



An
Bord
Pleanála

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

Inspector's Report
ABP-306949-20

Strategic Housing Development

Demolition of existing dwelling and other structures, conversion of Dalguise House to 2 no. houses, construction of 298 no. residential units (20 no. houses, 276 no. apartments), Conversion of Dalguise House to 2 no. residential units and a crèche, conversion of coach house to residential unit and use of gate lodge as a residential unit and second gate lodge as concierge/managers office, relocation of glasshouse and vinery and removal of a second glass house, removal of outbuildings, provision of a bridge over the Stradbroke stream and all associated site works.

Location

Dalguise House (a protected structure). Monkstown Road, Monkstown, Blackrock, Co. Dublin. (www.dalguiseshd.com)

Planning Authority

Dun Laoghaire Rathdown County
Council

Applicant

Lulani Dalguise Ltd.

Prescribed Bodies

1. Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation)
2. The Heritage Council,
3. An Taisce - The National Trust for Ireland,
4. An Comhairle Ealaoin,
5. Fáilte Ireland
6. Irish Water
7. Dun Laoghaire Rathdown County Childcare Committee

Observer(s)

153 Observer submissions, this includes 3 from Prescribed Bodies (See Appendix 2 for a list of Observers).

Date of Site Inspection

2nd July 2020.

Inspector

Daire McDevitt

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Appendix 1 Documentation submitted with the application.

Appendix 2 List of Observers.

Appendix 3 Summary of Observer Submissions

1.0 Introduction

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

2.0 Site Location and Description

- 2.1. Dalguise house is located on the southern side of Monkstown Road, set back c. 100m from the road the rear of a residential buffer consisting of small residential schemes, individual houses and a number of protected structures. It is c. 350m west of Monkstown Village, c. 1.8km west of Dun Laoghaire and Dun Laoghaire Dart station, c. 1.7km east of the centre of Blackrock and c. 700m southwest of Salthill/Monkstown Dart Station.
- 2.2. The site, with a stated area of c. 3.66 hectares, contains Dalguise House, two gate lodges, coach house/stable block, coachman's cottage, White Lodge, vinery, 2 glasshouses, walled garden, tennis courts and a number of smaller structures of various age and condition, is accessed via an entrance avenue/lane via entrance piers located on the southern side of Monkstown Road. The site does not have any public road frontage, apart from its entrance, with the bulk of it set back c. 100m from Monkstown Road.
- 2.3. It is bounded to the north by the Stradbrook Stream which separates the site from Purbeck, Drayton Court, Heathfield and other residential properties on generous plots, including a number of protected structures which are accessed off Monkstown Road. These properties act as a buffer between Dalguise House and the Public Road (Monkstown Road). To the south the site is predominantly bounded by Brook Court, to the west by Monkstown Valley, Stradene and Arundel and others and to the east by Richmond Park and the Cheshire homes site. The immediate area is predominantly two storey suburban housing and a selection of larger properties noted above (notably along Monkstown Road).
- 2.4. Access to the proposed development is via either the proposed new access road along the recently constructed Purbeck housing scheme to the north or via the existing internal access road of Dalguise House. A bridge is proposed over the Stradbrook stream at Purbeck to open up access.

- 2.5. The site slopes towards the northern portion and flattens out to the Stradbroom stream which runs along the northern portion of the site. The southern portion contains the walled garden. There is a significant amount of tree coverage on site.

3.0 Proposed Strategic Housing Development

The proposed development comprises a residential development of 300 units (which includes the conversion of Dalguise House and other structures) and a crèche at Dalguise House (Protected Structure), Monkstown Road, Monkstown, Blackrock, Co. Dublin.

Breakdown:

- The demolition of an existing modern dwelling, known as White Lodge, located on the entrance avenue.
- The demolition of a modern swimming pool structure adjoining the East wing of Dalguise House and the removal of non-original residential garage structure adjoining the walled garden to the south-west of Dalguise House and the removal of a number of structures to the south of the walled garden and the creation of new openings in the wall.
- The conversion of Dalguise House to 2 no. houses and a crèche (195sq.m).
- The demolition of some structures and conversion of other existing structures within the stable yard to the south-west of the site to 1 no. 3-bed house and garden pavilion.
- The refurbishment of the existing single storey brick gate lodge for use as a single dwelling; the change of use of the existing two storey gate lodge on Monkstown Road to a Concierge/Site Manager's office.
- 276 apartments in a mix of 1, 2 and 3-bed units arranged in eight blocks around a series of landscaped communal amenity spaces.

Block A: 7 storeys (6 storeys over podium) and consists of 23 no. 1 bed units and a common room.

Block B: 8 storeys (7 storeys over podium) and consists of 13 no 1 bed, 17 no. 2 bed and 2 no. 3 bed units.

Block C: 8 storeys (7 storeys over podium) and consist of 13 no. 1 bed, 17 no. 2 bed and 2 no. 3 bed units.

Block D: 7 storeys (6 storeys over podium) and consist of 4 no. 1 bed, 19 no. 2 bed and 3 no. 3 bed units.

Block E: 9 storeys (8 storeys over podium) and consist of 11 no. 1 bed, 19 no. 2 bed and 2 no. 3 bed units with communal facilities located at podium level including Residents' Leisure Suite, Residents Business Centre, and Multi-Function Room.

Block F: 6 storeys and consist of 20 no. 1 bed, 27 no. 2 bed and 4 no. 3 bed units.

Block G: 6 storeys and consists of 16 no. 1 bed, 24 no. 2 bed and 4 no. 3 bed units.

Block H: 5 storeys and consists of 5 no. 1 bed, 27 no. 2 bed and 4 no. 3 bed units.

All apartments have balconies or terraces on all elevations.

- 20 no. terraced/detached houses (3 no. 3 bed houses located to the north west of the site and 9 no. 3 bed houses and 8 no. 4 bed houses located to the south and south-west of the site).
- The relocation and refurbishment of an existing greenhouse/vinery with the site and the removal of an existing greenhouse off site.
- A total of c.314 no. car parking spaces (244 no. car parking spaces located in basement and undercroft locations, with 70 no. surface parking spaces) and 14 no. motorcycle spaces.
- A total of c.654 bicycle parking spaces (502 residential spaces and 146 visitors' spaces).
- Amendments to car parking arrangements granted under Reg. Ref. D16A/0724 (ABP 248219).
- Associated site works including 2 no. ESB substations, plant areas and communal refuse storage facilities.

- Vehicular and pedestrian access and egress is facilitated at two points on the Monkstown Road, through the existing Dalguise entrance and Purbeck Lodge, where a new bridge crossing will be provided over the Stradbrook stream. Future Pedestrian accesses are also indicated at boundaries with Arundel, Richmond Park and the former Cheshire Home site, subject to agreement. The proposed development includes all ancillary site works.

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

It also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of land.

A list of documentation that accompanies the application is set out in Appendix 1.

Summary of parameters:

Parameter	Site Proposal
Application Site	3.66 ha
No. of Units	300 residential units (24 no. houses, 276 no. apartments)
Density	82 units/ha
Height	5-9 storeys
Crèche	195m ² - Basement of Dalguise House
Parking	Cycle parking- 654 Car parking- 314 (244 basement/ 70 no surface)
Vehicular Access	From Monkstown Road - Purbeck

	- Dalguise House Avenue
Part V	30 units

3.1. The 276 no. apartments are proposed to be provided as follows:

- 104 no. 1-bed apartments (38%);
- 149 no. 2-bed apartments (54%);
- 23 no. 3-bed apartments (8%).

3.2 The 24 houses are proposed to be provided as follows:

- 20 no. terraced/semi-detached houses (12 no. 3 bed and 8 no. 4 bed)
- Conversion:
 - Dalguise House to be subdivided to provided 2 no. dwellings (1 no. 4 bed in the main House and 1 no. 3 bed in the latter annex)
 - Coach house to provide 1 no. 3 bed dwelling (with coachman's cottage to be used as garden pavilion for use by this house)
 - Gate Lodge to provide 1 no. 1 bed dwelling,

4.0 Planning History

Lands to the north in the applicant's control

D16A/0724 (ABP 248219 appeal withdrawn) Permission granted for 7 no residential units at the rear of Purbeck Lodge (RPS 718).

D16A/0126. Permission refused by DLRCC for 7 no. residential units consisting at the rear of Purbeck Lodge

Lands to the east

PA Reg Ref D19A/0378 ABP 305843-19 permission granted for demolition of nursing home and construction of 72 residential units in four apartment blocks.

PA Reg Ref D17A/0590 ABP 301533-18 Permission granted for demolition of existing nursing home and construction of 56 residential units in two apartment blocks (to east at Cheshire Home).

Other Relevant Permission

302921-18 SHD application. Permission was granted by An Bord Pleanála for 221 units (7 no. blocks of 3 to 7 storeys) at Chesterfield House (Protected Structure), Cross Avenue, Blackrock. Judicial Reviewed and Decision Quashed.

303804-19 SHD application. Permission granted for 294 units at St. Teresa's (Protected Structure) Blackrock. This also included the dismantling and relocation of a gate lodge.

306421-20 SHD application. Permission was granted by An Bord Pleanála for 101 apartments (2 to 4 storeys) on lands adjacent to Castlepark School (Protected Structure), Dalkey.

5.0 Section 5 Pre Application Consultation

Two Pre Application Consultations took Place. ABP 304426-19 and ABP 305864-19 and are dealt with separately below:

ABP 304426-19 Pre Application Consultation on the construction of 100 residential units across two blocks, together with associated site development works. (opinion issued July 2019).

Following consideration of the issues raised during the consultation process, and having regard to the opinion of the planning authority, An Bord Pleanála was of the opinion that the documentation submitted required further consideration and amendment to constitute a reasonable basis for an application for strategic housing development to An Bord Pleanála. The applicant was advised that further consideration of the documents as they relate to the principle of the proposal.

ABP 305864-19 Demolition of structures associated with 'White Lodge and 'Dalguise House', construction of 300 no. dwelling units (24 no. houses, 276 no. apartments), crèche, conversion of 'Dalguise House' and associated site works. (opinion issued January 2020).

A Section 5 pre application consultation took place at the offices of An Bord Pleanála. 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 constitutes a reasonable basis for an application under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016.

The prospective application was advised that the following specific information should be submitted with any application for permission:

1. Submission of an Architectural Impact Assessment having regard to the both the impact on Dalguise House, other existing structures within the curtilage and the character and setting of the Dalguise House and the Monstown Architectural Conservation Area (ACA).

2. A detailed landscaping plan integrating any relevant recommendations from Arborist Report and the Parks Section of DLRCC, in particular the treatment of Category A trees and having regard to the objective in the Dun Laoghaire-Rathdown County Development Plan 2016-2022 to preserve trees and woodlands on the site.
3. A report that addresses issues of residential amenity (both existing residents of adjoining development and future occupants), specifically with regards to compliance with any relevant guidelines.
4. The information referred to in article 299B (1)(b)(ii)(II) and article 299B(1)(c) of the Planning and Development Regulations 2001-2018, should be submitted as a standalone document.
5. A Site Specific Management Plan which includes details on management of the communal areas, public space, residential amenity and apartments.

Applicant's Statement

A statement of response to the Pre-Application Consultation Opinion (ABP 305864-19) was submitted with the application, as provided for under section 8(1)(iv) of the Act of 2016. This statement provides a response to each of the specific items requested to be submitted with the application.

Item No. 1:

Architectural Heritage Impact Assessment prepared by Arc Architectural Consulting Ltd is submitted with the application. This considers the impact of the proposed development on Dalguise House, other existing structures within the property and refers to the setting and character of the House and Monkstown ACA. It also refers to the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and the policies set out in the current County Development Plan. It also refers to the DLRCC 2021 document 'Monkstown Architectural Conservation Area - Character Appraisal & Recommendations.

A Visual Impact Assessment prepared by Arc Architectural Consulting is included with the application and an Architectural Design Statement prepared by Horan Rainsford also provides context for the site in terms of heritage, landscape and topography. CGIs are also included.

Item No.2:

Section 6 of the Design Rationale prepared by Dermot Foley Landscape Architects, which refers to how the recommendations of the arborist (The Tree File) and the Parks Section of DLRCC, have been incorporated into the landscape design.

The retention of trees on site has been an important part of the design process. However the need to widen the existing access road has had an impact on the number of trees that can be retained on site.

The Application documentation elaborates on trees to be retained, removed and planted.

Item No. 3:

A Residential Amenity Report prepared by Horan Rainsford Architects submitted with the application deals with compliance with the relevant guidelines.

A Sunlight and Daylight Access Analysis is also submitted with the application.

Item No. 4:

An Environmental Screening Statement prepared by John Spain Associates which sets out the requirement for EIAR has been submitted with the application.

Item No. 5:

A Management Strategy and Life Cycle Report prepared by Benchmark Property has been submitted with the application.

6.0 Relevant Planning Policy

6.1. National

National Planning Framework

Chapter 4 of the Framework addresses the issue of 'making stronger urban places' and sets out a range of objectives which it is considered will assist in achieving same. National Policy Objective 4 sets out to ensure the creation of attractive, liveable, well designed, high quality urban places that are home to diverse and integrated communities that enjoy a high quality of life and well-being

The directly relevant National Policy Objectives as contained within the NPF include:

National Policy Objective 3a: Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements.

National Policy Objective 3b: Deliver at least half (50%) of all new homes that are targeted in the five Cities and suburbs of Dublin, Cork, Limerick, Galway and Waterford, within their existing built-up footprints.

National Policy Objective 11: In meeting urban development requirements, there will be a presumption in favour of development that can encourage more people and generate more jobs and activity within existing cities, towns and villages, subject to development meeting appropriate planning standards and achieving targeted growth.

National Policy Objective 13: In urban areas, planning and related standards, including in particular building 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.

National Policy Objective 35: Increase residential density in settlements, through a range of measures including reductions in vacancy, re-use of existing buildings, infill development schemes, area or site-based regeneration and increased building heights.

National Policy Objective 57 sets out to enhance water quality and resource management, this includes the requirement to ensure that flood risk management informs place making by avoiding inappropriate development in areas at risk of flooding in accordance with The Planning System and Flood Risk Management Guidelines for Planning Authorities.

Section 28 Ministerial Guidelines

Having considered the nature of the proposal, the receiving environment, the documentation on file, including the submissions from the Planning Authority, I am of the opinion that the directly relevant S.28 Ministerial Guidelines are:

- Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (including the associated 'Urban Design Manual Best Practice Guidelines') (2009)
- Sustainable Urban Housing: Design Standards for New Apartments (2018).
- Urban Development and Building Height Guidelines for Planning Authorities (2018)
- Design Manual for Urban Roads and Streets (DMURS) (2013) (Including Interim Advice note Covid-19 May 2020)

- The Planning System and Flood Risk Management – Guidelines for Planning Authorities (including the associated Technical Appendices) (2009).
- Childcare Facilities – Guidelines for Planning Authorities (2001).
- Appropriate Assessment of Plans and Projects in Ireland – Guidelines for Planning Authorities (2009).
- The Architectural Heritage Protection Guidelines for Planning Authorities (2011).

6.2. Regional

Eastern & Midland Regional Assembly Regional Spatial & Economic Strategy (RSES) 2019-2031

The RSES including the Dublin Metropolitan Area Strategic Plan (MASP) was adopted on the 3rd of May 2019.

Monkstown is located within the area covered by MASP which seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors that will deliver significant development in an integrated and sustainable manner.

The site is located within a 'strategic development corridor' of Dublin as it is within North-South Corridor centred around the DART facility.

6.3. Local

Dun Laoghaire-Rathdown County Development Plan 2016-2022

- The site is located on lands zoned as Residential, where Objective A states "*To protect and-or improve residential amenity*".
- There is an Objective to 'preserve trees and woodlands'.
- The site includes Dalguise House (RPS 870) and its curtilage.
- To the north of the site is the Monkstown Architectural Conservation Area.
- A portion of the site is located on Flood Zone A&B.

- The Flooding Maps, show a Flood Hotspot Symbol, a short distance away, adjacent to Cheshire Home site, to the east of the subject site.

Sustainable Communities

An advisory note at the beginning of the development plan to state that apartment standards have been superseded by the implementation of the national apartment standards and those SPPRs contained within.

Policy RES3: Residential Density - promote higher residential densities.

Higher densities at a minimum of 50 units per hectare will be encouraged where a site is located within a 1km pedestrian catchment of a rail station, a priority QBC and/or 500 metres of a Bus Priority Route, and/or 1 km of a town or District Centre.

In some cases it is noted that densities may be constrained by ACA, cACA designations, Protected Structures and other heritage designations.

Policy RES7: Overall Housing Mix.

Policy RES14: Planning for Communities

Chapter 2.2 - Sustainable Travel and Transportation.

Policy UD1: Urban Design Principles - all development is of high quality design that assists in promoting a 'sense of place'.

Policy UD3 Public Realm Design

Policy UD6: Building Height Strategy- Compliance with the national guidance.

Section 5.2.5.2 Flood Risk Management

Policy CC15 implementation of the DoEHLG/OPW Guidelines 'The Planning System and Flood Risk Management', (2009) and DoECLG Circular PI2/2014 (or any updated/superseded document) in relation to flood risk management within the County.

Chapter 6 Built Heritage

Policy AR1 Record of Protected Structures.

Policy AR8 nineteenth and twentieth Century buildings, estates and features.

Development Management standards of note (but not limited to):

Section 8.2.3.5 Residential Development- General Requirements.

Section 8.2.3.1 Quality Residential Design

Section 8.2.3.2 Quantitative Standards.

(i) Density. The sustainable housing guidelines of 2009 are promoted and a minimum of 35 units per hectare are allowed with more than 50 required at public transport nodes.

Section 8.2.3.3- Apartment Development

Section 8.2.4 – Sustainable Travel and Transport

Section 8.2.4.5- Parking provision in excess of the maximum standards set out for non-residential land uses in Table 8.2.4 shall only be permitted in exceptional circumstances as described below.

Reduced parking or car –free parking will be allowed in areas with high public transport accessibility.

Table 8.2.3: Residential Land Use - Car Parking Standards

Section 8.2.8 – Open Space and Recreation

Section 8.2.10.4 Flood Risk Management

Section 8.2.11 Archaeological and Architectural Heritage (including ACAs)

Section 8.2.11.2 Architectural Heritage – Protected Structures.

Appendix 9 Building Height Strategy. (part of the site is located within the Coastal Fringe Zone)

Appendix 13 SSFRA

Map: Land Use Zoning, Protected Structures and ACAs

Flood map 3: Flood Zone Extents

Applicant's Statement of Consistency

The applicant has submitted a Statement of Consistency as per Section 8(1)(iv) of the Act of 2016, which indicates how the proposal is consistent with the policies and objectives of section 28 Guidelines and the County Development Plan. This has been noted and examined.

Applicant's Material Contravention Statement

The applicant has submitted A Statement of Material Contravention. The contents of that section can be summarised as follows:

The statement sets out the justification for the proposed residential development, in particular the proposed height, which ranges from 5 to 9 storeys which materially contravenes the Dun Laoghaire Rathdown County Development Plan 2016-2022.

- Policy UD6 states that it is the Council's objective to adhere to the recommendations and guidance set out in the Building Height Strategy for the County contained in Appendix 9 of the Development Plan and includes 'upward modifiers' which should be complied with to allow increased building height within any proposed development. In this case there is an overlap between downward and upward modifiers. Upward modifiers include proximity to DART stations. Downward modifiers apply as the site is partially located in the 'Coastal Fringe'.
- Notwithstanding the upward modifiers, given the heights of the some of the apartment block and the location of the site within the Coastal Fringe, the proposed development materially contravenes the objective set out in the Building Height Strategy in relation to the proposed height within a Coastal Fringe area.

The applicant has set out in their justification for a Material Contravention how, in their view the proposal complies with the National Planning Frameworks and national Guidelines.

The Appendix notes that in relation to apartment developments, a maximum of 3-4 storeys may be permitted in appropriate locations e.g. on large redevelopment sites or adjacent to key public transport nodes - providing they have no detrimental effect on existing character and residential amenity.

The Strategy goes on to state that *“this maximum height (3-4 storeys) for certain developments clearly cannot apply in every circumstance. There will be situations where a minor modification up or down in height could be considered. The factors that may allow for this are known as 'Upward or Downward Modifiers'. There will be occasions where the criteria for Upward and Downward Modifiers overlap and could be contradictory, for instance: when in close proximity to both a DART station yet within the Coastal Fringe”*.

It is argued that as the proposed development is located on a key site along the Monkstown Road which is an existing bus corridor. The proposed development therefore represents an opportunity to provide increased building heights and densities at this location. It is located within 700m of Salthill/ Monkstown DART station. A cycle route is also present along the Monkstown Road. The development, therefore complies with the upward modifiers in Appendix 9 and with SPPR3 given its location in an area served by public transport links with high capacity and frequency of services and good links.

In addition it has been put forward that the height is justified by its location, topography and setting that enables it to be absorbed into its surroundings.

The proposed development on this underutilised greenfield site represents an opportunity to provide for increased densities and increased heights in accordance with the NPF policies and objectives. The NPF provides for a strong emphasis on increased building heights in appropriate locations within existing urban centres and along public transport corridors. The proposed development ranging in height from 5 no. storeys to 9 no. storeys is therefore considered appropriate in this location and in accordance with the NPF.

While the Council Building Height Strategy seeks to restrict height in Coastal Fringe Zones. It is respectfully submitted that the proposed development has had regard to the planning policy framework as set out in the national guidelines and the NPF. The provision of residential development at this location between 5 and 9 storeys in height is supported by the Urban Development and Building Height Guidelines which encourages increased density and building heights. As such the development is considered to be in accordance with the provisions of the national policy guidelines.

The role of the Board as the competent authority is acknowledged in determining the matter of whether or not the proposed development represents a material contravention of the objectives of the Development Plan in this case. However the applicant is of the view that they have clearly justified in the Statement of Material Contravention that in this instance there is an appropriate case for the Board to grant permission for the proposed development in accordance with national policy and guidelines.

7.0 Observer Submissions

The Board received 153 observer submissions, the observers are listed in Appendix 2 attached to this report. One submission was received outlining support for the proposed development. Most of the submissions have been made by local residents and the elected representatives Cllr Lorraine Hall, Cormac Devlin TD, Cllr Justin Moylan, Ossian Smyth TD, Richard Boyd Barrett TD, Cllr Melisa Halpin.

The following Residents Associations/Management Companies/Groups made submissions: Heathfield Residents Association, Monkstown Road Residents Association, Richmond Hill Residents Association, Residents of Richmond Park & Hill, Belgrave Square Residents Association, The Southdene Management Company, Arundel Management Company CLG, Starrs Holding Limited, Monkstown Village Tidy District.

A number of the submissions refer to submissions prepared by Monkstown Road Residents Association, Richmond Hill Residents Association, The Irish Georgian Society, political representatives and individual (not identified) submissions and outline their support and agreement with the concerns/issues set out in same.

There is a significant degree of overlap and reiteration of issues raised throughout the submissions. In summary the topics raised are as follows (Appendix 3 includes a more detailed summary):

Policy:

- Material Contravention of the DLR Building Height Strategy.
- Material Contravention of land Use Zoning Objective, Tree Objective, density, housing mix, carparking policies and objectives.
- Contrary to national and local policies and objectives.
- Contrary to National Guidelines.

Design, Height and Layout

- Excessive height, density and scale of development.
- No regard for existing built form within the immediate area and, whilst representative of an aesthetically attractive scheme, is out of place in the context of protecting the amenities of adjoining properties and the character and setting of Dalguise House and gardens.
- Inclusion of third party lands within the application site boundaries.
- Massing and height is inappropriate for the Coastal buffer zone and Monkstown ACA.

- Inaccuracies in the Visual Assessment submitted with the application in terms of the trees shown and building heights.
- No justification for apartments or requirement for apartments in the area.
- The site has no road frontage and is in effect completely bounded by existing residential properties which will be negatively impact upon by the proposed development. Furthermore the access road to the site, via Purbeck Lodge will have a detrimental impact on the recently constructed houses. A bridge will also have to be provided result in the loss of car parking that serves these houses.
- A development, smaller in scale and lower in height would be more suitable for this site.
- The layout does not comply with DMURS.
- Loss of views/vistas of the West Pier and Dublin Mountains if the towers are built.
- The provision of 70 no. surface car parking spaces is not a sustainable use of the land and should be replace with a building which would facilitate a reduction in the height of other buildings proposed.

Residential Amenity.

- Significant loss of residential amenity arising from overlooking, overshadowing of adjoining properties and overbearing impact when viewed from adjoining properties and those in the vicinity.
- Height, setback from boundaries, location of balconies/windows, removal of trees will all result in a serious negative impact on the visual and residential amenities of existing residential properties in the immediate vicinity.
- Noise impacts, during construction and when built and occupied.

- Piecemeal development
- Light pollution emitting from the apartments
- Concerns raised relating to the residential amenities of future occupiers of the proposed development.
- Playground, parking, substations, etc should be relocated to protect the residential amenities of existing residential properties.
- Boundaries are not clearly defined along the stream posing a security concerns.
- Conflicting submissions from observers with some requesting that all leylandii be removed along the site boundaries as they overshadow adjoining houses and overhang gardens. With other observers requesting that the leylandii be retained in order to protect the privacy of properties abutting the site and screen Dalguise House.

Architectural Heritage.

- The accuracy of the Architectural Impact Assessment is queried.
- Dalguise House is a rare surviving example of a large, fully intact and inhabited nineteenth century suburban estate comprising house, gate lodges, avenue, walled garden etc in the Dun Laoghaire area.
- Owners and Occupiers of nearby Protected Structures have outlined their concerns relating to the negative impact the proposed development would have on their properties, their character and setting.
- Works to Dalguise House and the level of intervention to accommodate its conversion to 2 no. residential dwelling and a crèche is excessive and overzealous and does not respect the character or integrity of the structure.

- Height, design and scale will have a negative impact on Monkstown ACA.
- The redevelopment of the gardens and grounds of Dalguise House would result in the irretrievable loss of what may be the largest surviving nineteenth century garden in the Monkstown and Dun Laoghaire area.
- The demolition of structures within the curtilage of Dalguise House should not be permitted as these are also protected structures.
- Provision of future pedestrian links would result in the destruction of the boundary wall which is a protected structure.
- Potential damage to Beechfield (protected structure) boundary wall, which runs along the Avenue to Dalguise House, from construction traffic and the construction of an acoustic wall.
- Submission from 'Glenville Lodge' in support of the application.
- Part of the site is in Monkstown ACA and this has been completely disregarded in terms of design, layout, impact etc.
- Access arrangements via the existing entrance to Dalguise House would degrade the heritage landscape.
- The demolition of 'White Lodge' has not been justified. Its location within the curtilage of a protected structure affords it protected status.

Appropriate Assessment

- The proposed development insufficiently addresses the impact on the surrounding Natura 2000 sites within the AA screening document and have proposed on-site mitigation measures which cannot be screened out as part of the AA process. Refer to *C-323/17 People Over Wind and Peter Sweetman V Coillte*.
- The AWN report outlines a number of mitigation measures to avoid impact on pathways including petrol interceptors and silt fences to protect the stream. These mitigation measures cannot be avoided as outlined in the screening process and a Stage 2 report is required to allow the competent authority carry out a full assessment of the impact.
- The bridge cannot be built over the stream and not include mitigation measures. Therefore permission should be refused on the basis that the AA report is inadequate.
- The negative impact on Dublin Bay Natura 2000 site has not been addressed. The herons from the Natura 2000 site nest and roost in trees in the ground of Dalguise. All trees used by the herons should be preserved and measures taken to ensure no disturbance to the herons during the construction phase.

Nature Conservation.

- A full assessment full ecological assessment has not been carried out.
- Loss of heronry as well as badger sets, bats, foxes, hedgehogs and numerous wild birds.
- Not enough consideration has been given to the potential ecological impact of the proposed development, the excessive removal of trees and habitat to an important heronry.
- Loss of mature trees that are protected under the Dun Laoghaire Rathdown County Development Plan 2016-2022.

- The integrity and robustness of the landscape plan is queried.
- Concern that the level of development on the existing sewerage infrastructure could result in the return of algal blooms at Dublin Bay.
- Request that conditions be attached to protect the Stradbroom Stream and its water quality.
- The removal c.55,661 tonnes of soil is a huge excavation of soil from the area and could have an impact.

Flooding.

- There is a serious concern about the drainage and ground water levels within the area. The Stradbroom Stream forms a boundary to the rear of Heathfield and is identified as a 'Hot spot' (flood risk) on the DLR CDP Flood Zone Maps (map 3). Concern that development on the Dalguise House site will redirect all ground water into the direction of Heathfield.
- History of flooding in the area.

Services

- Existing infrastructure does not have capacity to accommodate loading from an additional 300 units.
- No bathing notices due to capacity issues and overflows. Electronic notice board have been erected to keep bathers informed.
- Since the West Pier pumping station serving the area has been upgraded there have been several incidences of sewerage backing up and flooding. The upgrade of Poolbeg will not address this issue.
- Already too much demand on water in the Monkstown area.

Traffic and Parking

- The scale of development will exacerbate the existing traffic congestion.
- Not enough carparking is provided and will result in overflow to adjoining residential estates.
- Construction traffic will cause significant disruption.
- Monkstown Road and Seapoint Avenue cannot cope with the current level of cyclists using it. Additional bikes arising from the development will make it even more dangerous to use.
- The Traffic information and assessments submitted are flawed.
- No statement of compliance with DMURS has been submitted.
- Pedestrian and vehicle conflict through the scheme, in particular at the eastern access.

Connectivity and Pedestrian linkages.

- Pedestrian links through Arundel, Richmond Park and the Cheshire Homes site should be omitted. These would give rise to security concerns, loss of privacy and danger to pedestrian and residents.
- The developer/applicant does not have the consent of the relevant third parties to provide the indicative future pedestrian link to adjoining residential estates.
- The development does not comply with DMURS. The applicant has failed to address permeability and connectivity. They have not provided linkages to adjoining lands, these are shown only as indicative future links and have not engaged with adjoining third parties to provide these links and ensure permeability.

- Starrs Holding Limited have outlined in their submission that they have no objection to facilitating an access through Arundel and refer to a historical legal agreement in place to facilitate access, yet this is not referred to in the documentation submitted with the application.
- **Oral Hearing request**
- **Other**

8.0 Planning Authority Submission

8.1. In compliance with section 8(5)(a) of the 2016 Act the planning authority for the area in which the proposed development is located, Dun-Laoghaire Rathdown County Council, submitted a report of its Chief Executive Officer in relation to the proposal. This was received by An Bord Pleanála on 9th July 2020. The report may be summarised as follows:

Information Submitted by the Planning Authority

The submission from the Chief Executive includes details in relation site location and description, proposal, zoning, planning history, interdepartmental reports, summary of submissions/observations, summary of views of elected members, policy context and assessment.

8.2 Summary of views Elected Representatives

Design & Height

- Heights need to be controlled.
- Height and scale are excessive, impact on skyline.
- Monkstown Village should be protected from the proposed heights.
- Nine storeys is too high.
- The proposed height may set a negative precedent for the area.
- Impact of height on views.
- Building Height Strategy is for 3-5 storey here.
- A proposal for 5-6 storeys may be more acceptable.

Housing Mix & Density

- Density is excessive.
- Proposal significantly exceeds the County Development Plan standards.
- SHD process is not easing the housing crisis, only 1-2 bed apartments proposed and with higher price.
- 20% Part V should be provided

SHD Process

- ABP are driving the agenda.
- SHD process shortcuts the County Development Plan.

Concern regarding public display period due to covid 19 restrictions, access to documents, etc.

Trees & Landscaping

- Queries relating to planting and tree strategies and ratio of tree removal and those to be retained.

Traffic & Parking

- Location of surface/cycle parking.
- Potential overspill of car parking to Richmond Park if gateways established.
- Query if drop off area available for crèche and potential overspill to surrounding areas,
- Parking controls required.
- 300 unit proposal to result in traffic chaos exiting onto Monkstown Road.
- Refuse trucks should have access to basement.
- Construction traffic an issue.

Other

- Public bring centre to be provided.
- Crèche should be provided in the first phase.

- Flooding issues.
- Biodiversity Plan and protection for the site needs to be provided.
- Concerns regarding the location of bin stores.
- Some support for the proposal noted.

8.3 Planning Assessment

Principle of Development:

The proposed developments located on serviced lands within a long established suburban area. It would provide a high density development within reach of Monkstown village and the nearby Salthill/Monkstown DART station. In this regard, it is considered that the principle of a residential development at this site is acceptable.

Density

The proposed density of 82 units per hectares having regard to the location and context of the site within less than 1km of high frequency rail service and proximate to a number of bus stops. It is also considered that a development of this scale would make good use of these serviced and zoned lands in close proximity to the village of Monkstown.

Residential Accommodation and Mix:

- A mix of house, apartments and converted structures is acceptable.
- The apartment residential mix of c. 38% 1 bed, c. 54% 2 bed and c. 8% 3 bed is considered appropriate for this location and would facilitate downsizing. Complies with national guidance.
- The proposed houses offer variety and are acceptable.
- The conversion of Dalguise House, the courtyard stable and cottage building and gate lodges are acceptable.

Apartment Standard and Amenities

- The proposal exceeds the requirements of SPPR3, SPPR4 (dual aspect) and SPPR6 (units per lift core).

Building Height, Scale, Mass and Layout

- The layout of the scheme and the apartment blocks are acceptable overall, subject to conditions. Material Contravention Statement submitted relating to Appendix 9 (Building Height Strategy).
- The Planning Authority note SPPR1 which states support for increased building height and density in locations with good public transport accessibility. The PA also noted Appendix 9 of the current County Development Plan and the Coast Fringe Zone.
- The DLR Building Height Strategy includes upward and downward modifiers. It advises that building heights may be increased at suitable locations depending on the context of the site and the need to have regard to the character of the surrounding area and the living conditions of residents. Its location in the Coastal Fringe Zone is also noted.
- The Planning Authority note that site context and it is considered, in this instance that the proposal has been well designed and the blocks well considered in terms of high-quality finishes. The location of the blocks within the site seek to minimise their impact on the surrounding environment.
- The remaining concerns with regard to the heights have been carefully considered and the concerns raised by third parties in relation to the impact the proposal would have on the surrounding area.
- The proposal would constitute a Material Contravention of the DLR Building Height Strategy (Appendix 9) of the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- The Planning Authority consider that a reduction in height of the most prominent blocks, Block E, Block B and Block C will minimise the visual impacts of the development on Dalguise House, on the adjacent blocks and intervening spaces in respect of each other and on the surrounding residential areas. The vistas into the site and the setting of Dalguise House will also be improved. Therefore it is recommended that a condition be attached that reduces the three blocks (Block E, B & C) by 2 storeys each.
 - Block E reduce from 8-9 to 7-8 storeys.
 - Block B reduce from 8 to 6 storeys.

- Block C reduce from 8 to 6 storeys.
- The Planning Authority is satisfied that the current overall proposal, which covers all parts of the site, no longer constitute a piecemeal approach to the parent site and represents a more comprehensive and coherent scheme.
- The siting of the apartment and housing blocks within the existing grass/lawn areas of the site and otherwise adjacent to existing and proposed adjusted tree lines and adjacent to, in place of, or consisting of the re-use of existing built structures currently dispersed around the site. In this manner, it is considered that its principle character, the proposed new building would be set away from the shared boundaries and built/natural elements of the site, including the historic circulation routes.

External Finishes and Elevations

- Three Character areas are proposed a) the areas to the front (north) of Dalguise House b) the areas to the rear (south) of Dalguise House and c) lands around Stadbrook Stream. It is unclear if there is proposed to be a distinct difference in materials/design/appearance between the three areas.
- Overall the proposed materials and palette are considered acceptable. All proposed finishes on site should ensure that the proposed development is distinguishable and of a high quality.

Sunlight and Daylight Access

- The Sunlight and Daylight Analysis Report was examined and the Planning Authority concluded that any undue overshadowing would be reduced with the reduction of the heights of Blocks B, C & E.

Open Space Provision and Public Realm

- The proposed development would quantitatively exceed the requirement for communal amenity space as set out in the 2018 apartment guidelines.

- Reference to the Parks and Landscaping Services report that acknowledged that various efforts made by the Applicants with regard to tree retention and landscaping on the site, though raises concerns regarding the viability of some of the trees noted for retention and also notes concerns regarding the loss of other trees.

Permeability and Pedestrian Flow

- Potential connection to the Cheshire Homes site to the northeast is referenced and annotated on the site layout plan, along with other potential paths on the eastern and western boundaries. The principle of the proposed access points is considered acceptable, subject to the orderly management of same.
- Access is also indicated from the Purbeck Lodge development.
- Having regard to the overall number of units proposed and the subject site size, opportunities to improve the potential for permeability of the site are generally welcomed.

Impact on Adjoining Residential Amenities

- Visual Impact of Block B & C highlighted. Therefore a reduction of 2 floors is recommended.
- No full elevation for blocks A, B & C submitted.
- Separation distances between blocks/houses within the scheme and adjoining residential properties was examined.
- It is considered that overall, subject to the reduction in height of Block B, C and E, that the proposed apartment and housing blocks, would not have serious negative impacts on the residential amenities of the adjacent properties to the north, east, west or south (rear) boundaries. This is considered to be due to the separation distances, and open spaces on either sides of the respective boundaries, and the intervening existing and proposed screening trees and roadways.

Childcare Facilities

- A c. 195sq.m crèche is proposed in the basement of Dalguise House. The proposed childcare element, size and location is acceptable.

Conservation and Built Heritage

Refer to the Conservation Division comments of the 6th July 2020 and the report of the 4th December 2020 (Pre application consultation) where:

- The Conservation Division was generally supportive of the proposal.
- The Conservation Officer expressed concerns relating to the height of the scheme and the collective overbearing power impact they have upon the presence of the protected structure, in particular Block E. And views from Purbeck Lodge (protected structure). Block F should be pulled back, in line with Block G to reduce the impact on the protected structure.
- No objection to the principle of the conversion of Dalguise House, stable yard and the refurbishment of the gate lodge.
- Conservation Planning Report concluded that, should the proposals heights be reduced, to soften the development within the wider morphology of the receiving environment and pending worked up proposal for the conversion of the protected structure, that they have no major objections.

The Planning Authority are of the view that the concerns raised by Conservation Planning should be considered by the Board, and in particular in relation to the heights of some of the blocks.

The concerns raised by the Prescribed Bodies in their reports area also noted. The Planning Authority is of the view that a number of the concerns raised can be dealt with by way of condition in relation to landscaping and by reducing the heights of Blocks B, C & E.

Archaeology

- The conditions recommended by the DAU should be attached to any grant of permission.

Boundary Treatments

- Issues relating to boundary treatment, tree removal/retention and pedestrian links can be dealt with by condition.

Drainage

- Reference the Drainage Planning report and recommended conditions set out in same.

Transportation, Parking and Access

- Reference the Transportation Planning report and recommended conditions set out in same.

Public Lighting

- Condition recommended.

Reuse Storage, Waste Management and Construction details

- Condition regarding bin stores to be attached.
- Condition to be attached relating to:
 - The construction phase.
 - Construction Waste Management.
 - Operational Waste Management.

Part V

- 23 no. 1 bed apartments and 7 no. 2 bed apartments.
- Issue to be dealt with by condition.

Taking in Charge

- Issue to be dealt with by condition.

EIA/AA/Ecology

- The Board is the competent authority responsible for EIA Screening and AA Screening.

Observations/Submissions

- The Planning Authority report included a commentary on the third party observations and submissions.
- The Planning Authority report included a commentary on the Prescribed Bodies observations/submissions.
- It was noted that the recommended condition relating to the SAC included in the DAU submission is not included in the PAs recommended conditions.

8.4 Summary of Inter-Departmental Reports

Drainage Planning (30 April 2020).

Site Specific Flood Risk Assessment (SSFRA):

- As part of the site is located in Flood Zones A&B a SSFRA and Justification Test are submitted.
- A SSFRA submitted with the application. It is proposed to exclude highly vulnerable development from Flood Zones A&B (existing (unmodified) ground levels) and to do so by providing compensatory flood storage.
- It is considered that the principles of the hydrology and hydraulic modelling approach adopted by the consultants in the SSFRA is appropriately detailed and provides sufficient evidence to pass the Development Management Justification Test and that the proposals, subject to conditions, are in accordance with and satisfy the requirements of Appendix 13 (SFRA) of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the Planning System and Flood Risk Management Guidelines for Planning Authorities.
- The raised walkway is not included in the benchmark drawing that was reviewed for the SSFRA and therefore was not considered in the SSFRA. The Drainage Planning Section is of the view that this omission/oversight could be addressed by condition.

Surface water:

- Attenuation proposals acceptable.
- Discrepancies in drawings and details can be addressed by condition.

Transportation Planning (19 May 2020)

- TIA and QA Documentation examined.
- Carparking provision noted.
- Overall no objection subject to conditions.

Environment Section (3 July 2020)

- The submitted Construction and Operational Waste Management Report is largely aspirational in nature and totally lacking in any relevant detail.
- Requirement for an Environmental Management Construction Plan.
- Requirement for an Operational Waste Management Plan.

Parks and Landscape Services (3 July 2020)

- The sylvan nature of the Dalguise site plays a key role in the character of the area.
- The sizable loss of viable semi-mature/mature species cannot be ignored. A strategic aim in the Dun Laoghaire Rathdown Climate Action Plan 2019-2024, and at national level the Climate Action plan 2019, is the protection of existing tree population and to target the largescale planting of trees.
- Concerns highlighted in relation to the realistic retention of a number of trees proposed to be retained on site.
- Concerns raised relation to the rating of the impact in the VIA submitted.

Conditions recommended.

Housing Department (16 April 2020)

- Condition to be attached relating to Part V agreement.

Conservation Division (6 July 2020)

Note dated 6 July 2020 states *'the view of the Conservation Division remains unchanged at this juncture.'*

Attached is Conservation Division comments dated 4th December 2019 that were included in the Planning Authority's Opinion relating to Pre-Application Consultation for this site (PAC/SHD/268/19 Dalguise).

- In general the department is supportive.
- The proposed heights are overpowering on the protected structure.
- The tallest Block E, in front of Dalguise House, should be significantly reduced.

- Concern is raised over the view along Purbeck Lodge (View C photomontage) and heights should be reduced with regard the impact on the Monkstown ACA.
- Block F should be pulled back, in line with Block G, to share the same building line and provide welcome views of the PS on approach along the tree lined avenue.
- The elevation treatment of Block A, looking North West along Clifton Lane, could be improved.
- The retention and renovation of the existing Dalguise House, bell-mouth entrance features onto Monkstown Road should be made clear.
- The retention and renovation of the coach house/ courtyard/ walled garden/ brick gate lodge and entrance gate lodge are all welcomed.

CE Report Conclusion

- The Planning Authority welcomes the overall masterplan redevelopment of these zoned lands which will provide additional housing in a mixed development. While the proposal would materially contravene the County Development Plan 'Building Height Strategy' in terms of height it is considered that the principle of apartment and housing development of higher density is acceptable on this site. The Planning Authority would generally regard the form of the proposed development, as acceptable, and would not adversely impact on the character of the receiving environment and would not be contrary to the provision of the policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 subject to a reduction of height of three blocks.

Having carefully considered the overall heights and massing of the proposed apartment blocks and consideration of various reports, including the Conservation Officer, third party submissions and the Prescribed Bodies, it is considered that a reduction in height of Blocks E by two floors, by the omission of the fourth and fifth floors (level five and six) and Blocks B and C (on the north end of the site), reduced in height by two floors, by the omission of the fourth and fifth floors (level five and six) would reduce the impact of the development on the Protected Structure at Dalguise and its setting and would also improve the schemes overall visual impact on the surrounding environment. A condition in relation to this is recommend.

The Planning Authority concluded that permission should be granted subject to the recommended 44 conditions.

9.0 Prescribed Bodies

Under the 'Opinion' that issued (ref. ABP 305864-19) the applicant was required to notify the following bodies of the making of the application: Minister for Culture, Heritage and the Gaeltacht (Built Heritage and Nature Conservation), The Heritage Council, An Taisce, An Chomhairle Ealaíon, Fáilte Ireland, Irish Water and Dun Laoghaire Rathdown County Childcare Committee.

The following is a summary of the reports from the above bodies that made a submission:

DAU, Department of Culture, Heritage and the Gaeltacht (under the previous government) (17th June 2020):

A detailed report was received from the DAU. A summary of which is set out below.

Archaeology:

The submission refers to an EIA submitted with the Application and a desktop study report was completed by Archaeology and Built Heritage sections within the DAU.

Condition recommended that an Archaeological Impact Assessment should be prepared to assess the potential impact, if any, of archaeological remains in the area where development is proposed to take place.

Architectural Heritage:

The Department raises key concerns regarding the scale of the development and the impact that it will have on the adjoining historic village as well as one of the few surviving planned landscapes in the area.

The Department urges the reconsideration of the proposed design in the context of the protected structure and historic village in terms of the plan arrangement, scale, density and height appropriate to the surviving significant and in line with best practice evident in other development approaches in the Local Authority remit.

The submission by the Irish Georgian Society is noted with regard to the infilling of the 19th Century gardens and the detrimental impact of development that fragments and removes key components and elements of the former design. The Department concurs in this regard and recommends that the historic character and the evolution of site over time should be carefully considered and the proposal revised so that a greater proportion of the surviving landscape, the walled garden, the glasshouse can be retained as part of a contemporary residential scheme with the protected structure and its gardens as a central focus of the site.

The use of Dalguise House for residential purposes is welcomed but concerns raised in relation to the grèche. And the removal of Edwardian fireplaces is problematic.

The dismantling and relocation of surviving features should be integral to the planning outcome – the preference always is that the features should be retained in their original location where possible as historic fabric is undermined or lost in the process of dismantling and rebuilding.

The built heritage context in terms of Monkstown Village is also addressed by the Department. The historic Avenue and piers at the entrance off Monkstown Road are noted.

The density and height of the proposed SHD does not reflect the guidance set out in the Dun Laoghaire County Development Plan relating to the conservation of architectural heritage. Reference to other SHD in the area that have taken on more respectful approaches in terms of preserving setting, amenity and curtilage of protected structures.

A key concern raised in respect of Dalguise House is the scale and position of the 9 storey block on axis with the main façade. Making it the focal point and severing its connection to the village and the sea. The adjoining blocks proposed to either side of the protected structure similarly undermine and overwhelm the approach and setting of the original property. The 3D images clearly delineate the inappropriate juxtaposition of scales from 2 storey over recessed basement to 9 storeys.

With respect to the surviving cultural landscape, the impact of the proposed scheme, the intensification of use on the cultural landscape and its historic planted scheme, site entrance points and site feature is of concern.

Nature Conservation:

The Stradbrook stream that runs along the northern boundary of the site enter the sea at Dun Laoghaire, forming a direct hydrological pathway between the site and South Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA.

The Department notes that during the construction phase surface water run-off from the site will only be discharged from the site via a settlement pond into the Stradbrook Stream. Double silt fences will be installed and various other measure adopted to avoid sediments entering the stream. To ensure the high quality of run-off from the site following the construction phase various SUDs measures are incorporated in the design of surface water drainage system of the proposed development.

Foul sewerage from the site will ultimately be discharged through the Ringsend Wastewater Treatment Plant into Dublin Bay, and there will therefore be an indirect pathway from the site to the South Dublin Bay SAC and the South Dublin Bay and River Tolka Estuary SPA.

The Department examined the Hydrological and Hydrogeological Qualitative Risk Assessment submitted with the application. The assessment concluded that 'the impact of storm water runoff and foul effluent from the proposed development will not result in any change to the current regime (water quality or quantity). The Department accepts these conclusions.

The level of trees loss proposed reflects the scale of the residential development proposed for such a well wooded site. As the trees to be removed are for the most part non-native species, their loss is not considered of major significance from a nature conservation perspective. However, there is a definite risk of potential direct injury to birds and bats on site depending on the timing and methods of tree felling employed.

A survey of nest (2nd March 2020) identified 8 bird species displaying breeding behaviour on the site, all tree nesting species.

Four nests of Grey Heron (*Ardea cinerea*) were located on the Dalguise House grounds. Three at the western boundary of the site and one in a tree that is proposed to be removed close to the northern boundary.

Grey herons are large predominately wetland feeding birds, which naturally occur at a low density. It is thought that the herons found in the grounds of Dalguise House probably feed predominantly on the nearby South Dublin and Tolka River Estuary SPA and make up a significant proportion of the population using Dublin bay as a whole. Over winter they will be joined by inland breeding birds.

A second heronry, about the same size as the one along the western boundary of Dalguise, is located c. 140m east of the site at the entrance to the former Cheshire Homes site off Alma Park. The only other known heronry in the DLRCC area is located near the Radisson Hotel in Booterstown.

The Department, therefore considered the presence of nesting herons on the Dalguise site of conservation significant at a county level and, if at all possible, all four nest trees on the site should be preserved. Appropriate mitigation measures are required.

A derogation license to destroy the Leisler's bat mating roost/night perch was applied for to the NPWS and granted.

The department has set out a number of conditions that should be attached in the event of a grant of permission. These include a condition to prevent pollution of the Stradbrook stream and Natura 2000 sites during the construction phase of the development, timeline for clearance of vegetation outside the main bird nesting season, the requirement for a grey heron conservation plans and the implementation of measures set out in the Bat Impact Assessment,

An Taisce (17th June 2020):

- The proposed development would have a significantly detrimental impact on the heritage character of Dalguise House, surrounding buildings and grounds. The large scale and height of the apartment blocks would overwhelm the house and associated historic structures.
- The derelict vine house should be retained in situ inside the walled garden and not moved as proposed. This may have been designed by Richard Turner. Therefore it is submitted that the classification of the smaller greenhouses heritage value as 'limited' is premature. This should be studied, retained and restored, rather than remove and put into storage for an unspecified use.
- Concerns relating to the ecological impacts of the proposed application as it would remove most of the last remaining green area of the Monkstown Valley.
- The removal of c.190 trees along with much of the open green areas would have a detrimental impact on the local biodiversity as the site supports a wide range of wildlife.
- The loss of the site as open space would also be detrimental to the amenity of the area and surrounding residents.

Irish Water (4 June 2020):

IW have issued a Confirmation of Feasibility for 236 residential units, for proposed water and wastewater infrastructure via phase 1 of the development. That prior to agreeing the connection, that infrastructure of Phase 1 has to be completed and connected to the IW network and in operation.

IW has also issued the applicant a Statement of Design Acceptance for 356 residential units, and requests that the Board conditions any grant to require the Applicant to sign a connection agreement with IW prior to any works commencing and connecting to the IW network and carried out to IW Standards and Codes.

10.0 Oral Hearing Request

Three Observer submissions included requests for an Oral Hearing, details are summarised in Appendix 3.

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

Shall have regard to the exceptional circumstances requiring the urgent delivery of housing as set out in the Action Plan for Housing and Homelessness, and

Shall only hold an oral hearing if it decides, having regard to the particular circumstances of the application, that there is a compelling case for such a hearing.

Having regard to the nature, scale and location of the proposed development, the particular issues raised in the submissions do not give rise to a compelling case for an oral hearing as set out in section 18 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended.

11.0 Environmental Impact Assessment Screening

The site is a suburban site, has a stated area of c.3.66ha and contains Dalguise House, a protected structure.

The development is within the class of development described at 10(b) of Part 2 of Schedule 5 of the planning regulations. An environmental impact assessment would be mandatory if the development exceeded the specified threshold of 500 dwelling units or 10 hectares, or 2ha if the site is regarded as being within a business district. The site is zoned A Residential. The predominant use in the area is residential. It is therefore reasonable to conclude that the site is not within a business district. The proposed development is for 300 residential units including conversion and works to protected structures, a crèche, demolition of a house, internal site works, felling of trees, provision of a bridge over Stradbroke stream on a site within an overall area of c.3.66 hectares.

The criteria at schedule 7 to the regulations are relevant to the question as to whether the proposed sub-threshold development would be likely to have significant effects on the environment that could and should be the subject of environmental impact assessment. The application is accompanied by an EIA screening statement which includes the information required under Schedule 7A to the planning regulations. With regard to characteristics, the size of the proposed development is well below the applicable thresholds. The residential and childcare uses proposed would be similar to predominant land uses in the area. A SSFRA is submitted with the application. The proposal will not increase the risk of flooding within the site or downstream. The development would not give rise to significant use of natural resources, production of waste, pollution, nuisance, or a risk of accidents. The development is served by municipal drainage and water supply. The site is not subject to a nature conservation designation and does not contain habitats or species of conservation significance. It is, however, close to Dublin Bay and to the designated area of the South Dublin & River Tolka Estuary SPA and South Dublin Bay SAC (c. 350 m). The AA Screening, set out in Section 12.12 of this report, concludes that the potential for adverse impacts on Natura 2000 site can be excluded at the screening stage.

I consider that the location of the proposed development and the environmental sensitivity of the geographical area would not justify a conclusion that it would be likely to have significant effects on the environment. The proposed development does not have the potential to have effects the impact of which would be rendered significant by its extent, magnitude, complexity, probability, duration, frequency or reversibility. In these circumstances, the application of the criteria in Schedule 7 to

the proposed sub-threshold development demonstrates that it would not be likely to have significant effects on the environment and that an environmental impact assessment is not required before a grant of permission is considered. This conclusion is consistent with the EIA screening assessment report submitted with the application.

12.0 Assessment

The Board has received a planning application for a housing scheme under section 4(1) of the Planning and Development (Housing) and Residential Tenancies Act 2016. My assessment considers the relevant section 28 guidelines. I examine the proposed development in the context of the statutory development plan and the local plan.

Having considered all documentation on file from the applicant, the planning authority's Chief Executive's Report, the submissions from the prescribed bodies and the observer submissions, I consider the main issues to be addressed are as follows:

- Principle of development, Residential Density and Housing Mix
- Development Strategy
- Residential Amenity of future occupiers
- Architectural Heritage and Archaeology
- Traffic and Parking
- Infrastructure
- Part V
 - Ecology
 - Trees
 - Material Contravention

- Other matters
- Appropriate Assessment

12.1 Principle of development, Residential Density and Housing Mix

12.1.1 Zoning:

The site is zoned under land use objective A for residential development. The principle of residential development on the site is acceptable subject to compliance with the relevant standards and requirements set out in the operative Development Plan and national guidance.

12.1.2 Density:

The Core Strategy for the county, as set out in the operative County Development Plan, recognises that approximately 3800 units per annum are required over the period to 2022. The RSES identifies Monkstown as located within the Dublin Metropolitan Area. The MASP seeks to focus development on large scale strategic sites and on the redevelopment of underutilised lands, based on key transport corridors that will deliver significant development in an integrated and sustainable manner. Monkstown is located within a 'strategic development corridor' of Dublin as it is within the North-South Corridor around the DART facility.

A number of the observers have raised concerns about the proposed density. They consider it inappropriate for this location and suggest such densities are more appropriate in more central locations.

The DLRCC Chief Executive's Report states the proposed density of 82 units per hectares is acceptable having regard to the location and context of the site within less than 1km of high frequency rail service and proximate to a number of bus stops. The Planning Authority also considered that a development of this scale would make good use of these serviced and zoned lands in close proximity to the village of Monkstown.

Having considered the applicant's submission, observer's submissions and those of the CE, as well as local, regional and national policy, I would concur with the PA's

consideration – ie the site is within the MASP, close to public transport and in line with s.28 guidance on residential density, I am satisfied that the density is applicable and that subject to detailed consideration of potential residential or visual impact, etc., that upward modifiers apply.

12.1.3 Housing Mix

Observers raised issue with the number of 1-bed and 2-bed units proposed and that the scheme does not address the housing demand in the area. PA have submitted reports from planning section and housing section, and are satisfied that their housing requirements are met and that the housing mix is acceptable.

I consider the apartment unit mix is good with 104 x 1 bed units (38%), 149 x 2 bed (54%), 23 x 3 bed (8%) proposed. In addition to 12 No. 3 bed and 8 no. 4 bed houses (new build) and 1 no. 1 bed, 2 no. 3 bed and 1 no. 4 bed dwellings provided in converted or refurbished structures.

The development offers a good mix of unit types ranging from converted structures, new houses to apartments. This would lead an acceptable population mix within the scheme, catering to persons at various stages of the lifecycle, in accordance with the Urban Design Manual. The proposed house types will improve the range of housing types available in the area which is predominately characterised by low density suburban housing.

The proposed housing mix is acceptable and is in accordance with SPPR 4 of the Urban Development and Building Heights Guidelines for Planning Authorities. The provision of apartments within the scheme and at this location is also in accordance with the guidance set out in the Guidelines for Planning Authorities on Sustainable Residential Development.

12.1.4 Conclusion:

I am of the opinion that given its zoning objectives, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness.

The proposed quantum of residential development, residential density and housing mix are considered to be acceptable in the context of the location of the site in an established residential area that is 1 km or less from Monkstown village, Salthill/Monkstown DART station and is considered to be in accordance with relevant development plan and national policies.

The County's Settlement Strategy seeks to gain maximum benefit from existing transport, social and community infrastructure through the continued consolidation of the city and its suburbs. The proposal serves to widen the housing mix within the general area, and, if permitted would improve the extent to which it meets the various needs of the community. The proposed development is considered acceptable in principle.

The applicant has submitted a material contravention statement to justify the contravention of Appendix 9, Building Height Strategy and in particular the objectives pertaining to the Coastal Fringe Zone, this is addressed in section 12.11 of this report.

12.2 Development Strategy:

12.2.1 Design

A detailed description of the proposed development is set out in section 3 of this report. I note that a number of apartment blocks have set backs/staggered heights. The heights referred to throughout this report are those noted in the public notices and are the maximum height of the relevant blocks.

The development consists of the construction of 276 apartments in 8 blocks ranging in height from 5 to 9 storeys and 20 (3 and 4 bed terraced and detached houses) new build houses with an additional 4 residential units provided in converted buildings (Dalguise House, Gate Lodge and Stable block/Coach house).

Dalguise is located central in the site, its walled garden, stable blocks paddock to the rear (south) with lawns, tennis courts to the front (north) and a lower area with the Stradbroke stream forming the natural boundary of Dalguise House and its grounds. The site boundary for this application extends to the other side of the stream to include a section of Purbeck (7 houses built in the grounds of Purbeck Lodge) to facilitate a vehicular entrance and bridge over the stream.

Three character areas are proposed, the northern section, mid-section and southern section. There is little to distinguish the character areas in terms of design, materials and elevational treatment of the houses and apartment blocks proposed. The main distinction relates to the relationship of each character area with Dalguise House and its gardens.

The Design Statement outlines the proposed finishes and material to be used in the 8 apartment blocks. These comprise of light grey brick on yellow ground for most of the facades, some external frame elements in stone effect panels, to resemble limestone or sandstones. Frameless glass balustrades for balconies and curtain wall systems. Bronzed finish metal frames and infill panels to the apartment windows.

The external finishes to the houses consist of a warm palette of brick, timber and reconstituted stone. Beige/light brown in colour with houses between Dalguise House and the rear courtyard with a light grey/beige brick finish.

The design, location and layout of the proposed houses is acceptable and compliant with the relevant standards. There is a good interface throughout the scheme between the houses and the apartment buildings.

The site is challenging due to its constrained nature, sylvan setting and Protected Structures. The applicant has attempted to address the sensitivities and constraints of the site through the use of a contemporary design solution. There is a clear distinction between the old and the new.

I consider the proposal before the Board is the optimum design solution for this site, that it would not adversely impact on the character of the receiving environment and, subject to the reduction in height of three blocks, would comply with the provision of the policies and objectives of the current County Development Plan.

In this instance, while I am satisfied that a modern intervention is the appropriate design approach at this location I am not satisfied that the proposal before the Board has been fully executed given the sensitivities of the site and the presence of Dalguise House and its setting (as discussed in section 12.4 of this report), by sufficiently incorporating them into the overall design and layout.

12.2.2 Layout

Given the context of the site and the provisions of policy UD1 (urban design) of the County Development Plan. It is my view that the proposed development in terms of general layout, provision and location of public and private amenity space, boundary treatment is broadly acceptable.

The site layout provides for interconnected spaces. Soft and hard landscape features create a sense of place within the scheme. The design, internal layout and orientation facilitate dual aspect units is acceptable. I consider the overall design and layout of the buildings, for the most part, is well thought out given the constraints of the site. However I have concerns regarding the suitability of the proposed heights of the buildings given the context of the site and the impact on the visual amenities of adjoining residential properties which is assessed in further detail below.

Public open space is provided by way of two main areas, the Central Square to the front (north) of Dalguise House and the Walled Garden (south of the House) with smaller pockets interspersed around the scheme. There is an objective to 'preserve trees and woodland on the site. I note that a significant number of trees are proposed to be removed but contrary to many submissions there are proposals to retain and protect trees of importance and augment planting where required. A beech tree that contains a heron nest is proposed to be removed, this should be retained and incorporated into the scheme. Additional landscaping can be addressed by condition. I have examined the documentation on file, including arboriculture reports and Landscape Design Rationale which sets out proposals for the adoption of controlled construction techniques and tree protection measures, the potential for tree retention has been maximised as best as possible and tree loss has been mitigated by what is a substantial planting scheme. This is considered reasonable. I consider that the proposal is a sensitive intervention in terms of landscaping, tree retention and open space provision. Additional mitigation measures set out in the EclA and the DAU submission should be included by condition if permission is granted. The Planning Authority and the DCHG have not expressed concerns in this regard, subject to conditions.

There is good connectivity and permeability within the site and from the site to adjoining amenities and the village centre are provided. A bridge over Stradbrook Stream is included to open up access to the north of the site via Purbeck. Indicative linkages are shown to Richmond Park to the east, the Cheshire Homes site to the northeast and Arundel to the west. Observations received vary in their support/objection to the provision of pedestrian links via adjoining lands and housing estates.

I consider, if the Board is of a mind to grant permission that these pedestrian links should be shown up to the site boundaries to facilitate their future provision subject to the appropriate consents. Provision of these links will greatly improve accessibility and linkages in the area, increase their usage and by association security through active usage.

A crèche is proposed in the basement of Dalguise House. The DAU have raised concerns in relation to the location of the creche in terms of compliance with fire regulations, sound proofing and impact on the residential amenity of high end residential units provided a the upper level. I note the concerns raised by the DAU however, I consider this a sustainable use of the basement/lower level of Dalguise House. I consider the provision of a crèche here to be acceptable. The internal layout lends itself to the provision of this use. In terms of fire and noise proofing, the applicant has set out how the residential amenities of future occupiers will be protected, and I am satisfied that these measures will provide for and protect the residential amenity of future occupants. The development is also required to comply with the relevant Building Regulations. Works should also be overseen by a qualified Conservation Architect. I consider the location and scale of the crèche is acceptable subject to appropriate architectural conservation conditions and appropriate noise insulation.

12.2.3 Height

12.2.3.1 Visual Impact

A common thread throughout the observer submissions relates to the potential for the proposed development to be overbearing, ie having a dominant and visually negative impact when viewed from adjoining properties.

The proposed development comprises 8 no. blocks ranging from 5 to 9 storeys located within the grounds of Dalguise House. The site has no direct road frontage and is bounded on all sides by what is predominantly two storey suburban housing, some of which development in the grounds of adjoining protected structures in the past.

Justification of the height of the proposed development is set out in the Material Contravention Statement (refer to section 12.11). The applicant has put forward the justification based is on the location of the site, access to public transport with high capacity, frequent services and good links to other modes of public transport. The development would ensure the continued use of a protected structure and would be a sustainable use of zoned serviced lands. It is also detailed that the apartment buildings have been designed to ensure minimal impacts to adjacent housing.

The applicant also sets out a detailed assessment of the development in the context of the Urban Development and Building Height Guidelines for Planning Authorities 2018 in their Statement of Consistency.

In considering the appropriateness of the proposed height, the Board is referred to the 'Chesterfield House' site on Cross Avenue where a development of 221 units (heights ranging up to 7 storeys) was granted by An Bord Pleanála (subsequently quashed on JR). In terms of building height, this current proposal is 5 to 9 storeys for the apartment buildings.

Significant objections have been raised regarding the height and scale of the development with concerns that it is overbearing and would have a significant adverse impact on the residential amenities of adjoining properties in terms of overlooking, overshadowing and loss of privacy. Block A is 7 storeys (6 storeys over podium), Block B is 8 storeys (7 storeys over podium), Block C is 8 storeys (7 over podium), Block D is 7 storeys (6 over podium), Block E is 9 storeys, Block F is 6 storeys, Block G is 6 storeys and Block H is 5 storeys. A number of blocks have setbacks and the height referred to is the maximum height of the block.

In terms of separation distances: Block A is c. 20m from the nearest house to the north, there is a distance of c.22m from Block B and C from the site boundary. Block B is c. 31m from the rear elevation of No. 13 Heathfield and c. 26m from the side elevation of No. 7 Purbeck and its garden. Block C is c.34m from the rear elevation of No. 7 Heathfield and c.22m from the private amenity (rear gardens) of No. 6 to 13 Heathfield. There will be significant tree removal here as well. Block D is set back c. 19m from the western boundary of the site. Block E, the highest block, is c. 60m from the nearest house to the east. Block F set back ranges from 26 to 28m from the front facades of the houses at Arudel. Block G is set back c. 24m from the eastern boundary and c. 32m from the nearest house (rear elevation of No. 19). Block H is set back c. 15m from the eastern boundary and open space associated with Richmond Park.

Due to the level differences across the site and the removal of a significant amount of trees, of varying quality, along the site boundaries however, the blocks will be visible to residents of the properties bounding the site. The difference in levels mean some blocks may appear higher when viewed from outside the site, while others will actually have a reduced visual impact.

I consider the most sensitive locations are those that have the potential to impact on the residential amenities of existing residential properties that adjoin the site. I have no issue with the impact of Block H (5 storeys) as it will directly face public open space associated with Richmond Park housing estate to the east and would not have a detrimental impact on the residential amenities of nearby residential properties by virtue of its overbearing impact when viewed from the surrounding area.

Notwithstanding the assertion of the applicant that the development will have no impact on the amenities of the dwellings adjoining the site. I have concerns regarding the height of the development. I am particularly concerned about the potential visually dominant impact of the development on the houses to the north, east and west and the impact of the development when viewed from the surrounding area.

I acknowledge that the National Planning Framework and the Building Height Guidelines clearly advocate effective consolidation of urban sites and increased building heights. However, the height of the development must be balanced with consideration of the site's context and the preservation of amenities of adjacent dwellings. Much emphasis has been placed by the applicant on the strategic location of the site, its proximity to public transport connections and the context of the site to justify the height.

Whilst I accept, that in accordance with the guidance set out in the NPF and the Building Height Guidelines, that increased height and density on this site is warranted, I consider the proposed heights of blocks, in particular Blocks, B, C and E have an overbearing impact given their locations within the scheme and would be visually dominant when viewed from the surrounding area and in particular dwellings along Richmond Park, Heathfield, Purbeck, Drayton and Arundel. I note that there are photomontages/CGI's submitted with the application to demonstrate the potential impact from identified views. Having regard to the sites locational context and the presence of Dalguise House I consider that the height of development to be unacceptable. In this regard, a reduction in the height of the development is necessary in this instance.

The Planning Authority have recommended a reduction in the overall heights of Block B, C and E. They recommend that Block B is reduced from an 8 to 6 storey building, Block C from an 8 to 6 storey building and Block E from an 8-9 storey building to a 7-8 storey buildings.

I concur with the Planning Authority that the proposed reductions in height would still ensure a development of sufficient height and scale on this infill site and an appropriate intensification of the lands. The reduction in height will reduce the overbearing impact of the blocks when viewed from the adjoining properties and protect the residential amenities of these properties. However, I am not satisfied that a reduction in height alone will address the overall sensitivities of the site and relationship with Dalguise House. This matter is further addressed in section 12.4 and, in my opinion, amendments would also require that the omission of Block F (51 units) and its replacement with a building that resembles Block G (44 units) in alignment and scale. This would result in an overall reduction of 37 units. The revisions would result in 263 units on a site with an area of 3.66 hectares which equates to an overall density of 71.8 units per hectare. This matter could be addressed by condition if the Board considers granting permission.

I have no issue with the impact from the proposed houses.

12.2.3.2. Overlooking

Section 8.2.8.4 (ii) of the Development Plan sets out the requirement of 22m for separation distances between upper floor opposing windows which would normally result in rear garden depths of 11m for back to back housing. The County Development Plan does not include a requirement for a setback of 11m for 'habitable' room windows from boundaries they face. Third parties have raised overlooking as an issue between the proposed apartment blocks and houses and houses bounding the site, in particular due to the height of the buildings, the presence of balconies and their set back from the site boundaries

The application site is mostly bounded by residential properties, predominantly the rear gardens of same which at present benefit from extensive tree coverage, a lot of which is proposed to be removed to facilitate the development of the site.

I consider that the design of the elevations of the apartment blocks, internal configuration of apartment layouts, the relationship of the buildings to the site boundaries and each other and the separation distance from the nearest adjacent residential properties would serve to mitigate the potential for overlooking. Privacy would be further enhanced with proposals for landscaping/screening to the boundaries to reduce the impact on adjoining properties to the east, west and north. This matter can be addressed further by condition if the Board is of a mind to grant permission.

Overlooking does not arise from the proposed houses.

On balance, I consider that the separation distances between buildings, the design of the proposed buildings and the buffer formed by existing and proposed areas of public open space, along with the proposed landscaping would serve to suitably address potential for overlooking amenities spaces associated with the residential properties to the residences to the north, west and east.

12.2.3.3 Overshadowing

In relation to potential of overshadowing, the proposed apartment block are located to the east, west and north of the existing residential developments that directly bound the site. A Sunlight and Daylight Access Analysis have been submitted. I note that at present there is a significant degree of overshadowing of adjacent properties from the existing trees on site. I consider the increase in overshadowing that may arise from the proposed development would be akin to what is currently experienced by adjoining properties and I do not consider any potential increase would be to such an extent to warrant a reason for refusal on this grounds. A reduction in building heights would further reduce any potential impacts in particular within the scheme, albeit that these are not considered significant in any event.

Overshadowing does not arise with the proposed houses.

I am satisfied that the proposed development will not unduly adversely impact on adjacent residences by reason of overshadowing or impact on access to daylight. To such an extent to warrant a reason for refusal.

12.2.4 Conclusion

On balance I consider that the proposed development is well executed that is broadly acceptable in its form and layout; provides high quality usable open spaces; establishes a sense of place.

The CGIs of the proposed development clearly illustrate the abrupt transition in heights between the proposed development and the existing suburban houses bounding the site. I consider that the proposal would be visually dominant when viewed from the surrounding area and that the height of the proposed development is not appropriate in the context of application site and the relationship of the proposed buildings to the surrounding area and adjoining properties.

While I acknowledge that the scheme is of high architectural quality, I have concerns in relation to the capacity of the site to accommodate and absorb the proposed height. In this instance given the difference in levels across the site, the relationship with adjoining properties and the extent of tree/screening removal, I consider the proposal, in particular the apartment blocks over 7 storeys in height would be visually dominant when viewed from adjoining residential properties. I consider a reduced height of the apartment blocks would be a more appropriate design strategy for this sensitive site given its context. A reduction in height would still ensure a development of sufficient height and scale on this infill site and an appropriate intensification of the lands. It would reduce the impact of the blocks when viewed from the adjoining properties and protect the residential amenities of these properties. The reduction in height will also help the development assimilate more comfortably into its setting. I recommend therefore that a condition be attached setting out amendments to Blocks B (reduced to 6 storeys), C (reduced to 6 storeys) and E (reduced to 7 storeys over podium) if the Board is of a mind to grant permission.

12.3 Residential Amenity of future occupiers

In terms of amenities for future occupants the development is of a high standard. It complies with the requirements of the 2018 guidelines on the design of new apartments. The proposal complies with SPPR3 (internal floor areas), SPPR 4 (dual aspect) SPPR5 (ceiling heights) and SPPR6 (units per stair core). The sizes of the internal rooms and of the private and communal open spaces provided comply with the standards set out in the appendix to the Guidelines. A high standard of landscape is proposed throughout the scheme provide future occupiers with good quality amenities.

The design and internal layouts of the development are generally satisfactory with regard to national and development plan guidance for residential development and that there is a reasonable standard of residential accommodation for future residents of the scheme.

12.4 Architectural Heritage and Archaeology

Numerous third party observers including the Irish Georgian Society and An Taisce have raised concerns relating to the loss of architectural heritage with the development of Dalguise House, removal of structures and the proposed infilling of its gardens/grounds. The DAU also outlined serious concerns in their submission. Dalguise House is one of the few remaining examples of its kind in the Dun Laoghaire area that has not been the subject of redevelopment and is inhabited. The proposed development results in significant infilling of gardens, development of the grounds, alterations and removal of protected structures, demolition of outbuildings and significant removal of mature trees. There is no doubt that the proposed development will result in an irreversible transformation of Dalguise House and its setting.

There are three matters of relevance to the assessment of this proposal in respect of architectural heritage and archaeology. The first is the proposed demolition of structures within the grounds of Dalguise House, the relocation of a glasshouse and vinery and the removal of a second glasshouse off site, the second is the potential impact of the proposal on Dalguise House and the third is archaeology. I shall address each in turn.

12.4.1 The proposed demolition of structures within the grounds of Dalguise House, the relocation of a glasshouse and vinery and the removal of a second glasshouse off site

I noted at the time of my inspection that the glasshouses and vinery are in a state of disrepair and appear to have been left vacant for a long period, the walled garden where there was formerly a kitchen garden has been cleared.

Part of the proposal before me is the relocation of the vinery and glasshouse, c. 35m from its current location, and the removal of a second glass house off site. The glasshouse and vine house (referred to as the McCurdy and Mitchell glasshouse in the AHIA) which is proposed to be relocated and refurbished is in a state of disrepair and neglect. The documentation on file, AHIA, refer to its movement to a prominent location to the walled garden and to restore the vinery and glasshouse to full working order

An Taisce in their submission outlined that the derelict vine house and glasshouse should be retained in situ inside the walled garden and not moved as proposed and the glasshouse may have been designed by Richard Turner. No documentation has been submitted to support this assertion.

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

The removal and relocation of structures is required to facilitate the preferred and most acceptable layout of the blocks on site so as to maximise use of serviced land, minimise impact on residential amenity and having regard to site constraints with trees and Dalguise house. The AHIA refers to the relocation of the glasshouse/vinery and its proposed refurbished and reinstatement of its use within the wall garden and while the preferred option is to retain in situ there would not appear to be an overriding objection to the proposed relocation set out .

No justification has been provided for the removal of the second glasshouse off site, it would be more appropriate if this structure could be retained within the confines of the site and incorporated into the scheme, However, I am of the opinion that if its retention is not feasible that its loss is acceptable in the overall context of the proposed development in terms of reuse and refurbishment of Dalguise House, gate lodges, coachhouse, stables, other greenhouse/vinery and stone structures. I am satisfied that this matter can be dealt with by condition. .

Works are also proposed to a single storey gate lodge located along the main avenue and change of use to a two storey gate lodge located at Monkstown Road. I am satisfied that the works proposed to these two structures and their proposed uses are cognisant of the original structures and would be carried out in a sympathetic and acceptable manner.

Similarly, I have no objection to the conversion and extension of the coach house/stable block is also acceptable, together with the refurbishment of the coachman's cottage for use as a garden a pavilion at this location.

I have no objection to the demolition of 'White Lodge' a pastiche house built in the grounds of Dalguise House which is of no architectural merit and lends nothing to the setting of Dalguise House.

I note that the DLR Chief Executive report comments on the repair/refurbishment of buildings. There is no comment on the relocation of structures.

The DAU highlighted that the dismantling and relocation of surviving features should be integral to the planning outcome, the preference always is that the features should be retained in their original location where possible as historic fabric is undermined or lost in the process of dismantling and rebuilding.

12.4.2 Impact on Dalguise House

Dalguise House is a large shallow single pile 5 bay two storey over basement house, with extensions. Located on extensive lands accessed by way of a narrow lane, Clifton Lane, from the Monkstown Road. There is a gate lodge on Monkstown Road and a second gate lodge along the lane/avenue. Dalguise House has extensive grounds that include lawns, paddocks, stable yard and buildings, a large disused walled garden, glass houses, vinery, sundry out offices, tennis courts and numerous areas of established tree and shrub planting.

The proposed works to Dalguise House consist of its conversion to 2 houses and a crèche. Consisting of a 4 bedroom house in the main body of the protected structure and a 3 bedroom house in the existing later west wing of Dalguise House. The proposed crèche (c.195sq.m) would be in the converted basement/lower ground floor of the main (original) body of Dalguise House.

I have no objection to the demolition of a single storey extension (swimming pool) an unsympathetic latter addition.

The DAU has raised serious concerns and urges the reconsideration of the proposed design in the context of the protected structure and historic village in terms of the plan arrangement, scale, density and height appropriate to the surviving significant and in line with best practice evident in other development approaches in the Local Authority remit.

The DAU concurred with the submission by the Irish Georgian Society regarding the infilling of the 19th Century gardens and the detrimental impact of development that fragments and removes key components and elements of the former design. The DAU recommends that the historic character and the evolution of site over time should be carefully considered and the proposal revised so that a greater proportion of the surviving landscape, the walled garden, the glasshouse with its mature planting can be retained as part of a contemporary residential scheme with the protected structure and its gardens as a central focus of the site. I noted at the time of inspection that the glass house is in a state of disrepair.

The DAU while welcoming the conversion Dalguise House to residential use has raised concerns relating to the proposed crèche.

Other issues highlighted by the Department are as follows: Block H is of an inappropriate scale and dimension, undermining the original form of the walled garden and its relationship to the protected structure. The scale and location of Block E on axis with the main façade of Dalguise House makes it the focal point and severs the connection to the village and the sea. Block G and F which flank the central Square to the front of Dalguise House undermine and overwhelm the approach to the protected structure and its setting. There is a clear inappropriate juxtaposition of scales from 2 storey over recessed basement to 9 storeys (Block E).

Conservation Concerns highlighted in the Chief Executive Report relate mainly to the heights and the collective overpowering impact they may have on the presence of the protected structure, in particular Block E (9 storeys) that would directly face Dalguise House. The Planning Authority have requested that the Board reduce this block by two storeys in the event of a grant of permission. A height reduction is also recommended blocks on the northern portion of the site to address the impact along the road to Purbeck Lodge and on the built heritage and character of Monkstown ACA. Block F should also be pulled back in line with Block G to minimise encroachment upon the protected structure.

The proximity of Block F to Dalguise House is noted. From an architectural heritage viewpoint, I am of the opinion that the location and scale of Block F is such that it obscures the Protected Structure and detracts from its setting and therefore should be omitted and replaced with the Block that mirror Block G in terms of scale and set back in line with Block G to address this issue.

I note that a development of 7 apartment blocks with heights up to 7 storeys in the grounds of Chesterfield House, the house in question was reconstructed in the 1970s around the original drawing room which was the protected structure, therefore the context does not resemble Dalguise House. With regard to the development on lands adjacent to Castlepark School, Dalkey, again this is a different context as the application site was on lands adjacent to the protected structure, which in itself had been significantly altered and extended over the years with numerous additions. Dalguise House, by contrast is one of the few remaining examples of its kind in the Dun Laoghaire area. This does not preclude it from development but requires that development be appropriately pursued. I note also a SHD application at St. Teresa's in Blackrock, also a protected structure included a gate lodge to be relocated within the site.

On balance, the proposal is a well-executed for the most part, I consider subject to amendments that the proposal will not have such an impact on Dalguise House to warrant its refusal.

12.4.3 Archaeology

An Archaeological Assessment has been submitted with the application and the information contained therein is noted. The report of the DAU states that an Archaeological Impact Assessment should be prepared to assess the potential impact, if any, of archaeological remains in the area where development is proposed to take place. This matter could be adequately dealt with by means of condition.

12.4.4 Monkstown ACA and adjoining Protected Structures

The proposed development as submitted would be visible from the Monkstown ACA to the north of the site, The Planning Authority as a consequence recommended a reduction in height of the apartment blocks along the northern section of the site.

The AHIA submitted with the application assessed the impact on Monkstown ACA and adjoining Protected Structures. It is acknowledge that will the development of Dalguise House will have an impact on the visual outlook from the ACA and the relevant protected structures, this is not considered to have a direct impact on the character and setting of the adjoining protected structures.

While most owners of adjoining protected structures voiced their objections, support is noted from one owner of an adjoining structure.

During my inspection of the area I noted that a number of adjacent protected structures have had their setting altered by developments within their curtilage or attendant grounds over the years.

12.4.5 Conclusion

I support the case for a modern intervention that contributes to and adds to the narrative of the area, in this instance I consider the overall design strategy, subject to the recommended amendments relating to height and the Block F, is appropriate and does not results in a development that unduly detracts from the integrity and character of Dalguise House. I am satisfied that the amendments to the height of apartment buildings and the replacement of Block F with a building that mirrors Block G in scale and siting will address the concerns raised by the DAU and the DLR Conservation Division relating to the encroachment on Dalguise House that overpowers the protected structure and detracts from its vista from the northern approach and when viewed in the context of this site.

I consider, therefore, subject to the amendments set out above, the proposal for a modern intervention at this location which introduces a high quality design through the appropriate use of materials and finishes. Any development of this site will have an impact. In this instance I consider the impact to be a positive one that will contribute positively to the architectural narrative of the area by providing a development that is contemporary and of its time.

12.5 Traffic and Parking

12.5.1 Traffic and access

Most observers and local residents are concerned about the existing traffic situation in the area. Concerns centre around the capacity of the existing road infrastructure and the likely negative impact from the increase in traffic from new developments. The roads in the immediate area of the site are typical suburban roads with cycle infrastructure. The applicant has submitted a Traffic and Transport Assessment (TTA). The applicant is satisfied that the traffic generated by the proposed development can be accommodated on the existing road network and no specific junction improvements are necessary in the area.

The planning authority has not raised concerns about the impact of the development on the existing nature of traffic experienced in the area but do require some technical details to be clarified.

The site will be served by two vehicular entrances, one from Purbeck, via a new bridge over the Stradbrook stream and one via the existing Avenue to Dalguise House with a one-way system operating on the northern section of the site. The scheme permeable to both vehicular traffic and pedestrians. Additional indicative future pedestrian links are shown on the site layout to the Cheshire Homes site, Richmond Park and Arundel. Which have been referred to in section 12.2 of this report.

I am satisfied, in particular having regard to the TTA and comments from the Planning Authority, that the proposed development will not cause a traffic hazard or unduly impact on the carrying capacity of the surrounding road network, and that subject to conditions, the development is acceptable from a traffic/roads perspective.

12.5.2 Parking

The applicant has proposed a development that will provide 314 car parking spaces for the proposed 276 apartments and 24 houses (includes 4 provided within existing structures). The car parking spaces will be provided within the curtilage of some houses and adjacent to others, parking for apartments at basement and undercroft level. Given the suburban location of Monkstown and its good public transport connections the quantum and design of car parking is appropriate for the scale and density of development. The demand on parking is further reduced by the recommended omission of 37 units.

The proposal also includes the reconfiguration of parking associated with houses along Purbeck (Reg Ref. D16A/0724 ABP 248219. This will result in the relocation of parking spaces adjoining the Stradbook Stream to accommodate the proposed access and bridge to the application site via Purbeck. Over the stream. Neither the DLR Transportation Planning nor the Drainage Division have raised concerns relating to this. I am satisfied that this issue has been adequately addressed by the applicant and the development is acceptable with respect to parking provision.

12.5.3 Conclusion

Given the location of the serviced site in a suburban area where good public transport links exist within comfortable walking distances, future residents will be well served by public transport and encourages a modal shift away from the private car. I am satisfied that the proposal is in compliance with national, county and local objectives with respect to transport.

12.6 Infrastructure

12.6.1 Foul drainage

Dalguise House is served by a septic tank with White Lodge and the gate lodges drain to an existing 450mm diameter combined sewer.

A main combined sewer exists running under the Stradbook stream at Drayton Close estate. A second 450mm diameter combined line runs along Monkstown Valley onto the site. Proposed foul drainage system will be separate from surface water within the site, Connection proposed to the combined sewer at Drayton..

Some observers raised concerns relation to the capacity of the existing infrastructure that results in no bathing notices a regular occurrence. Irish Water identifies no issues with foul water connection and treatment.

While reference to capacity at Ringsend Treatment Plant was raised and the local pumping station at Monkstown, it is noted that IW are subject to EPA licencing requirements, and submit a report on this annually, as well as being subject to on-going monitoring to ensure all licencing obligations are met, a number of which relate to protection of Dublin BAY, Having regard to this, I am satisfied that this matter can and has been considered by the relevant competent authority and that there is no significant impact on Dublin Bay or any other European Site as a result of foul water drainage.

12.6.2 Water Supply

Observers raised issued with excessive demand on water already in Monkstown.

No water supply capacity issues have been identified by Irish Water (IW), and a new connection will be made from the supply along Monkstown Road.

12.6.3 Surface Water

The management of surface water for the site is outlined in the applicant's Engineering report.

The development will be served by a simple gravity drainage system including SUDs features (swales, permeable paving, filter strips, etc) and will follow the natural topography of the site falling towards the Stradbrook Stream on the northern end of the site.

In developing the new surface water drainage system, a natural split in the area areas to be drained was established. The higher level catchment catering for an area of c.2696ha serving the southern part of the site and a lower level catchment to cater for the area adjacent to the Stradbrook Stream (c. 0.0705hain area).

Both interception and attenuation storage will be provided to fully control surface water runoff from the development to the Stradbook stream. River protection measures set out. Issues regarding AA are dealt with under section 12.12

The planning authority is satisfied with the applicant's surface water management system and recommend standard technical conditions. Some observers have noted that there are flooding issues with the adjoining Cheshire Homes site identified as a flooding hot spot and the northern portion of the site located in flood zone A&B. This is dealt with hereunder,

12.6.4 Flood Risk Management

Section 5.2.5.2 (Policy CC15 Flood Risk Management) and section 8.2.10.4(ii) Applications for Larger Developments in areas at Risk of Flooding of the Dun Laoghaire County Development Plan 2016-2022 which set out that larger developments area at risk of flooding require the submission of a SSFRA and the Development Management Justification Test.

A Site Specific Flood Risk Assessment has been submitted, this includes a justification test given the location of the northern portion of the site on flood zone A&B. No vulnerable development is proposed in the area. A bridge over the Stradbrook stream is not included in the benchmark drawing used in the review of the SSFRA. The DLRCC Drainage Division have outlined that the applicant has engaged in extensive discussions with them prior to submitting the application and they consider this matter to be an oversight that can be addressed by condition

I am satisfied that there is adequate information on file to assess this issue. Based on the available information and the inclusion of the bridge, as outlined and recommended by the Planning Authority, does not constitute a risk or potential adverse impact relating to Surface water drainage and that the matter without adversely affecting third parties can be dealt with by condition.

I have examined the information on file and I consider that given the nature of the works proposed in the flood zone, the strategic nature of the proposed development that in this instance the proposal complies with the Development Management Justification Test.

The planning authority is satisfied with the applicant's proposals and recommend standard technical conditions.

12.7 Part V

It is proposed to provide 30 no. units to meet the requirements of Part V. These consist of 23 no. 1 bed and 7 no. 2 bed apartments. 23 units would be provided in Block A, 4 in Block B and 3 in Block C. Observers have raised concerns that no family units are included in the Part V proposals. However, the PA is the housing authority for the area and they are satisfied that the proposals meet their requirements and as such I am satisfied that this is acceptably addressed, subject to condition.

If the Board is disposed to grant permission a condition should be attached requiring the development to comply with the provisions of section 97 of the Planning and Development Act 2000 as amended.

12.8 Ecology

The applicant has identified a number of ecological sensitives that affect the site. To this end, the applicant has prepared an Ecological Impact Assessment (EclA), together with an EIA Screening Report and AA Screening Report. The EclA highlights impacts and outlines mitigation measures. Of particular interest to the site are the impacts to bats and Heron, both are recorded as present in the general area and on site.

12.8.1 Bats

A Bat Survey was carried out in August 2018 and a Bat Impact Assessment report was submitted with the application which showed Leisler mating roost noted on a mature beech tree. Common pipistrelles noted. Potential losses identified as roost loss, mating perch loss, loss of feeding (vegetation clearance). Mitigation measures set out in the EclA.

A Defogation Licence was obtained from the NPWS to disturb the Beech tree with a bat roost (Licence No. DER/BAT 2020-8) or other trees on site in the event that bat roosts are discovered, prior to felling. (copy is submitted with the application).

12.8.2 Birds

A breeding Bird survey was carried out on 2nd March 2020 which is within the optimal nesting season. The following birds were displaying nesting/breeding behaviour: Magpie, wood pigeon, hooded crow, blackbird, blue tit, coal tit, grey tit and heron (*ardea conerea*). There are no conservation objectives relating to grey heron and they are not a qualifying interest relating to any nearby SPA. The EclA concluded that while the grey heron is subject to no special protection measures and is not a species of conservation concern, these nesting sites are unusual features in a suburban context (4 nests observed). The three nests located along the western boundary are complemented by an additional three nests located outside the site boundary in the adjoining residential estate.

Grey herons are large predominately wetland feeding birds, which naturally occur at a low density. The herons found in the grounds of Dalguise House probably feed predominantly on the nearby South Dublin and Tolka River Estuary SPA, and make up a significant proportion of the population using Dublin bay as a whole. Over winter they will be joined by inland breeding birds.

The Department, therefore considered the presence of nesting herons on the Dalguise site of conservation significant at a county level and, that if at all possible, all four nest trees on the site should be preserved. Given the location of the heronry in an established suburban area, surrounded by suburbia they consider it appropriate that a number specific details to be agreed before development commences to address the protection of the heronry. Local observers also highlight heron activity in the area and are concerned about the impact of the development on their habitat and survival.

During my site visit, I did not observe a single heron perched or in flight, I did not seek out nests and cannot therefore confirm nesting sites on the lands concerned. I do not consider this a necessary action in any case, as there would appear to be no dispute as to the existence of heron on the site, albeit in small numbers (4 nests). In this context, I am guided by the material produced by the applicant and the recommendations of the NPWS (DCHG), which I consider to be relevant and reasonable and should form the basis of a relevant condition if the Board considers granting permission.

12.8.3 Conclusion

The EclA concludes that based on the successful implementation of the mitigation measures and proposed works to be carried out in accordance with that document and the CMP, it is likely that there will be no significant ecological impact arising from construction and the day to day operation of the proposed development. There is no report on file from the Planning Authority's Biodiversity Officer.

Mitigation measures are proposed, which appear reasonable and I recommend that if permission is being granted for the proposed development, this issue be dealt with by means of condition. The DAU in their submission have set out recommended conditions relation to nature conservation.

12.9 Trees

There is a local objective to protect trees and preserve woodlands. The site has a substantial amount of mature trees and other vegetation, which form part of the grounds of Dalguise House. The DAU, the Irish Georgian Society and numerous third party observers raised objections to the current proposal on the loss of historical landscape grounds.

The fundamental issue raised in the submissions relate to site clearance and the removal of trees and the impact this would have on the character of the area, the setting of Dalguise House, the loss of formal gardens and the loss of outlook for adjoining residential properties, including a number of protected structures. The issue remains that in order to facilitate the development of the site, which contains Dalguise House, substantial site clearance and tree removal is required.

I have examined the Architectural Impact Assessment and the arborist report and I conclude that there is no doubt that any site clearance will have an irreversible impact on the character of the site. In relation to the impact on the adjoining protected structure. I am of the view that the setting of Dalguise House is one of the few intact examples of its type left in the Dun Laoghaire area. For the most part large estate houses in the Dun Laoghaire area have been eroded and their settings significantly compromised by the construction of suburban housing in their original grounds, as can be seen at Richmond Park to the east the site for example.

I note that in this instance for the most part the development is designed to have cognisance of the sensitive and restricted nature of the site. The fact remains however, that the only way to develop the site is by the infilling and loss of the

grounds and gardens of Dalguise House. Furthermore the proposal involves the retention of significant amount of trees with additional landscaping proposed where required. The clearing trees from the site to accommodate a residential development will inevitably have an irreversible impact on the setting of the protected structure and a visual impact on the surrounding area.

In my opinion the grounds of Dalguise House lend themselves to redevelopment, the sustainable use of a zoned serviced site and also ensure the continued use of protected structures that otherwise may fall into further disrepair.

12.10 Other matters

12.10.1 Noise & Vibrations

Third parties have raised concerns that the amenities of local residents would be impacted by traffic, noise and vibrations during the construction phase of the proposed development.

The draft Construction Management Plan would address how it is proposed to manage noise, vibration and other impacts arising at the construction phase to ensure the construction of the development is undertaken in a controlled and appropriately engineered manner to minimise intrusion.

I note that the impacts associated with the construction works and construction traffic would be temporary and of a limited duration.

Having regard to all of the above, I am of the opinion that while there will inevitably be some short-term disruption for local residents, it will be short-term in nature and I consider that impacts on the residential amenity of the area would not be so great as to warrant a refusal of permission. The nature of the proposal is such that I do not anticipate there to be excessive noise/disturbance once construction works are completed.

Outstanding matters and the requirement for a CEMP can be addressed by condition.

12.10.2 Covid 19.

Numerous submissions have raised issue with compliance with social distances, implications for the design and density of developments and public participation during the national lockdown.

- I have considered the DMURS Covid 19 Interim Advice Note (May 2020) when carrying out my assessment.
- Ventilation in buildings is addressed in the Building Regulations.
- I note observers raised issue with public participation and access to information during the national lockdown. The application was available on the website assigned to this application during this period (www.dalquisheshd.com) and was available for viewing in the planning authority offices and ABP offices following the lifting of restrictions and freeze period referred to below.
- The Government's orders extending time limits on planning matters provided that the period of time beginning on 29 March 2020 and expiring 23 May 2020 is to be disregarded for the purposes of calculating various time limits under the Planning and Development and other related Acts. As the Government has not made a further order extending the time freeze beyond the 23 May 2020 the normal time limits as set out in the relevant legislation apply with effect from 24 May 2020.

12.10.3 Legal Matters

Reference is made by a number of parties regarding a legal agreement between the owners of Dalguise House and developers of an adjoining residential estate. I consider such a matter to be a separate legal issue and outside the scope of this planning assessment.

Reference has also been made to third party lands included within the site red line boundary. The question of ownership of land is a legal matter and outside the scope of a planning permission. In this context, I would draw attention to Section 34 (13) of the Planning and Development Act 2000 (as amended) which reads 'A person shall not be entitled solely by reason of a permission under this section to carry out development'.

12.10.4 Taking In Charge

The applicant has stated that it is not intended the proposed development be taken in charge.

12.11 Material Contravention

The applicant has submitted a Material Contravention Statement. The public notices make reference to a statement being submitted indicating why permission should be granted having regard to the provisions of s.37(2)(b) and Section 28(1) (c) of the Planning and Development Act 2000 (as amended). The issue raised in the applicant's Material Contravention statement relates to building height and compliance with the Dun Laoghaire Rathdown Building Height Strategy.

Section 37(2)(b) of the Act of 2000 (as amended) states that where a proposed development materially contravenes the Development Plan, the Board may grant permission where it considers that:

- (i) *the proposed development is of strategic or national importance,*

(ii) there are conflicting objectives in the development plan or the objectives are not clearly stated, insofar as the proposed development is concerned,

or

(iii) permission for the proposed development should be granted having regard to regional spatial and economic strategy for the area, guidelines under section 28, policy directives under section 29, the statutory obligations of any local authority in the area, and any relevant policy of the Government, the Minister or any Minister of the Government,

or

(iv) permission for the proposed development should be granted having regard to the pattern of development, and permissions granted, in the area since the making of the development plan.

Policy UD6 refers to the Building Height Strategy, this is contained in Appendix 9 of the current County Development Plan. Section 4.8 refers to suburban areas. It states a general recommend height of 2 storeys, or 3 to 4 storeys for apartment developments in commercial cores. These maximum heights may be modified up or down according to certain circumstances. Upward modifiers include location within 500m walking distance of a train station, or for sites large than 0.5 hectares that can set their own context for development. Downward modifiers include adverse effects on residential living conditions, or on the setting of a protected structure or on an ACA. The Building Height Strategy includes a 500m 'Coastal Fringe Zone' following the coastline. Where development is proposed within this zone which would exceed the height of its immediate surroundings, an urban design study and impact assessment study may be required to demonstrate that the scheme will not harm and will protect the particular character of the coastline, including, where appropriate views from the sea/pier.

The 2018 Guidelines on Urban Development and Building Heights seek building heights of at least 3 to 4 storeys in suburban areas. The current proposal has apartment buildings that range in height from 5 to 9 storeys. The applicant has argued that the additional storeys are justified under SPPR3 by the proximity of the site to a train station (DART) and other transport links and supported by the accompanying visual and daylight impact assessments and reports which support the appropriateness of the scale of the site in line with the criteria set out in Section 3.2 of the guidelines.

I note the Material Contravention statement and the arguments put forward by the applicant in favour of the development. The contravention does not relate to the zoning of the land, so the Board may grant permission by applying section 37(2)(b) of the Planning and Development Act 2000. Under this legislation, the Board is precluded from granting permission for development that is considered to be a material contravention, except in four circumstances. These circumstances, outlined in Section 37(2)(b), are in the national, strategic interest; conflict with national/regional policy; ambitious policy within the development plan and the pattern of permissions in the vicinity since the adoption of the development plan. I also note section 5(6) of the Planning and Development (Housing) and Residential Tenancies Act, 2016, which relates to material contravention of the development plan, other than in relation to the zoning of land.

The zoning objective for the subject site is 'Objective A' residentially zoned lands and the policy in relation to residential development in such areas has been clearly set out in the Operative Development Plan, which is clear, concise and lacks ambiguity.

Regarding whether the proposed development is in national/strategic interest or does it conflict with national/regional policy. The proposal is located on an infill site, within 1.3 km of two DART stations and 700m from another I thought. The Sustainable Residential Development in Urban Areas Guidelines recognise that where such sites exist, in particular close to existing or future public transport corridors, the opportunity for their redevelopment to higher densities, subject to safeguards, should be promoted. The site is also located within a short walking distance of the facilities and services on offer within Monkstown, Blackrock and Dun Laoghaire villages. Having regard to the above, the proposal is considered to be in keeping with the general principles of sustainable residential development, as set out in section 1.9 of the aforementioned guidelines referenced above and as a result is considered to be in accordance with national policy in this regard.

I am of the opinion that given its residential zoning, the delivery of residential development on this prime, infill, underutilised site, in a compact form comprising well-designed, higher density units would be consistent with policies and intended outcomes of the NPF and Rebuilding Ireland – The Government's Action Plan on Housing and Homelessness. The site is considered to be located in a central and accessible location, it is within easy walking distance of good quality public transport in an existing serviced area. The proposal serves to widen the housing mix within the general area, and would improve the extent to which it meets the various housing needs of the community. The proposed development has been lodged under the strategic housing process, which aims to fast-track housing development on appropriate sites in accordance with the policies and objectives of Rebuilding Ireland. This legislation recognises the strategic importance of such sites in the provision of housing in meeting both current and future need. It is therefore my opinion that the Bord is not precluded from granting permission in this instance, despite the material contravention of the operative development plan.

I would advise the Board, having regard to, inter alia, recent Court judgements in relation to decisions on SHD applications, to adopt the precautionary approach and invoke the provisions of s.37(2)(b) subsection (i), (iii) and (iv) of the 2000 Act (as amended) if a grant of permission is forthcoming.

12.12 Appropriate Assessment

A Stage 1 Appropriate Assessment Screening Report was submitted with the application. The AA Screening Report considers designated Natura 2000 sites within the Zone of Influence of the proposed development. This concluded that given the nature of the project and its potential relationship with European sites and their conservation objectives, as well as considered other plans and projects, and applying the precautionary principle, it is the professional opinion of the authors of the report that no potential for likely significant effects on any European sites and does not require an Appropriate Assessment or preparation of a Natura Impact Statement (NIS).

The applicant also submitted a Hydrological and Hydrogeological Qualitative Risk Assessment (HHQRA) that is reviewed in conjunction with the AA Screening Report.

The site is not located within any European site. It does not contain any habitats listed under Annex I of the Habitats Directive. The site is not immediately connected to any habitats within European sites. There are 16 European sites located within 15km of the site, as follows:

Table 1.

Site Code	Site Name
0210	South Dublin Bay SAC
4024	South Dublin Bay and River Tolka Estuary SPA
4172	Dalkey Island SPA
0206	North Dublin Bay SAC
4006	North Bull Island SPA
0199	Balydoyle Bay SAC
4016	Balydoyle BAY SPA
0202	Howth Head SAC

2193	Ireland Eye SAC
4117	Ireland Eye SPA
1209	Glenasmole Valley SAC
0725	Knocksink Wood SAC
0713	Ballyman Glen SAC
2122	Wicklow Mountains SAC
4040	Wicklow Mountains SPA
0714	Bray Head SAC

The AA Screening report submitted by the applicant found the following sites to be within the zone of influence of the project: North Dublin Bay SAC, North Bull island SPA, South Dublin Bay SAC, South Dublin Bay and River Tolka Estuary SPA and the Poulaphouca Reservoir SPA.

Based on source-pathway-receptor connections, this screening shall focus on South Dublin Bay SAC, North Dublin Bay SAC and South Dublin Bay and River Tolka Estuary SPA, given its proximity to this site.

Site Name (Site Code)	Distance to Development Site	Qualifying Interests
South Dublin Bay SAC (000210)	c.350m	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] Embryonic shifting dunes [2110]
South Dublin Bay and River Tolka Estuary SPA (004024)	c.350m	Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] Oystercatcher (<i>Haematopus ostralegus</i>) [A130]

		<p>Ringed Plover (<i>Charadrius hiaticula</i>) [A137] Grey Plover (<i>Pluvialis squatarola</i>) [A141] Knot (<i>Calidris canutus</i>) [A143] Sanderling (<i>Calidris alba</i>) [A144] Dunlin (<i>Calidris alpina</i>) [A149] Bar-tailed Godwit (<i>Limosa lapponica</i>) [A157] Redshank (<i>Tringa totanus</i>) [A162] Black-headed Gull (<i>Chroicocephalus ridibundus</i>) [A179] Roseate Tern (<i>Sterna dougallii</i>) [A192] Common Tern (<i>Sterna hirundo</i>) [A193] Arctic Tern (<i>Sterna paradisaea</i>) [A194] Wetland and Waterbirds [A999]</p>
North Dublin Bay SAC (000206)	c. 5.7km	<ul style="list-style-type: none"> • Mudflats and sandflats not covered by seawater at low tide [1140] • Annual vegetation of drift lines [1210] • Salicornia and other annuals colonising mud and sand [1310] • Atlantic salt meadows (<i>Glauco-Puccinellietalia maritima</i>) [1330] • Mediterranean salt meadows (<i>Juncetalia maritimi</i>) [1410] • Embryonic shifting dunes [2110] • Shifting dunes along the shoreline with <i>Ammophila arenaria</i> (white dunes) [2120] • Fixed coastal dunes with herbaceous vegetation (grey dunes) [2130] • Humid dune slacks [2190] <p><i>Petalophyllum ralfsii</i> (Petalwort) [1395]</p>
North Bull Island SPA (Site Code 004006);	c.5.7km	<ul style="list-style-type: none"> • Light-bellied Brent Goose (<i>Branta bernicla hrota</i>) [A046] • Shelduck (<i>Tadorna tadorna</i>) [A048] • Teal (<i>Anas crecca</i>) [A052] • Pintail (<i>Anas acuta</i>) [A054] • Shoveler (<i>Anas clypeata</i>) [A056]

		<ul style="list-style-type: none"> • Oystercatcher (Haematopus ostralegus) [A130] • Golden Plover (Pluvialis apricaria) [A140] • Grey Plover (Pluvialis squatarola) [A141] • Knot (Calidris canutus) [A143] • Sanderling (Calidris alba) [A144] • Dunlin (Calidris alpina) [A149] • Black-tailed Godwit (Limosa limosa) [A156] • Bar-tailed Godwit (Limosa lapponica) [A157] • Curlew (Numenius arquata) [A160] • Redshank (Tringa totanus) [A162] • Turnstone (Arenaria interpres) [A169] • Black-headed Gull (Chroicocephalus ridibundus) [A179] • Wetland and Waterbirds [A999]
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The application site does not overlap with the boundary of any European site, therefore there are no European sites at risk of direct habitat loss impacts.

There is a direct natural hydrological connection to Dublin Bay via the Stradbroom Stream which runs through the northern portion of the site. There is also an indirect pathway through stormwater and foul sewers, which include significant dilution enroute to the stormwater outfall and Ringsend WWTP respectively.

The relevant European sites and their qualifying interests are set out in table 2 above.

There is no potential source-pathway-receptor connections with any other European sites.

Potential Effects on Designated Sites

The March 2020 survey noted no wetland and wading birds, which is within the period of wintering birds. The AA screening report concluded that the lands are not considered suitable for any bird species which is listed as a feature of interest for any SPA in Dublin Bay. The lands are currently patrolled by guard dogs which precludes the possibility that large geese, etc habitually using the site. I inspected the site on the 2nd July 2020 and I can confirm that dogs are present at Dalguise.

Given the hydrological connection between the application site and a designated site, the screening report and the HHQRA considered a worst-case scenario whereby the project may result in a significant detrimental change in water quality in South Dublin Bay either alone or in combination with other projects or plans as a result of indirect pollution, the effect would have to be considered in terms of changes in water quality which would significantly affect the habitats or food sources for which the relevant European sites are designated, particularly on the mudflat habitats (South Dublin Bay SAC) and which provide food sources and habitats for protected birds. And the SPA conservation objectives for each designated bird species relates to maintaining a population trend that is stable or increasing. The applicant in their AA Screening Report concluded that a Stage 2 Appropriate Assessment (NIS) was not considered necessary.

Heron are not listed as a QI for the SPA and the application site does not provide ex situ habitats that support populations of species listed in the Natura 2000 sites which are the subject of the conservation objectives of those sites, as is evident from the information submitted in the AA Screening Report. However, I note that the applicant has prepared an Ecological Impact Assessment (EclA) that details the location of Heron nesting sites on the subject lands and in the vicinity.

The proposed development would provide housing on lands zoned for that purpose. The foul effluent from the occupation of the houses will be directed to the Ringsend WWTP, this received planning permission in 2019 to increase treatment capacity and which has the capacity to assimilate the additional load. The WWTP has the remaining capacity of 33,080 PE. Irish Water have reported that this system can facilitate the proposed development.

The Screening report and HHQRA have referred to 'worse case scenarios' regarding potential impact on water quality. Table 3.1 in the HHQRA includes a 'Pollutant Linkage Assessment (without mitigation)'. A CSM (conceptual site model) was

prepared following a desktop review of the site and surrounding environs. Based on this CSM, plausible source-pathway-receptor linkages were assessed 'assuming an absence of any measures' intended to avoid or reduce harmful effects of the proposed development (ie mitigation measures) in place at the proposed development. . The HHQRA concluded that there is an open water linkage between the site and the Dublin Bay Natura 200 site and an indirect linkage via the public sewer and Ringsend WWTP. A review of the source-pathway-receptor linkages concluded that the impact of stormwater runoff and foul effluent from the proposed development will not result in any change to the current regime (water quality or quantity in any of the Dublin Bay Natura 2000 sites). The HHQRA also noted that the report prepared by Benchmark Properties Consultancy Limited and Openfield ecology, and in line with good practice, mitigation measures have been included in the construction design, management of construction programme and during operations of the proposed development. These specific measures will provide further protection to the receiving soil and water environs. However, the protection of downstream European sites is in no way reliant on these measures.

The Screening for Appropriate Assessment Report submitted by the applicant is dated March 2020. The site was visited in August 2018 and March 2020. This screening stated 'In carrying out this AA screening, the mitigation measures have not been taken into account. Standard best practice construction measures which could have the effect of mitigating any effects on any European Sites have similarly not been taken into account'.

While some third parties have described these as mitigation measures for the purposes of appropriate assessment, they are not. Notwithstanding the reference to 'mitigation' measures in a number of documents, The EclA, The Draft CMP and the HHQRA. I have examined these documents and I do not consider that they are mitigation measures for the purposes of appropriate assessment. In my view the word has been used incorrectly. They constitute the standards established approach to surface water drainage for construction works on green field site, Their implementation would be necessary for a housing development on any greenfield site regardless of the proximity or connections to any Natura 2000 site or any intention to protect a Natura 2000 site. It would be expected that any competent developer would deploy them for works on a greenfield site whether or not they were explicitly required by the terms or conditions of a planning permission. Their efficacy

in preventing the risk of a deterioration in the quality of water downstream of construction works has been demonstrated by long usage. Therefore, the proposed development would be not likely to have a significant effect the quality of the waters in the Natura 2000 sites downstream of the application site. Any potential impact would only arise if the proposed development were carried out in an incompetent manner or with reckless disregard to environmental obligations that arise in any suburban area whether or not it is connected to a Natura 2000 site.

However, should the Board seek to err on the side of caution, and clarify matters in terms of ecological impacts, potential ecological impacts and mitigation measures set out in the documentation submitted with the application in terms of what constitutes mitigation measures for the purposes of Appropriate Assessment, further clarity this matter could be addressed by a Limited Agenda Oral Hearing.

The surface water runoff and discharges from the proposed development will drain to the combined sewer network on Monkstown Road via a separate surface water drainage network within the site, from there it will be transferred to Ringsend WWTP prior to discharge to Dublin Bay. The foul effluent generated by the proposed development will drain via a separate foul drainage network within the site prior to discharge into a combined sewer network at Monkstown Road, from there it will be transferred via the combined sewer for treatment to Ringsend WWTP for treatment prior to discharge to Dublin Bay. Therefore the development has a potential impact pathway to European Sites within Dublin Bay via the combined surface water and foul water network.

In view of the potential hydrological connection to sites within Dublin Bay, I consider that the potential for effects on sites within the Dublin Bay coastal waterbody need to be considered at the Screening Stage. There are no hydrological or ecological pathways to any other European sites due to the separation distances involved and the absence of any ecological / hydrological or other potential impact pathways. I am, therefore, satisfied that likely significant impacts can be excluded in respect of all other European Sites at the preliminary stage.

The potential for significant effects on the qualifying interest of the European Sites listed above as a result of disturbance and displacement effects do not arise. There are no European sites within the Zone of Influence for disturbance arising from

construction. The nearest European site is c.350m away. The site has a direct hydrological connection to this SAC.

As the proposal would not result in the disturbance/displacement of the qualifying/special conservation interest species of any European site, there is not potential for any in combination effects to occur in that regard.

The potential for significant effects on the qualifying interests of the European sites listed above as a result of surface and foul waters generated during the construction and operational stage can be excluded. This conclusion is based on the fact that:

- The relatively low volume of any potential surface water run off or discharge events during construction relative to the recovering surface water and marine environments.
- Should a pollution event occur during the construction phase due to the accidental spillage or release of contaminants this would not be of such magnitude so as to have a significant adverse effect on downstream water quality in Dublin Bay due to the level of separation and the dilution arising from the volume of water between the sites. The distance between the subject lands and European sites within Dublin Bay and potential for pollution to be dissipated in the drainage network.
- Foul and surface waters will discharge to the existing combined foul and surface water network and will travel to Ringsend WWTP for treatment prior to discharge to Dublin Bay; the Ringsend WWTP is required to operate under EPA licence and meet environmental standards, further upgrade is planned and the foul discharge from the proposed development would equate to a very small percentage of the overall licenced discharge at Ringsend WWTP, and thus would not impact on the overall water quality within Dublin Bay.
- The EPA in 2018 classified water quality in Dublin Bay as 'unpolluted'.

In Combination or Cumulative Effects

The potential for in combination impacts can also be excluded. I base my judgement on the following:

- Coastal waters in Dublin Bay are classed as 'Unpolluted' by the EPA;

- Sustainable development including SUDs for all new development is inherent in objectives of all development plans within the catchment of Ringsend WWTP;
- The Ringsend WWTP extension is likely to be completed in the short – medium term to ensure statutory compliance with the WFD. This is likely to maintain the ‘Unpolluted’ water quality status of coastal waters despite potential pressures from future development;
- At the time of writing there was no proven link between WWTP discharges and nutrient enrichment of sediments in Dublin Bay based on previous analyses of dissolved and particulate Nitrogen signatures; and
- Enriched water entering Dublin Bay has been shown to rapidly mix and become diluted such that the plume is often indistinguishable from the rest of bay water.

The proposed development site lies outside the boundaries of the Natura 2000 sites identified above and therefore there will be no reduction in habitat. The project is not directly connected to the management of any Natura 2000 site. It is concluded with the Appropriate Assessment Screening that the proposed development will have no significant impact upon any Natura 2000 sites. Having regard to ‘source-pathway-receptor’ model, the proposal either individually or in-combination with other plans or projects could not be considered to have likely significant effects in view of the sites conservation objectives. No measures designed or intended to avoid or reduce any harmful effects of the project on a European Site have been relied upon in this screening exercise.

I have had due regard to the screening report and data used by the applicant to carry out screening assessment and the details available on the NPWS website in respect of the Natura 2000 sites identified, including the nature of the receiving environment and proximity to the nearest European site. I consider it is reasonable to conclude that on the basis of the information on the file which includes inter alia, the AA screening report and HHQRA submitted by the applicant and all the planning documentation, which I consider adequate in order to issue a screening determination, that the proposed development, individually or in combination with other plans or projects would not be likely to have a significant effect on any

European site, in view of the said sites conservation objectives, and a Stage 2 Appropriate Assessment (and submission of a NIS) is not therefore required.

13.0 Conclusion

In conclusion, I consider the principle of residential development to be acceptable on this site. I am of the opinion that this is a zoned, serviceable site within an established suburban area where a wide range of services and facilities exist. I have no information before me to believe that the proposal, if permitted, would put undue strain on services and facilities in the area. In my opinion, the proposal will provide a high quality development, with an appropriate mix of units and notwithstanding my opinion in relation to height, provides an acceptable density of development catering to a range of people at varying stages of the lifecycle. The provision of the public open spaces will enhance the amenity of the area for both existing and future occupiers.

I am satisfied that the proposal will not impact on the visual or residential amenities of the area, to such an extent as to warrant a refusal of permission. The reduction in height of Block B, C and E and the revised siting of Block F from its proposed position is such that it will aid in providing a more appropriate setting for the Protected Structure, making it more visible from the public realm as was the intention of its original layout and design and address concerns raised in the Observer Submissions relating to visual impact when viewed from the surrounding area.

I consider the proposal to be generally in compliance with both national and local policy, together with relevant section 28 ministerial guidelines. I also consider it to be in compliance with the proper planning and sustainable development of the area and having regard to all of the above

It is considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities 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.

14.0 Recommendation

Having regard to the above assessment, I recommend that permission is GRANTED for the development as proposed for the reasons and considerations and subject to the conditions set out below.

15.0 Recommended Draft Order

Application: for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 20th March 2020 by John Spain and Associates, on behalf of Lulani Developments Limited.

Proposed Development:

The development will consist of a residential development on lands at Dalguise House (Protected Structure RPS No 870). The proposed development will comprise 300 dwelling units, including the conversion of 'Dalguise House' into two dwellings and a creche, 8 new apartment blocks of 276 units, ranging in height from 5 to 9 storeys and 22 houses (including the converted stable yard and refurbishment of an existing gate lodge), with a site area of circa 3.66 hectares, with a gross floor area of 30,587sqm.

The proposal includes:

- The demolition of an existing modern dwelling, known as White Lodge, located on the entrance avenue.
- The demolition of a modern swimming pool structure adjoining the East wing of Dalguise House and the removal of non-original residential garage structure adjoining the walled garden to the south-west of Dalguise House and the removal of a number of structures to the south of the walled garden and the creation of new openings in the wall.
- The conversion of Dalguise House to 2 no. houses and a crèche (195sq.m).
- The demolition of some structures and conversion of other existing structures within the stable yard to the south-west of the site to 1 no. 3-bed house and garden pavilion.

- The refurbishment of the existing single storey brick gate lodge for use as a single dwelling; the change of use of the existing two storey gate lodge on Monkstown Road to a Concierge/Site Manager's office.

- 276 apartments in a mix of 1, 2 and 3-bed units arranged in eight blocks around a series of landscaped communal amenity spaces.

Block A: 7 storeys (6 storeys over podium) and consists of 23 no. 1 bed units and a common room. Block B: 8 storeys (7 storeys over podium) and consists of 13 no 1 bed, 17 no. 2 bed and 2 no. 3 bed units. Block C: 8 storeys (7 storeys over podium) and consist of 13 no. 1 bed, 17 no. 2 bed and 2 no. 3 bed units. Block D: 7 storeys (6 storeys over podium) and consist of 4 no. 1 bed, 19 no, 2 bed and 3 no. 3 bed units. Block E: 9 storeys (8 storeys over podium) and consist of 11 no. 1 bed, 19 no. 2 bed and 2 no. 3 bed units with communal facilities located at podium level including Residents' Leisure Suite, Residents Business Centre, and Multi-Function Room. Block F: 6 storeys and consist of 20 no. 1 bed, 27 no. 2 bed and 4 no. 3 bed units. Block G: 6 storeys and consists of 16 no. 1 bed, 24 no. 2 bed and 4 no. 3 bed units. Block H: 5 storeys and consists of 5 no. 1 bed, 27 no. 2 bed and 4 no. 3 bed units. All apartments have balconies or terraces on all elevations.

- 20 no. terraced/detached houses (3 no. 3 bed houses located to the north west of the site and 9 no. 3 bed houses and 8 no. 4 bed houses located to the south and south-west of the site).
- The relocation and refurbishment of an existing greenhouse/vinery with the site and the removal of an existing greenhouse off site.
- A total of c.314 no. car parking spaces (244 no. car parking spaces located in basement and undercroft locations, with 70 no. surface parking spaces) and 14 no. motorcycle spaces.
- A total of c.654 bicycle parking spaces (502 residential spaces and 146 visitors' spaces).
- Amendments to car parking arrangements granted under Reg. Ref. D16A/0724 (ABP 248219).

- Associated site works including 2 no. ESB substations, plant areas and communal refuse storage facilities.

Vehicular and pedestrian access and egress is facilitated at two points on the Monkstown Road, through the existing Dalguise entrance and Purbeck Lodge, where a new bridge crossing will be provided over the Stradbroke stream. Future Pedestrian accesses are also indicated at boundaries with Arundel, Richmond Park and the former Cheshire Home site, subject to agreement. The proposed development includes all ancillary site works.

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

It also contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of land.

Decision:

Grant permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

Matters Considered

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) The site's location within the administrative area of Dun Laoghaire Rathdown County Council with a zoning objective for residential development;
- b) The policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016 to 2022;
- c) Nature, scale and design of the proposed development;
- d) Pattern of existing and permitted development in the area;
- e) The Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- f) The Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas and the accompanying Urban Design Manual;
- g) 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 (and Interim Advice note Covid 19 May 2020).
- h) The Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- i) The Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March 2018;
- j) The Urban Development and Building Heights Guidelines for Planning Authorities 2019;
- k) Submissions and observations received.
- l) The Dun Laoghaire Rathdown Chief Executive Report dated 9th July 2020.
- m) The report and recommendation of the inspector including the examination, analysis and evaluation undertaken in relation to appropriate assessment screening and environmental impact assessment screening.

Appropriate Assessment

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a

zoned and serviced urban site, the information for the Screening for Appropriate Assessment submitted with the application, the Inspector's Report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
 - (b) the absence of any significant environmental sensitivities in the area,
 - (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),
- the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

Conclusions on Proper Planning and Sustainable Development:

The Board considered that the proposed development is, apart from the building height parameters, broadly compliant with the current Dun Laoghaire Rathdown County Development Plan 2016-2022 and would therefore be in accordance with the proper planning and sustainable development of the area.

The Board considers that, while a grant of permission for the proposed Strategic Housing Development would not materially contravene a zoning objective of the Development Plan, it would materially contravene the Building Height Strategy of the Plan with respect to building height limits. The Board considers that, having regard to

the provisions of section 37(2)(b) (iii) and (iv) of the Planning and Development Act 2000, as amended, the grant of permission in material contravention of the development plan would be justified for the following reasons and considerations:

- (a) The proposed development is considered to be of strategic or national importance by reason of its potential to contribute to the achievement of the Government's policy to increase delivery of housing set out in Rebuilding Ireland – Action Plan for Housing and Homelessness issued in July 2016, and to facilitate the achievement of greater density and height in residential development in an urban centre close to public transport and centres of employment.
- (b) It is considered that permission for the proposed development should be granted having regard to Government policies as set out in the National Planning Framework (in particular objectives 13 and 35) and the Urban Development and Building Height Guidelines for Planning Authorities, in particular SPPR1 and SPPR3.
- (c) Having regard to the pattern of existing and permitted development in the vicinity of the proposed development site since the Development Plan was adopted.

In accordance with section 9(6) of the 2016 Act, the Board considered that the criteria in section 37(2)(b)(i), (iii) and (iv) of the 2000 Act were satisfied for the reasons and considerations set out in the decision.

Furthermore, the Board considered that, subject to compliance with the conditions set out below that the proposed development would constitute an acceptable quantum and density of development in this accessible urban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would be acceptable in terms of pedestrian and traffic safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development, or as otherwise stipulated by conditions hereunder, and the development shall be carried out and completed in accordance with the agreed particulars. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of clarity.

2. The proposed development shall be amended as follows:
 - (i) Block B reduced in height by two floors (omission of level 4 and 5).
 - (ii) Block C reduced in height by two floors (omission of level 4 and 5)
 - (iii) Block E reduced in height by two floors (omission of level 4 and 5).
 - (iv) Omission of Block F to be replaced by a Block that mirrors Block G and setback in line with Block G.
 - (v) Revised landscaping to have regard to the set back of the new Block F in line with Block G.
 - (vi) The extension of the proposed future pedestrian routes/cyclist permeability links to the Cheshire Homes site, Arundel and Richmond Park, right up to the site boundary, provide a gate in the development's proposed inner boundary treatments, as indicated on Drawing: 4.4 Master Plan Site Layout (Drawing 'proposed site layout'), to allow for the potential future pedestrian/cyclist links.

Revised plans and particulars shall be submitted to and agreed in writing with the planning authority prior to commencement of works.

Reason: In the interest of visual harmony, architectural conservation and the proper planning and sustainable development of the area.

3. This permission is for 239 apartments, 20 new houses, 4 dwellings to be provided within converted structures and a creche only.

Reason: In the interest of clarity.

4. Details of the materials, colours and textures of all the external finishes to the proposed dwellings/buildings shall be as submitted with the application, unless otherwise agreed in writing with the planning Authority prior to commencement of development. In default of agreement the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

5. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

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

6. 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 urban legibility.

7. Public lighting shall be provided in accordance with a scheme, [which shall include lighting along pedestrian routes through open spaces] details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.

8. 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 shall be relocated underground as part of the site development works.

Reason: In the interests of visual and residential amenity.

9. The following requirements in terms of traffic, transportation and mobility shall be incorporated and where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development:

- (a) The roads and traffic arrangements serving the site (including footpath connections and 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 including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets, and with any requirements of the Planning Authority for such road works.
- (c) Cycle tracks/paths within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the Planning Authority for such road works.
- (f) The developer shall carry out a Stage 2 and Stage 3 Quality Audit (which shall include a Road Safety Audit, Access Audit, Cycle Audit and Walking Audit), which shall be submitted to the Planning Authority for its written agreement. The developer shall carry out all agreed recommendations contained in the audits, at the developer's expense.

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

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. 314 no. clearly identified car parking space shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

- (b) Prior to the occupation of the development, a Parking

Management Plan shall be prepared for the development and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

11. 654 no. bicycle parking spaces shall be provided within the site. Details of the layout, marking demarcation and security provisions for these spaces shall be as submitted to An Bord Pleanála with this application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

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

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

13. A minimum of 10% of all communal car parking spaces should be provided with functioning EV charging stations/points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles

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

Reason: In the interest of public health and surface water management.

15. 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 three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity

16.

Prior to commencement of any permitted development, the developer shall engage the services of a qualified arborist as an arboricultural consultant, for the entire period of construction activity. The developer shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans. To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the in the submitted Arboricultural Assessment Report and accompanying documents. All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998: 2010 Tree Work – Recommendations. The clearance of any vegetation including trees and shrub shall be carried out outside the bird-breeding season (1 March–31 August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000. The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority upon completion of the works.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

17. The mitigation measures outlined in the Ecology Impact Assessment submitted with this application shall be carried out in full, except where otherwise required by conditions of this permission.

Reason: To protect the environment and in the interest of wildlife protection.

18. Prior to the commencement of development a grey Heron Conservation Plan for the Dalguise Site shall be drawn up by the applicant, in consultation with the Planning Authority, and submitted for the written agreement of the planning authority. This plan should provide for the longterm protection of all four existing heron nest trees on the site and in line with the proposal in the submitted EclA set out detail of the timing of clearance work on site to avoid heron nesting season from February to June, the establishment of exclusion zones around nest trees during construction, the employment of an ecologist with ornithological experience to supervise all works in the vicinity of the heron trees, including arboricultural and landscaping works, and to monitor the heron population during both the construction phase and the early years of occupation of the proposed development; the identification number by which each of the four trees containing heron nests are referred to in the Tree Data Table in the submitted Arboricultural Report should also be included in this conservation plans and any arboricultural works required to preserve these trees; in addition any modification of the currently proposed road and parking layout required to retain the heron nest trees shall be agreed in writing with the planning authority.

Reason: To protect heron nests on the development site, which are of county level nature conservation importance, both during the construction of the proposed development and into the future.

19.

- (a) A plan containing details for the management of waste (and, in particular, recyclable materials) 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority not later than 6 months from the date of commencement of the development. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

(c) This plan shall provide for screened bin stores, which shall accommodate not less than three standard sized wheeled bins within the curtilage of each house plot.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

20.

(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

21. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted

management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

22.

Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the "Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects", published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

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 details of intended construction practice for the development, including:

- a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- b) Location of areas for construction site offices and staff facilities;

- c) Details of site security fencing and hoardings;
- d) Details of on-site car parking facilities for site workers during the course of construction;
- e) Details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- f) Measures to obviate queuing of construction traffic on the adjoining road network;
- g) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- h) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works;
- i) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- j) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- k) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- l) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- m) Prior to the commencement of development the developer shall submit for the written agreement of the Planning Authority details and methodology for the rock extraction and excavation works. This shall include timeframes and proposals to deal with vibration and noise.
- n) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interest of amenities, public health and safety.

24. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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.

25. Details of the proposed signage for the creche to be submitted prior to occupation for the written agreement of the planning authority.

Reason: in the interest of proper planning and sustainable development.

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

- (i) Prior to the commencement of development the applicant shall submit proposals for relocation of the second of the second glasshouse within the site and its integration into the overall scheme, unless otherwise agreed in writing with the Planning Authority.
- (ii) All repair works shall be carried out in accordance with best conservation practice and the department of Culture, Heritage and the Gaeltacht 'Architectural Heritage Protection Guidelines for Planning Authorities'
- (iii) All works are to be carried out under the professional supervision of an appropriately qualified person with specialised conservation expertise who shall manage, monitor and implement the works on site and to ensure adequate protection of the retained and historic fabric and to certify upon

completion that the specified works have been carried out in accordance with good conservation practice

Reason: in the interest of architectural conservation.

27. Prior to the commencement of development the following shall be carried out and a report submitted to the planning authority for written agreement:
- (i) An Archaeological Impact Assessment shall be complied, the applicant shall engage the services of a suitably qualified Archaeological to carry out an archaeological assessment of the development site No sub-surface work shall be undertake in the absence of the Archaeologist without his/her express consent.
 - (ii) The Archaeologist shall carry out any relevant documentary research and inspect the site. Test trenches may be excavated at locations chosen by the Archaeologist (licensed under the National Monuments Act 1930-1994), having consulted the site drawings.
 - (iii) Having completed the work, the Archaeologist shall submit a written report to the planning authority. Where archaeological material/features are shown to be present, preservation in situ, preservation by record (excavation) or monitoring may be required.

Reason: In the interest of the preservation of archaeological heritage and the proper planning and sustainable development of the area.

28. Prior to the commencement of development, the applicant shall submit the following for the written agreement of the Planning Authority:

- (i) Confirmation from the authors of the SSFRA that the impacts, if any, of the proposed raised walkway have been considered in the preparation of the Flood Risk Assessment to include the impacts, if any, of proposed raised walkway.

- (ii) A construction management plan, and programme of works, that provide for the completion of the proposed flood storage works and flood routing works in advance of other construction works, or other acceptable temporary proposal(s) supported by hydraulic analysis, such as can be clearly demonstrated that the full flood storage volumes and flood routes area available at all stages of the proposed development. The applicant shall thereafter, unless otherwise agreed with the planning authority, be required to construct the works in accordance with the agreed construction management plan.
- (iii) Confirmation that the allowable outflow from the upper catchment is restricted to 8.93l/s together with revised drawings showing this figure to 8.93l/s. The applicant shall also submit a revised proposal for the flow control device such that the head/flow curve matches the potential head (depth) of water in the tank, to provide a penstock in the Aco Q-Brake Vortex flow control device chamber and ensure that the flow control device provided does not have a bypass door.
- (iv) A calculation methodology for the design of the storage requirements and outflow restrictors for the proposed green/blue roofs that satisfies the requirements of the planning authority.
- (v) Details of construction plan and post construction maintenance of the green/blue roofs.
- (vi) A stage 2 – Detailed Design Stormwater Audit.
- (vii) Confirmation from the chosen manufacturer of the storage system in the lower catchment that the specific model chosen, with the depth of cover being provided, has the required load bearing capacity to support vehicular traffic loading that may be imposed upon it.
- (viii) An assessment of risk of the potential flotation of the attenuation storage system in the lower catchment, and if such risk exists to submit proposal for counteracting the risk.

Reason: In the interest of proper planning and sustainable development.

29. 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 94(4) and section 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 96(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 of the area.

30. 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.

31. 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.



Dáire McDevitt.

Planning Inspector
24th July 2020

Appendix 1

List of documents submitted with the application:

- Completed Application form.
- Copy of Newspaper Notice.
- Copy of Site Notice.
- Letter to An Bord Pleanála.

- Letters to Prescribed Bodies.
- Letter of consent from Lulani Developments Ltd.
- Letter of consent from Topazland Ltd.
- Letter of support from 12 Heathfield.
- Letter of support from 13 Heathfield.
- Part V validation letter.
- Part V Costings and drawings.
- Irish Water Statement of Design acceptance.
- Statement of Consistency.
- Statement of Material Contravention.
- Environmental Impact Assessment Screening Report.
- Response to An Bord Pleanála's Opinion.
- Architectural Design Statement and drawings.
- Site Development Data and Residential Quality Audit.
- Residential Amenity Report.
- Landscape Design Rationale and drawings.
- Response to An Bord Pleanála's Opinion (Landscaping).
- Engineering Services Report and drawings.
- Construction and Operational Waste Management Plan.
- Outline Construction Management Plan.
- Site Investigation Report.
- Flood Risk Assessment and drawings.
- Arboricultural Report.
- Management Strategy and Lifecycle Report.
- Archaeological Assessment.
- Hydrological and Hydrogeological Qualitative Risk Assessment.
- Bat Impact Assessment.
- Bat Derogation Licence.
- Telecommunication Note.
- Ecological Impact Assessment.
- Appropriate Assessment Screening report.
- Traffic Impact Assessment and Quality Audit.
- Sustainability Report/Energy Statement.
- Architectural Heritage Impact Assessment.
- Sunlight and Daylight Access Analysis.
- Visual Impact Assessment.

**Appendix 2:
List of Observers**

1. Abyna and Sean Collett
2. Aiden and Luke O'Brien
3. Allaister Hodgett and Lara Henry

4. Amanda Pratt and Tom Kelly
5. Angela O Flionn
6. Anita Robinson
7. Anna and Eric McGrath
8. Anna Walker.
9. Anne Turley
10. Anne-Marie Sheridan
11. Barbara Murray
12. Barbara Power
13. Bernard Heffernan
14. Bob and Bairbre Stewart
15. Breda McNally
16. Brendan Heffernan.
17. Brendan O'Hare
18. Brian and Linda Kelly
19. Brian Cowler
20. Brigid Tansey
21. Bronagh McConnell
22. Christopher Craig and family
23. Christopher Hicks
24. Cian and Aisling McGinley
25. Ciaran and Jill Walker
26. Claire Lepoivre
27. Cllr Lorraine Hall
28. Cormac Devlin TD and Cllr Justin Moylan
29. Cyril and Marie Therese O'Connor
30. David and Emer Greene
31. David Darcy
32. David Harvey and Others
33. Declan Whelan
34. Dominic Sheehan
35. Douglas Barry
36. Dr Charlotte Murphy
37. Edward and Joan Maughan
38. Eileen Gribben
39. Elaine Roycroft
40. Elizabeth Goggin
41. Enda Hanfahan
42. Enda Riney
43. Erica Kearns
44. Erwan and Eileen Mill-Arden
45. Eve Roach and John Palmer
46. Evelyn Keyes
47. Fiona McKone
48. Fonnula Doherty and William Dunne.
49. Frank Hegarty
50. Frank McNulty
51. Gabrielle Kelly
52. Gavin Murphy
53. Gerry Flemming
54. Grainne and Nick Zakrzewski

55. Grainne O'Regan and Conor Hanley
56. Gwen McNulty
57. Heather McDonald
58. Heathfield Residents
59. Helen O'Connell
60. Irish Georgian Society
61. Isabella Weibrecht
62. James Burke and June Nelson-Burke
63. Jennifer Dalton
64. Jim Mannix
65. Joanne Roach
66. Joe and Jennifer Walsh
67. John and Denise McEvoy
68. John Collins
69. John Edmondson
70. John Geraghty
71. John Glynn and Mary Connolly
72. John Masterson
73. Jonathan Duignam
74. Jonathan McCrea
75. Judy and Derek Blennerhassett
76. Karina Tierney
77. Ken Murphy
78. Kieran and Janet Sheahan
79. Kieran and Roisin Philips
80. Kim Dreyer
81. Lawrence Hickey
82. Margaret Patricia Briscoe
83. Marian O'Shea
84. Mark and Christine McDonnell
85. Mark Bell and Maurice Fitzgerald
86. Mary and Michael Carney
87. Mary Burke
88. Mary McCaughan
89. Mary McGovern
90. Mary McLaughlin Beck
91. Mary O'Driscoll
92. Maura and Gerard O'Sullivan
93. Melaine Mahon
94. Mia Doring
95. Miceal Ross
96. Michael Hull
97. Michele Daly and Others
98. Monkstown Road Residents Association
99. Mr and Mrs Alan White
100. Mr and Mrs Tweedy
101. Mrs Margaret Lewis
102. Neil and Silvia Masterson
103. Nessian and Carol Kelly
104. Niamh and Paul Gueret
105. Niamh Murray and Fergal McCann

106. Nicola Hodgson
107. Noreen Collins
108. Nuria Roldan
109. Ossian Smyth TD
110. Patricia Lysaght
111. Patrick Nolan and Catherine Vaughan
112. Paul and Joyce Groake
113. Paul and Zoe Foley
114. Peadair O'Sullivan and Others
115. Peter and Alexandra Jenkins
116. Peter and Rita Roughneen
117. Peter and Ruth Walker
118. Peter Gaughan
119. Petra and Clodagh Vedres
120. Phillip and Heidi O'Sullivan
121. R H Feely MD
122. Rebecca Murphy
123. Richard Boyd Barrett TD and Councillor Melisa Halpin
124. Richard Willis
125. Roderick Ryan
126. Rohana Murray
127. Rosanne Walker
128. Ross O'Connor and Noelle Murphy
129. Sally Ann Dalton
130. Sandra Quinn and Others
131. Síne Nic an Ailí
132. Sinead Dunleavy and Gerard McDonough
133. Siobhan Masterson
134. Starrs Holding Limited
135. Steve and Angela Gillman
136. Susan Rodgers
137. Susan Ross
138. Tara Dalton
139. The Robinson Family
140. The Southerne Management Company Board of Directors
141. Therese Hassett
142. Tom Hogan
143. Tony O'Brien
144. Una MacManus.
145. Val and Margaret Duffy
146. Valerie and Christopher Moore and others
147. William and Adrienne Coffey
148. William Pepper
149. Yvonne Chapman
150. Yvonne Merkey

Prescribed Bodies:

151. An Taisce
152. Development Applications Unit (DCHG)
153. Irish Water

DECISION QUASHED

Appendix 3

Summary of Observer Submissions:

There are a number of overlapping comments in the observer submissions. They have been summarised under the following headings to avoid repetition.

Policy

- Does not comply with the Objective 'to protect and preserve trees and woodland'
- Material Contravention of Appendix 9 Building Height Strategy. Part of the site is located within the Coastal Fringe, a 500m buffer identified in the Building Height Strategy
- Contrary to CDP policy to protect protected structures and Architectural Conservation Areas.
- Does not comply with the land use zoning objective 'A' which seeks to protect and/or improve residential amenities.
- Contrary to Policy UD1, Urban Design Principles.
- Does not comply with Policy RES3 or RES4 of the current Development Plan.
- Does not comply with section 8.2.3.4 (vii) which relates to infill developments. In excess of 60 properties share a boundary with Dalguise House, these are mostly one and a half to two storey properties. Section 8.2.3.4 (vii) refers to new infill development shall respect the height and massing of existing residential units. It is also note that the section set out that this shall particularly apply to those areas that exemplify Victorian era to early 20th century suburban 'Garden City' planned settings and estates that do not otherwise benefit from ACA status.

- The proposed density of 81 units per hectare does not comply with section 8.2.3.2 of Development Plan which sets out minimum densities of 35 units per hectare except in exceptional circumstances (eg in sites with mature tree coverage which prevents minimum densities being achieved across the entire site). The site is not suited to higher densities of 50 plus per hectare due to its context and location. The Applicant's Statement of Consistency is misleading with regard to densities and variations across the site.
- Does not comply with Section 8.2.4.5 (carparking).
- When the conversions of existing structures are included, the percentage of unit mix (35.3 % 1 bed, 50.3% 2 bed and 14.3% 3 bed) exceeds the % allocation for 1 bed set by the Planning Authority in the Development Plan.
- Does not comply with project Ireland 2040 NPF, in particular objectives 4, 13, 33, 34 and 35.
- Does not comply with Rebuilding Ireland, An Action Plan for Housing and Homelessness.
- Does not comply with Sustainable Residential Development in Urban Areas and Best Practice Urban Design Guidelines. In particular section 5.9(i) (Infill development) and section 5.11 (outer suburban/greenfield sites).
- Does not comply with Sustainable Urban Housing: Design Standards for New Apartments. The overall design and layout of the proposed apartment is inadequate and will result in poor residential amenity. Poor percentage of unit mix, lack of communal facilities/amenities, lack of passive surveillance, poor carparking layout, location of bin stores and bike storage is inadequate, conversion of the coach house to a residential unit is a missed opportunity and should be an amenity use.
- Does not comply with the Urban Development and Building Height Guidelines for Planning Authorities give the location of the site and its context.

- Does not comply with DMURS, in particular chapter 10.
- The removal of 190 trees (52% of existing tree coverage) is a direct material contravention of section 8.2.8.6 (trees and hedgerows).
- Material contravention of Appendix 9 (building Height Strategy) and the Coastal Fringe.
- Material contravention of Land use Zoning Objective 'A'
- Material contravention of ACA polices/objectives and protected structures/built heritage policies and objectives.
- The Statement of Consistency submitted with the application is queried and considered misleading.
- The Material Contravention Statement submitted has not presented a case to justify An Bord Pleanála using its powers to grant permission for a development that materially contravenes the Dun Laoghaire Rathdown County Development Plan 2016-2022. The development does not pass the relevant criteria.
- There is too much uncertainty regarding land use zoning objectives in the Dun Laoghaire Development Plan in comparison to the Dublin City Development Plan.
- Contrary to section 8.3.2 relating to transitional zones which seeks to avoid abrupt transitions in scale.
- The location of the playground is contrary to policy UD8.
- Contrary to NPO 4, NP 13 (regarding habitats (heronry)), DLR SPLO 84 relating to the South Dublin Bay Candidate SAC

Density

- The density of too high and will put disproportionate demand on existing services and infrastructure.
- Overdevelopment of the site due to density and height.
- Taken in conjunction with the adjoining Cheshire Home site (permitted 72 apartments and a proposed SHD for 127 units) the proposal would result in excess of 400 residential units into the area. School childcare, Doctors, infrastructure, etc cannot accommodate this level of additional demand.
- The Blackrock, Dun Laoghaire and surround area has been the subject of a number of SHD application and there is no need/justification for more. The whole character and fabric of the area is getting changed. The cumulative impact is unacceptable in terms of traffic, services, social infrastructure, quality of life, etc.
- Density calculations queried.
- The cumulative impact when considered with ABP 305843 and 306773 need to be considered.

Design, Height and Layout

- The proposal has no regard for existing built form within the immediate area and, whilst representative of an aesthetically attractive scheme, is out of place in the context of protecting the amenities of adjoining properties and the character and setting of Dalguise House and gardens.
- Open space (highlighted in yellow) outside the applicants boundary at Arundal and Southdene should be excluded as the developer has no interest in these lands.
- Heights of 5 to 9 storeys is excessive for Monkstown and will be seen from Monkstown landmarks.

- Massing and height is inappropriate for the Coastal buffer zone and Monkstown ACA.
- No rationalisation for the massing has been provided.
- The height and scale of the development is more suited to a city centre location or Cherrywood.
- There is a precedent for 4 storey apartment blocks (PA 19A/0378, ABP 305843 grant of permission on the adjoin Cheshire Homes site). The current proposal for block up to 9 storeys is excessive for the site and its context.
- The description of the highest block as 9 storeys is misleading as given the rise in levels across the site this would resemble a 12 storey building.
- A 37m high building cannot integrated into/enhance the character and public realm of the area.
- The height of the blocks have been understated.
- If the Board is granted permission it is requested that a condition be attached requiring that Block F should be scaled back and reduced to 4 storeys in height, this would reduce overbearance, overshadowing and overlooking of properties in Arundel and if the block was moved 2m further east it would mean more trees could be retained.
- Block G should be reduced from 6 to 3 storeys.
- Block H. the highest block. Is located on the highest point of the site and would be visible from Dun Laoghaire pier.
- Changes required to reduce the impact on Southdene:
 - Block A would be acceptable at 5 storeys.

- Block D would be acceptable at 5 storeys (when regarded on its own).
- Block E would be acceptable at 6 storeys.
- Block F would be acceptable at 4 storeys.
- 3 storey houses adjoining No. 22-29 Southdene should be reduced to 2 in number and be 2 storey
- Given the cumulative impact of the massing of the scheme Block D should be omitted.
- In addition to reducing the height of the block, the setback from the boundaries should be increased.
- The development is out of scale with its immediate and local surroundings.
- Composite scaled drawing submitted with the application showing contiguous elevation with the granted permission at the adjacent Cheshire Homes site (D19A/0378) are submitted. These show the proposed development c. 12m higher than the Cheshire Homes proposal.
- Inaccuracies in the Visual Assessment submitted with the application in terms of the trees shown. Also in terms of the building heights there is no definition within the methodology determining the accuracy.
- No justification for apartments or requirement for apartments in the area.
- The development will attract the wrong type to the area.
- It would result in an appalling vista for the Monkstown area.
- Misleading CGIs submitted with the application.

- The overall scale, mass and quantity of development is visually despotically and will result in taller buildings that will overlook private amenity space of adjacent properties and have a negative impact when viewed from the wider Monkstown and Dun Laoghaire area.
- Visual Impact Assessment contains a number of inconsistencies.
- The site has no road frontage and is effected completely bounded by existing residential properties which will be negatively impact upon by the proposed development. Furthermore on the access road to the site, via Purbeck Lodge will have a detrimental impact on the recently constructed houses. A bridge will also have to be provided result in the loss of car parking that serves these houses.
- The proposal is for a gated community that would not integrated with the surrounding area or communities.
- A development, smaller in scale and lower in height would be more suitable for this site.
- A maximum height of 3-4 storeys should be considered for this sensitive site given its context and location.
- Issues raised with the limited viewpoints chosen for the VIA and as such a fully assessment has not been carried out.
- The layout does not comply with DMURS.
- Loss of views/vistas of the West Pier and Dublin Mountains if the towers are built.
- No PV panels have been located at roof level but are referred to in the Life Cycle Report.
- Creation of another Ballymun in Monkstown (height and associated issues).

- No objection to the development of Dalguise House but have an issue with the height of the building proposed in this application.
- The provision of 70no. surface car parking spaces is not a sustainable use of the land and should be replaced with a building which would facilitate a reduction in the height of other buildings proposed.
- Crèche is too small.

Residential Amenity.

- Significant loss of residential amenity arising from overlooking, overshadowing of adjoining properties and overbearing impact when viewed from adjoining properties and those in the vicinity.
- Height, setback from boundaries, location of balconies/windows, removal of trees will all result in a serious negative impact on the visual and residential amenities of existing residential properties in the immediate vicinity.
- A number of submissions have raised concerns relating to the impact of Block G in the context of No. 19-22 Richmond Park arising from tree removal. Others have requested that said Leylandii be removed.
- Concern that additional people, pets and cars will cause significant noise pollution/nuisance and have a negative impact on the residential amenities of adjoining residential properties.
- The height and scale of the apartment buildings and houses will overshadow adjoining rear gardens and rooms within properties
- The removal of trees will result in overlooking and loss of privacy to adjacent houses.
- Loss of daylight, sunlight and overshadowing.

- Overlooking and loss of privacy.
- Noise impacts, during construction and when built and occupied.
- Visual and overbearing impact.
- ESB substation is a fire hazard.
- Piecemeal development
- Overlooking from 3 storey houses with attic conversions.
- Overlooking from balconies and apartments.
- 22 m setback is not enough to address overlooking, this should be increased.
- Careful photography of a model has been submitted and the use of jargon to void showing accurate shadow that would be cast by the development.
- The apartment blocks are much higher than neighbouring houses and will completely overshadow them.
- Light pollution emitting from 276 apartments
- Loss of views of Dublin Mountains.
- Negative impact on houses bounding the site at Richmond Park, The Beeches, Southdene, Arundel, The Orchard, Brook Court, Glenville House, Purbeck Lodge and Heathfield House.
- Removal of trees will remove noise buffer and privacy screening.
- Loss of light will have a detrimental impact on people's health, especially those with existing conditions.

- Importance of sunlight for mental health.
- Southdene houses are at a higher level than the site. In particular adjoining White Lodge, which is proposed to be demolished as part of the application and replaced with 3 storey houses. Notwithstanding that the houses at Southdene are at a higher level, the height and siting of the proposed 3 storey houses will have a detrimental impact on the privacy and residential amenity of no. 22 in particular.
- Extensions to houses bounding the site are not shown on the plans, therefore the applicant's assessment of the impact on these properties is questioned.
- Concerns raised relating to the residential amenities of future occupiers of the proposed development.
- Playground, parking, substations, etc should be relocated to protect the residential amenities of existing residential properties.
- Overshadowing.
- Boundaries are not clearly defined along the stream posing a security concerns.

Architectural Heritage.

- The Architectural Impact Assessment submitted with the application has grossly understated the impact of the development on Dalguise House and its attendant grounds.
- The Architectural Impact Assessment submitted with the application has not assessed the impact on surrounding Protected Structures and their setting.
- Dalguise House is a rare surviving example of a large, fully intact and inhabited nineteenth century suburban estate comprising house, gate lodges, avenue, walled garden etc in the Dun Laoghaire area.

- The proposed development is contrary to the vision statement of the built heritage strategy of the DLR Development Plan 2016 in relation to the protection of built heritage and appropriate development.
- The development of the site, the proposed building and re-ordering of the site strongly alters the setting of the house and undermines the interspatial relationship of estate buildings and gardens.
- The walled garden and glass houses were in excellent condition 15 years ago upon the death of the previous owner. The AHIA report indicates that these are now in disrepair. The owner has a legal obligation to ensure that the special interest of protected structures is not endangered (Planning and Development Act Part IV 58-1).
- The out offices on the outer side of the south wall of the walled garden are of heritage significant in their agrarian expression and their demolition should not be permitted.
- The character of Dalguise House and gardens will be destroyed and lost forever.
- Large scale housing projects should be sensitively and appropriately sites and not result in the destruction of irreplaceable built heritage. The proposed development has inadequately protected the built and garden heritage of an important nineteenth century suburban estate.
- Negative impact on adjoining protected structures: Purbeck, Glenville, Drayton, Easton, Beechfield, Heathfield House and the Priory.
- Owners and Occupiers of nearby Protected Structures, Richmond Park House, Heathfield House, Easton Lodge, The Priory, have outlined their concerns relating to the negative impact the proposed development would have on their properties, their character and setting.

- Given the level of protected structure in the immediate vicinity and the proximity to Monkstown ACA, the area should be protected from inappropriate high density and excessive height of development. It has no regard for the protections afforded to the area.
- Works to Dalguise House and the level of intervention to accommodate its conversion to 2 no. residential dwelling and a crèche is excessive and overzealous and does not respect the character or integrity of the structure. It would be more appropriate to have less intervention and retain it for use as a community facility/centre.
- Negative impact on Richmond Park House, its setting and character. The proposed development and the removal of the treeline will significantly disrupt the viewpoints from this property.
- The original ground of Richmond Park House have been developed with a sympathetic low density suburban house, this type of low density development is more suited to the area.
- The development of 7 no. houses in the grounds of Purbeck Lodge should not be taken as a precedent as they do not respect the character of the Lodge and have irreversibly damaged its setting. It has had a significant negative impact on the architectural character of the original entrance to both Purbeck Lodge and Glenville House and the Architectural Conservation Area (ACA).
- Height, design and scale will have a negative impact on Monkstown ACA.
- The Irish Georgian Society Submission highlighted significant concerns with the proposal to redevelop the gardens and grounds of Dalguise House due to the consequent irretrievable loss of what may be the largest surviving nineteenth century garden in the Monkstown and Dun Laoghaire area.

- The Architectural Protection Guidelines (2012) discourages the infilling of gardens and notes the important role of stable building, coach-houses, walled gardens, lawns, etc in defining the character of the curtilage of Country houses – though not a country house, the grounds of Dalguise possess a similar arrangement of features. The Guidelines also emphasise the importance of understanding the historical development of a site and the interrelationship of its elements.
- The Irish Georgian Society is of the view that insufficient information has been provided about the gardens of Dalguise House to provide a complete picture of the heritage impact of the development proposals. It is of great concerns that all evidence of a potentially important historic garden could be lost and, in doing so, that a significant heritage site would be consumed by a major residential development.
- The applicant should be required to engage a suitably qualified historic landscape consultant to prepare a report on Dalguise House. Such a report is essential to allow an adequate assessment of the impact the development proposal would have on the character and setting of a significant protected structure.
- The demolition of structures within the curtilage of Dalguise House should not be permitted as these are also protected structures.
- Provision of future pedestrian links would result in the destruction of the boundary wall which is a protected structure.
- Reference to the Historical heritage of Monkstown and the role of the Quakers in creating its Victorian Ambiance. The Definition of the Area of Victorian Ambiance

- Potential damage to Beechfield (protected structure) boundary wall, which runs along the Avenue to Dalguise House, from construction traffic and the construction of an acoustic wall. Request of permission is granted that a specific condition to attached to protect and preserve the amenity and privacy of Beechfield and not be the subject of generic conditions.
- Beechfield overlooking the Avenue to Dalguise, the proposed development will open up views into Beechfield and change its setting and privacy.
- Submission from 'Glenville Lodge' in support of the application.
- Part of the site is in Monkstown ACA and this has been completely disregarded in terms of design, layout, impact etc.
- Access arrangements via the existing entrance to Dalguise House would degrade the heritage landscape.
- The demolition of 'White Lodge' has not been justified. Its location within the curtilage of a protected structure affords it protected status.
- Detrimental impact on Glenville House and Drayton Lodge, both of which are protected structures.

Appropriate Assessment

- The proposed development insufficiently addresses the impact on the surrounding Natura 2000 sites within the AA screening document and have proposed on-site mitigation measures which cannot be screened out as part of the AA process. Refer to *C-323/17 People Over Wind and Peter Sweetman V Coillte*.

Nature Conservation/Ecology.

- An Ecological Impact Assessment and Bat Impact Assessment have been submitted with the application. However ABP should seek independent surveys and assessment prior to making a decision in this case.
- The AWN report outlines a number of mitigation measures to avoid impact on pathways including petrol interceptors and silt fences to protect the Stradbrook Stream (Stradford noted in the report). These mitigation measures cannot be avoided as outlined in the screening process and a Stage 2 report is required to allow the competent authority carry out a full assessment of the impact.
- The bridge cannot be built over the Stratford Stream and not include mitigation measures. Therefore permission should be refused on the basis that the AA report is inadequate.
- The negative impact on Dublin Bay Natura 2000 site has not been addressed. The herons from the Natura 2000 site nest and roost in trees in the ground of Dalguise. All trees used by the herons should be preserved and measures taken to ensure no disturbance to the herons during the construction phase.
- Impact of the bridges on wildlife.
- Impact on otters and red squirrels which are stated to be present on site in an observer submission prepared for Monkstown Road Association and supported by third parties in numerous observer submissions.
- No assessment of the impact on Swifts or exotic plant species.
- Mistle thrush on site.

Hérons:

- Loss of heronry as well as badger sets, bats, foxes and numerous wild birds.
- Heron nests are located in mature trees identified to be removed.

- No enough consideration has been given to the potential ecological impact of the proposed development, the excessive removal of trees and habitat to an important heronry.
- Mature trees have heron nests and within the site is one a few heronries in the Dun Laoghaire area. Herons are not protected but are a very important water bird and the impact on their habitat cannot be dismissed.

Hedgehogs:

- Impact on hedgehog population.

Bats:

- Impact on Bats, 4 species of bats identified on site. The proposal will destroy and remove their habitat and roosting places

Trees:

- Loss of mature trees.
- The 364 trees on site are protected under the Dun Laoghaire Rathdown County Development Plan 2016-2022.
- Loss of an important local habitat.
- Request that all Ielandii be removed along the site boundaries as they overshadow adjoining houses and overhang gardens.
- Request that the leylandii be retained in order to protect the privacy of properties abutting the site and screen Dalguise House.
- Half of the trees are to be removed from site by the applicant has put forward the argument that these trees will provide screening for the proposed development.

- Misleading site sections show trees the same height as apartment blocks.
- Removal of over 50% of the trees on site is unacceptable.
- Trees to be retained may be damaged during construction phase, therefore there is no guarantee they will remain.
- The integrity and robustness of the landscape plan is queried.
- No all tree lines are included within the application site boundaries.

Other:

- Concern that the level of development on the existing sewerage infrastructure could result in the return of algal blooms at Dublin Bay.
- Monkstown Village Tidy District commissioned a biodiversity survey in 2019. No access to Dalguise at the time. Even though the survey did not extend to Dalguise House the MVTD are of the view that it might be a very similar site with a similar range of species to the De Vesce Gardens.
- Request that conditions be attached to protect the Stradbroke Stream and its water quality.
- Proposal to remove c.55,661 tonnes of soil is a huge excavation of soil from the area.
- If permission is granted, suitably qualified professional landscape gardeners, ecologist, arborists, etc should be employed to oversee the construction of the development.

Flooding.

- There is a serious concern about the drainage and ground water levels within the area. The Stradbroom Stream forms a boundary to the rear of Heathfield and is identified as a 'Hot spot' (flood risk) on the DLR CDP Flood Zone Maps (map 3). Concern that development on the Dalguise House site will redirect all ground water into the direction of Heathfield.
- There will be an increased risk of flooding from the stream that flows through the grounds of Dalguise House due to the proposed buildings and roads.
- Properties along Carrickbrennan Road flooded in 2011, the flooding came from Stradbroom Stream burst its banks at the Alma Place culvert. The culvert was later replaced by DLRCC. This is c.2.5m below the proposed development which leaves it particularly vulnerable.
- The SSFRA, section 3.3.2 states that it has been clearly demonstrated that the changes will not increase flood risk elsewhere. Observers are not satisfied that it has been clearly demonstrated that changes will not increase the flood risk to Monkstown Road.
- There is no doubt that the development will increase runoff and underline the vulnerability of low lying areas nearby.
- History of flooding.
- The issue of flooding has not been fully investigated.
- The plans including building on the floodplain of the Stradbroom Stream, which is known to flood. Flood mitigation measures may have a knock on effect on areas further downstream (Cheshire Home site, Richmond Green, Alma Park). If the stream floods, access to Monkstown Road may be cut off and would put additional pressure on a vehicular access via Richmond Park.

- Culverting of brooks and streams over the years and a number of infills (eg Blackrock Rugby Club) has resulted in significant and detrimental changes to the water table in the Windsor and the Brook Court area has been flooded. Flooding in the lower areas of the Rugby Club results in flooding in surrounding housing estates.

Services

Existing infrastructure does not have capacity to accommodate loading from an additional 300 units.

History of wastewater backing up and basement of houses getting flooded.

No bathing notices due to capacity issues and overflows. Electronic notice board have has to be erected to keep bathers informed.

Since the West Pier pumping station serving the area has been upgraded here have been a number of incidences of sewerage backing up and flooding. The upgrade of Poolbeg will not address this issue.

Already too much demand on water in the Monkstown area.

Traffic and parking

- The scale of development will exacerbate the existing traffic congestion.
- The road network cannot accommodate an additional 300 units and associated traffic.
- Not enough carparking is provided and will result in overflow to adjoining residential estates.
- The location of the crèche would mean people with park on adjoining residential road, drop children off and leave their cars there for the day as they take public transport to commute to work.

- Construction traffic will cause significant disruption.
- Proposed access via Purbeck and Dalguise House is single lane and cannot accommodate the additional traffic.
- Monkstown Road and Seapoint Avenue cannot cope with the current level of cyclists using it. Additional bikes arising from the development will make it even more dangerous to use. Needs a proper kerbed one way cycle path.
- The applicant has incorrectly stated that there is a bus corridor along Monkstown Road. The road is flanked by a cycle way on both sides.
- Inclusion of a crèche will give rise to even more traffic as non-residents of the scheme could use it.
- Two single carriageway access points off Monkstown Road will result in traffic hazard and congestion.
- The Purbeck access was designed to accommodate a maximum of 50 residential units, not 300. The TIA acknowledged that the additional vehicle movements will possibly result in significant delays to drivers accessing and egressing the development at peak times.
- 374 carparking spaces are required, only 314 are proposed. This does not comply with the Development Plan requirements.
- The Traffic information and assessments submitted are flawed and as such ABP does not have the requisite information to properly assess the application.
- The Quality Audit highlights significant problems with the layout of the scheme and fundamental deficiencies with regard to the principle of DMUR, yet the applicant has failed to act upon these recommendations by modifying the proposal prior to lodging the application.

- Access via Purbeck is inadequate for the level of traffic and poses a serious traffic hazard. Furthermore the proposed access is remote for existing pedestrian lights on Monkstown Road. However, if the development was accessed via Arundel as per agreements refers to by Starr Holdings Limited in their submission, residents of the proposed development would be able to use the pedestrian crossing at Monkstown Valley.
- The TIA submitted with the application is not a TTA, it is mainly a junction capacity study focusing on the direct access to the development and ignoring the impact upon the transport network.
- The TIA does not include the necessary evidence based information and analysis required of a TTA.
- No Travel Mobility Plan is included with the application.
- No statement of compliance with DMURS has been submitted.
- Pedestrian and vehicle conflict through the scheme, in particular at the eastern access.
- The use of the main avenue serving Dalguise House has been limited for the past 200 years, to increase its use to serve 300 residential units would cause undue nuisance to the residents of properties which bound the avenue.
- The applicant should be requested to only use the access via Purbeck which is in their ownership.
- The use of the Avenue for construction traffic is not acceptable and poses a nuisance and danger to residents bounding it (a protected structure) And potential damage of boundary walls arising from traffic movements along the Avenue. This will also be at risk by the construction of an acoustic wall along the Avenue.
- No traffic should be allowed through Richmond Park.

- No details relating to traffic monument, one way system etc within the scheme.
- Inadequate footpath links via Purbeck.
- Concerns that the internal roads may not be suitable for refuse trucks or other large service vehicles.

Connectivity and Pedestrian linkages.

- No requirements for a pedestrian links through Arundel, Richmond Park and the Cheshire Homes site. These would give rise to security concerns, loss of privacy and danger to pedestrian and residents.
- Pedestrian links to date in the area have resulted in places used for anti social gatherings, graffiti and rubbish.
- If linkages through Richmond Park are considered, they should be relocated to the open space by No. 29-32 as this would not be immediately in front of house. There is no place for a pedestrian access to the cul-de-sac at No. 24-28, these houses were purchased due to their location in a secure cul-de-sac.
- The TIA submitted does not adequately address the impact of the proposed development on the local road network.
- Proposed traffic management arrangements would have a negative impact on adjoining residents, in particular the properties located along the proposed access via Purbeck Lodge.
- ABP should seek an independent traffic survey and TIA for the area prior to making a decision.
- The developer/applicant does not have the consent of the relevant third parties to provide the indicative future pedestrian link to adjoining residential estates.

DECISION QUASHED

- If permission is granted the proposed pedestrian links to adjoining estates should be omitted by condition.
- The development does not comply with DMURS. The applicant has failed to address permeability and connectivity. They have not provided linkages to adjoining lands, these are shown only as indicative future links and have engaged with adjoining third parties to provide these links and ensure permeability. Starrs Holding Limited have outlined in their submission that they have no objection to facilitating an access through Arundel. There is a historical legal agreement in place to facilitate access, yet this is not referred to in the documentation submitted with the application. *(* I note that the observer has not submitted evidence of this legal agreement with their submission. The submission includes a copy of an Order (Planning Register No. 5061/75 dated 30th January 1976 setting out reason for refusal of permission for 18 houses and 60 flats in 9 blocks at Carrickbrennan).*
- It would be ultra vires if the Board attached conditions relating to the provision of linkages to adjoining lands that require third party consent.
- If permission is granted, the pedestrian link to Richmond Park should be omitted.
- If permission is granted the pedestrian link to Richmond Park and Arundel should be provided by condition.

Other:

- Lack of notice that an application was lodged and a national lockdown in place. It should have been more widely publicised.
- SHD procedural issues and access to information/documentation. The DLRCC offices closed, lack of access to IT, many cocooners unable to leave houses, etc. Third parties are excluded from the process.
- Impact on the structure integrity of adjoining properties. Potential subsidence.

- Existing sewerage infrastructure is under pressure as it is. There is no capacity for another 300 units.
- Concerns that the units will be used for short term use, concerns relating to potential tenures.
- A condition should be attached reserving a number of units for first time buyer and no leases less than 6 months be available.
- Former resident request that the area they fondly remember not be destroyed by inappropriate developments.
- Devaluation of properties.
- Shortage of School and Childcare places already in the area.
- The development will not attract the right type of tenure.
- Concern that the development will be sold off in its entirety to an international vulture fund.
- Dividing walls between properties and Dalguise House should be maintained and structurally protected.
- Pollution from the additional traffic.
- Density too high to facilitate Social Distancing.
- Apartments and long corridors are not acceptable in the post Covid 19 world.
- High rise, high density apartment style developments should not be considered until the 'virus' is under control.
- Concerns raised regarding discharges to Dublin Bay beside a popular bathing areas as there is evidence that covid 19 can spread by faecal transmission.

- Disruption from construction for 2 year (noise, traffic, vibrations)
- The development would generate an additional 40,000 tonnes of carbon into the atmosphere.
- The scale and nature of the development is not viable in the current climate with a global recession on the way.
- Numerous submissions have made reference to a Company Directors previous economic situation.
- Monkstown is a highly expensive, salubrious and exclusive area to reside in. The development will not contribute to the area.
- The SHD process is anti-democratic for local communities and lacks adequate local consultation. The Programme for Government reflects this which includes a commitment to abolish SHDs.
- A grant of permission would set an undesirable precedent.
- A number of submissions have included reference to other Strategic Housing Developments in the Dublin area to illustrated different contexts.
- Parallels are drawn with ABP 307043 (Sutton Fields, Kiltarnan).
- No views/CGIs are shown from Southdene.
- Development name and signage should be in Irish.
- It is alleged that the property owners of Purbeck are preclude from objecting to the development through burdens on the relevant property titles agreed when purchasing the new properties.
- The SHD fast track process is not suitable for projects in largely protected areas.

- Post covid and a move to Working from Home will result in more people choosing to live in the countryside, thus resulting in vacant office spaces which could be repurposed for housing and subsequently a reduced demand for high density apartment living.
- Public Health (emissions, location of ESB substation).
- Details of the Planning History of the site and adjoining area submitted
- Numerous submissions have included images, photographs, maps etc to illustrate their concerns.
- Reference to an article in the Irish Times by the Irish Georgian Society.
- Reference to an article in the Irish Times by Dermot Desmond.
- Less willingness to use public transport in the post covi19 landscape and curtailed services.
- Reference to the construction of Ballymun
- Reference to the timeframes associated with SHD and limitations associated with this.
- Lack of public participation at SHD Pre application stage.
- One submission included 11 no. recommended reason for refusal or 4 no. conditions to be included in the event of a grant of permission.
- The Application is invalid.
- 4 year construction phase is excessive and will place undue nuisance and disruption on adjoining residents and the wider area.

- Part V provision does not address the needs of the area. 30 units of which 90% are 1 bed units.
- Concern that the development will be Build to Rent.
- Reference to a legal agreement between the owner of Dalguise and five parties, being the developers and landowners of lands at Carrickbrennan and The Hall School in Monkstown Valley of which an Observer, Starr Holdings Limited, is one of these parties. There is no reference to this agreement in the SHD application documentation. The agreement in place to facilitate development at Dalguise with access for all purposes at Arundel. The agreement provides connections to all engineering services, which at the time were designed to cater for the future development of Dalguise to complete the residential scheme at Monkstown Valley in accordance with a comprehensive overall layout plan.
- No Construction Management Plan submitted.
- Reference to a legal agreement between the owners of Dalguise House and the developers of Monkstown Valley dated 15th January 1980 which restricts the development of the Dalguise site to a maximum of 4 storeys.
- Third parties lands included in the application site boundary outlined in red. The applicant does not have the consent to include any of this lands within the application site boundary and should be removed/amended.
- ESB substation and effect of electromagnetic radiation on children.
- Lack of democracy in the SHD process.

3 no. Observer Submissions (Bob & Bairbre Stewart, Douglas Barry and Starrs Holding Limited) requested an Oral Hearing:

On the following grounds:

- Ecological Impact of the development and impact on an important heronry. Reference also to Badger sets, foxes, hedgehogs, Brent Geese, wild birds and bats.
- Impact on Dalguise House and grounds and loss of architectural heritage.
- Impact on Monkstown and its existing residents and businesses.
- Visual Impact
- Residential Amenity.
- Traffic Impact.
- Density and Height.
- Sewerage infrastructure and capacity.
- Public Health (emissions, location of ESB substation).
- Financial viability of the scheme.
- The SHD process.
- Compliance with DMURS.

DECISION QUASHED