Clarification of Further Information including the changes to the ground levels and the overall increase in the ridge height of the proposed houses of c. 300mm and recommended permission.

### 3.2.2. Other Technical Reports

**Transportation Section:** The initial report required Further Information. The second report considered that the details submitted in response to the Further Information Request were acceptable.

**Conservation Section:** No objection to renovation works to protected structure. It was considered that the proposed dwellings would materially alter the existing landscape and character of the protected structure and had not overcome the grounds for refusal of the previous application. Refusal was recommended for this element of the proposed development.

**Parks and Landscape Services:** Refusal recommended due to inadequate quality of proposed development.

**Drainage Section:** The initial report required Further Information. A second report considered that the information submitted was incomplete and required Clarification of Further Information. The third report considered that the revised details submitted were acceptable.

**Public Lighting Section:** Considered that the revised proposals submitted were acceptable.

### 3.3. Prescribed Bodies

**Irish Water:** The initial report required Further Information. Following the Further Information Response, the second report recommended permission.

**Department of Culture, Heritage and the Gaeltacht (Archaeology Section):** required archaeological monitoring to be carried out at the site and included as a condition in any grant of permission.

### 3.4. **Third Party Observations**

A total of 8 No. third party observations were submitted to the Planning Authority. The issues raised are similar to the grounds of the appeal.

### 4.0 **Planning History**

#### **PA D08A/0889**

Permission granted for the demolition of bungalow (Judeville) and construction of 3 No. 2 storey houses, each with individual vehicular access. The life of this permission was extended under D08A/0889E until the 28<sup>th</sup> of May 2019.

#### **PA D17A/0450**

Permission refused by Planning Authority for change of use and renovation of the protected structure from a retreat centre to a single residential unit together with renovation and restoration works and the construction of 8 No. two storey dormer houses in the grounds of a protected structure.

#### **ABP 301796/ PA D18A/0223**

Permission refused by PA and by the Board on appeal for conservation repair works to Dal Riada House, a protected structure and erection of 9 two storey terraced houses. The reasons for refusal by the Board related to design and massing, loss of mature trees, impact on protected structure, impact on residential amenities, and inadequate quality of public/ communal open space.

#### **ABP 301754/ PA D18A/0069**

Permission refused by the Planning Authority and granted on appeal to the Board for alterations and extensions to existing single storey house together with new vehicular entrance and site works.



## 5.0 Policy Context

### 5.1. Project Ireland 2040 - National Planning Framework

- 5.1.1. The NPF includes a Chapter, No. 6 entitled 'People, Homes and Communities'. It sets out that place is intrinsic to achieving good quality of life. National Policy Objective 33 seeks to "prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location".
- 5.1.2. National Policy Objective 35 seeks "to increase residential density in settlements, through a range of measures including restrictions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights".
- 5.1.3. National Planning Objective 13 also provides that "In urban areas, planning and related standards, including in particular height and car parking will be based on performance criteria that seek to achieve well-designed high quality outcomes in order to achieve targeted growth. These standards will be subject to a range of tolerance that enables alternative solutions to be proposed to achieve stated outcomes, provided public safety is not compromised and the environment is suitably protected".

### 5.2. Section 28 Ministerial Guidelines

- 5.2.1. The following is a list of section 28 Ministerial Guidelines considered of relevance to the proposed development. Specific policies and objectives are referenced within the assessment where appropriate.
- Urban Development and Building Heights Guidelines for Planning Authorities
  - Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas
  - Design Manual for Urban Roads and Streets
  - The Planning System and Flood Risk Management

- Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities

### 5.3. Development Plan

- 5.3.1. The operative Development Plan is the Dun Laoghaire Rathdown County Development Plan 2016 – 2022. The subject site is zoned A: “To protect and/or improve residential amenity.”

Relevant policies and objectives include:

Section 8.2.3.4 (vii) Infill: “New infill development shall respect the height and massing of existing residential units. Infill development shall retain the physical character of the area including features such as boundary walls, pillars, gates/gateways, trees, landscaping, and fencing or railings.”

Section 8.2.3.4 (xiv) Applications for replacement dwellings shall also have regard to Policies AR5 and AR8 (Sections 6.1.3.5 and 6.1.3.8). In this regard, the retention and reuse of an existing structure will be encouraged over replacing a dwelling.

Section 2.1.3.4 Existing Housing Stock Densification: “Encourage densification of the existing suburbs in order to help retain population levels – by ‘infill housing. Infill housing in existing suburbs should respect or complement the established dwelling type in terms of materials used, roof type, etc. In older residential suburbs, infill will be encouraged while still protecting the character of these areas.”

Policy RES 3: It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development.

Where a site is located within 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 of 50 units per hectare will be encouraged.

Section 8.2.3.2 of the Plan set out quantitative standards for residential development.

Section 8.2.8.4 sets out standards for private open space.

#### **5.4. Natural Heritage Designations**

5.4.1. The following Natura 2000 sites are located in the general vicinity of the proposed development site:

- The South Dublin Bay and River Tolka Estuary Special Protection Area (Site Code: 004024), approximately 1.3km east of the site.
- The South Dublin Bay Special Area of Conservation (Site Code: 000210), approximately 1.3km east of the site.

#### **5.5. EIA Screening**

Having regard to the nature of the proposed development comprising a residential development on a brownfield site in an established serviced urban area, 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.

### **6.0 The Appeal**

#### **6.1. Grounds of Appeal**

The grounds of the third party appeal can be summarised as follows:

- Concerns in relation to height and scale of dwellings.
- Concerns in relation to impact on Protected Structure
- Concerns in relation to length of rear gardens, possibility of cutting back of trees in these gardens and overlooking from three storey houses.
- Concerns that the rear garden sizes are inadequate.
- Concerns that proposed development does not address the previous reasons for refusal.

## 6.2. Applicant Response

A response submitted on behalf of the applicant can be summarised as follows:

- Two key concepts are ignored by the appellant in relation to scale and massing - firstly the barrel roof design and secondly the semi-basement level.
- Each dwelling has a minimum of 60 square metres of private open space and complies with Development Plan standards.
- The dwellings have been designed to diminish their physical presence and prevent overlooking.
- The suggestion that the first inclination of any future resident to cut back trees is entirely speculative.
- It is clear from the photos in the appeal response that there will be no overlooking or overshadowing of Tanrego House or gardens.
- The Planning Authority was satisfied with the revised communal open space proposals.

## 6.3. Planning Authority Response

- A response from the Planning Authority referred the Board to the previous planner's report. It was considered that the grounds of appeal do not raise any new matter, which would justify a change of attitude to the proposed development.

## 6.4. Observations

- None.

## 7.0 Assessment

7.1. Having regard to the above, and having inspected the site and reviewed all documents on file, the following is my assessment of this case. In my opinion the main issues to be addressed are as follows:

- Impact on Residential and Visual Amenities
- Impact on Protected Structure
- Appropriate Assessment

### 7.2. Impact on Residential and Visual Amenities

- 7.2.1. The appellant has raised concerns in relation to the design of the proposed dwellings and in particular their height and scale and massing. It is stated in the appeal that there would be four three storey units backing onto her property. Concern was also expressed in relation to overlooking and it was considered by the appellant that the rear gardens were not of adequate length. Furthermore, it was considered by the appellant that the previous reasons for refusal had not been addressed.
- 7.2.2. The first reason for refusal by the Board in the previous application on the site considered that the design, massing and fenestration of the proposed development would materially impact on the protected structure.
- 7.2.3. In order to address the concerns of the Board, it was proposed in the initial drawings submitted to the Planning to reduce the level of the access road by 1.8m. This has the effect of reducing the height and massing of the proposed dwellings in relation to both Dal Riada House and adjacent dwellings. Revised details were submitted to the Planning Authority in relation to drainage details which altered the proposed ground levels and the reduction now proposed is 1.4m.
- 7.2.4. The form of the dwellings has been altered to provide for a contemporary barrel vaulted roof structure. This form reduces the massing and scale of the overall development and in my view provides for a very attractive form of development at this location. Furthermore, I consider that the alterations further assist in the integration of the proposed development into the surrounding environment in an

acceptable manner. The appeal response describes the dwellings are 'being one storey with barrel roof over semi-basement level.' I am of the view that whilst the floor plans indicate that 3 floors are proposed, the design has been carefully thought out to address the concerns of the Board and the scheme responds well to the site and surroundings. As such, I do not consider that the impact is similar to that normally associated with three storey development and I consider that the scale, height and design are appropriate at this location.

- 7.2.5. In terms of the impact on residential amenities, I note that the proposed dwellings have been carefully designed and as such, there is no overlooking of existing development in the vicinity. The appellant considers that the rear gardens need to be 11m in depth rather than the 9m proposed. I note that all the rear gardens of the proposed dwellings comply with the requirement set out in Section 8.2.8.4(i) of the Development Plan in terms of a minimum of 60m<sup>2</sup> for three bedroom houses. Section 8.2.8.4(ii) requires a minimum standard of 22 metres separation between directly opposing first floor rear windows which normally results in a rear garden depth of 11m. Having regard to the layout and design of proposed and existing housing at this location, this requirement does not apply to this site.
- 7.2.6. I am of the view that the proposed design is sensitive to the site context and do not consider that it would detract from the visual amenities of the area. I am satisfied that the private open space proposed complies with development plan standards and that the rear garden depths proposed are acceptable. I consider that the residential amenities of neighbouring properties will not be adversely impacted upon by way of overlooking or loss of privacy.

### **7.3. Impact on Protected Structure**

- 7.3.1. The primary concern raised by the appellant in relation to the impact on the protected structure was that the proposed units are too close and fail to protect its setting.
- 7.3.2. In the previous application on the site, the Board's first reason for refusal considered that the design, massing and fenestration of the proposed dwellings and ' the loss of a significant number of mature trees as a direct consequence of the proposed vehicular access at this location along Grove Avenue, which trees are an essential

component of the setting of the Protected Structure, would fail to respect and complement the setting of the Protected Structure...'

- 7.3.3. The main alterations to the proposed scheme from the previous refusal on the site by the Board are the proposed layout, the change of access, and the design alterations to the proposed houses. It is proposed to lower part of the site by 1.4m to provide two storey over basement houses to the rear of Dal Riada House. The proposed dwellings will have a maximum height of c. 7.3m above natural ground level. I refer the Board to Figures 4.4 and Figure 4.5 in the appeal response. The scale of the proposed dwellings is akin to the existing coach house and subsidiary to the protected structure. The protected structure remains the focal point of the site. I note that the planner's report states that 'the palette of the proposed materials and finishes, comprising copper roofs and a combination of brick and render facades is also welcomed and is considered to be of a high quality and sympathetic to the character of the protected structure.' I concur with this and am satisfied that the revised design addresses the Board's concerns in relation to the design and the impact on the protected structure.
- 7.3.4. In relation to the loss of trees on the site, an alternative access is now proposed in the north-west corner off Grove Avenue. This necessitates the demolition of an existing single storey cottage – Dal Riada Lodge. Dal Riada Lodge is not a protected structure and is in poor condition. According to a report submitted in response to a Further Information Request, it retains no historic fabric or detailing of any significance and contributes very little to Grove Avenue in terms of visual amenity or character. I consider that the relocation of the access to this location would help to retain the sylvan nature of the site and provide for the preservation of many of the mature trees on the site. The Board's first reason for refusal under ABP-301796-18 considered that the previous access would necessitate the loss of a significant number of mature trees which were an essential component of the setting of the Protected Structure. I am satisfied that the relocation of the access addresses this reason for refusal and provides for a much higher quality of development together with the protection of the setting and curtilage of Dal Riada House.
- 7.3.5. The application is accompanied by an Arboricultural Assessment, together with a tree protection plan and landscape masterplan. I am satisfied that full consideration has been given to the retention of as many trees as possible and the revised layout

positively exploits these trees so that the proposed development is integrated into its surroundings.

- 7.3.6. I note that the Conservation Officer's report considered that the proposed development would materially alter the existing landscape character and setting of the Protected Structure and considered that the applicant had not addressed the grounds of refusal.
- 7.3.7. The planner's report considered that 'the subject site was somewhat of an anomaly in this setting owing to its location on the corner of Grove Avenue and Avoca Avenue and the pattern of development within its immediate vicinity including the three storey apartment development to the site's north.' The planner considered that there was potential of accommodating a higher density of development at this location whilst protecting and providing an appropriate setting for the Protected Structure.
- 7.3.8. Whilst I acknowledge the concerns of the Conservation Officer, I concur with the planner. I have examined the alterations to the proposed development and consider that the revised proposals address the grounds for refusal by the Board in the previous application on the site. The development proposed is of a high quality in terms of layout, design and finishes and the trees are now an integral part of the design proposal. Having regard to the foregoing, I am satisfied that the proposed development will respect and complement the setting of the Protected Structure.

#### **7.4. Appropriate Assessment**

- 7.4.1. Stage 2 Appropriate Assessment
- 7.4.2. The Planning Authority noted that the site directly abutted the Priority Stream and had connectivity to Natura 2000 sites and required the applicant to submit a Natura Impact Statement in item 1 (c) of the Further Information Request. A Natura Impact Statement (dated June 2019) was prepared by Altemar and was submitted with the Further Information Response.
- 7.4.3. Under Stage 2 Appropriate Assessment it is necessary to establish will the proposed development individually or in combination with other plans or projects adversely affect the integrity of the European sites in view of the sites' conservation objectives.



- 7.4.4. Having regard to the 'source-pathway-receptor' model the submitted NIS identified potential impacts on the South Dublin Bay SAC and South Dublin Bay and River Tolka SPA.
- 7.4.5. The qualifying interests and conservation interests of these two sites are indicated in Table 6 of the NIS.
- 7.4.6. It is set out in the NIS that a potential pathway exists via surface water to these sites. The proposed construction of the development would potentially impact on the existing ecology of the site and the surrounding area. These potential construction impacts would include noise impacts that may arise during site clearance, re-profiling of the site and the building phases of the proposed development. Run-off during site demolition, re-profiling the construction and operation of project elements could enter the surface water network which leads to Dublin Bay. It is set out in the NIS that loss of habitat and habitat fragmentation may effect some common mammalian species and there is expected to be mortality during construction. The proposed development will remove some potential foraging habitats on site. The majority of trees will be retained however the trees in the vicinity of the watercourse will be removed. These are of low biodiversity value.
- 7.4.7. Table 7 of the NIS outlines the potential for adverse effects on the qualifying interests and conservation objectives of the Natura 2000 sites. The use of plant and machinery as well as associated temporary storage of construction materials, oils and chemicals could lead to pollution on site or in adjacent watercourses. It is set out in the NIS that given the nature of the works in a suburban environment beside the Priory stream, the effects would be expected to be localised in nature. Mitigation measures are required to limit the effect of the project.
- 7.4.8. The mitigation measures are set out in Table 8 of the NIS and include dust control, silt traps, stockpiling a minimum of 20m away from the watercourse, fuel and oil to be sited within a bunded area, trees to be felled sensitively and away from the watercourse.
- 7.4.9. It is stated that with the successful implementation of standard mitigation measures to limit surface water impacts on the Priory Stream and the successful installation and initiation of the foul treatment system, no significant impacts on the downstream Natura 2000 sites are foreseen from the construction or operation of the project.

- 7.4.10. It is concluded that mitigation measures must be in place to ensure that there will be no adverse effects on the conservation objectives or integrity of the Natura 2000 sites, either alone or in combination with other plans or projects.
- 7.4.11. The proposed development site is an existing garden of a protected structure in a built up suburban area. Having regard to all of the above and having examined the information before me, I am satisfied that the mitigation measures to be put in place, will ensure that the conservation objectives and integrity of the Natura 2000 sites identified above will not be adversely affected by operational phase related surface water discharges from the proposal. I consider that the proposed measures are clearly described, are reasonable, practical and enforceable. I also consider that they fully address the potential impacts arising from the proposed development such that it will not give rise to significant impacts either alone or in combination with other potential impact sources. I consider that it is reasonable to conclude on the basis of the information on the file, which I consider adequate in order to carry out a Stage 2 Appropriate Assessment, the proposed development, individually or in combination with other plans or projects would not adversely affect the integrity of the European site, in view of their Conservation Objectives.

## **8.0 Recommendation**

- 8.1. I have read the submissions on file, visited the site, and had due regard to the provisions of the Development Plan and all other matters arising. In light of this and the assessment above, I recommend that permission be granted for the following reasons and considerations set out below.

## **9.0 Reasons and Considerations**

Having regard to the zoning objective of the site, its planning history and the design, scale and height of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development, would not seriously injure the integrity, character and setting of the Protected Structure. The proposed development would not seriously injure the visual amenities or architectural heritage of the area or the residential amenities of properties in the vicinity 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.

## 10.0 Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as revised by the further plans and particulars submitted to the planning authority on the 2<sup>nd</sup> day of July, 2019 and the 29<sup>th</sup> day of October 2019 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. (a) All repairs and restoration works to Dal Riada and its coach house shall be undertaken concurrently with the construction of 9 No. dwellings on the site and shall be completed prior to the occupation of the proposed dwellings.

(b) Prior to commencement of development, the developer shall submit to the Planning Authority for written agreement a detailed strategy and methodology for the refurbishment works to Dal Riada and its coach house.

(c) A conservation expert shall be employed by the developer to manage, monitor, and implement works on the site and to ensure adequate protection of the historic fabric during those works.

(d) All repair and restoration works shall be carried out in accordance with the recommendations set out in the Architectural Heritage Protection: Guidelines for

Planning Authorities issued by The Department of Arts, Heritage and the Gaeltacht in 2011.

**Reason:** To ensure the protection of the protected structure and the visual amenities and established architectural character of the area.

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

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigation) relating to the proposed development,

(b) employ a suitably- qualified archaeologist who shall monitor all site investigations and other excavation works, and

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

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

**Reason:** In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that exist within the site.

4. (a) Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

(b) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

**Reason:** In the interest of public health.

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

**Reason:** In the interest of visual amenity.

6. (a) The site access arrangements and the internal road network serving the proposed development, including parking areas, footpaths and kerbs, and the basement car park, shall be in accordance with the detailed requirements of the planning authority for such works.

(b) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of orderly development and sustainable transport.

7. Details of all boundary treatment shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development (including any demolition works) on the site.

**Reason:** In the interests of visual and residential amenity.

8. Prior to commencement of development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate shall be signed off by the Landscape Architect when

all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

**Reason:** To ensure full and verifiable implementation of the approved landscape design.

9. Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed with stout fences not less than 1.5m in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of 2 metres from the trunk of the tree or the centre of the shrub, and to a distance of 2 metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.

(b) No construction equipment, machinery or materials shall be brought onto the site for the purpose of development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

**Reason:** To protect trees and planting during the construction period in the interest of visual amenity.

10. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development. All existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

**Reason:** In the interests of visual and residential amenity.

11. Proposals for an estate name and 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 development signs and numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

13. (a) Prior to commencement of development, a revised Construction Management Plan shall be submitted to the Planning Authority which has regard to the Natura Impact Statement submitted to the Planning Authority on the 2<sup>nd</sup> day of July 2019.

(b) The mitigation measures and avoidance/ reduction and enhancement measures outlined in Table 8 of the Natura Impact Statement submitted to the Planning Authority on the 2<sup>nd</sup> day of July 2019, shall be carried out in full except where otherwise required by conditions attached to this permission.

**Reason:** In the interests of public safety and the protection of the biodiversity of the area.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of

public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

15. 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 and for the ongoing operation of these facilities 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:** In the interests of residential amenity and proper waste management.

16. 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 and shall include details of any relocation of existing street lighting. Such lighting shall be provided prior to the making available for occupation of any unit.

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

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



applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála for determination.

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

18. 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 of roads, footpaths, watermains, drains, 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 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 of the development

19. 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.

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Emer Doyle

Inspector

04/08/2020