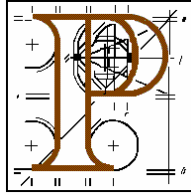


# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2013

**Dún Laoghaire-Rathdown County**

**Planning Authority Reference: CHERRYWOOD**

An Bord Pleanála Reference Number: PL 06D.ZD.2010

**WHEREAS** Dún Laoghaire-Rathdown County Council made a planning scheme on the 17<sup>th</sup> day of December, 2012 under section 166 of the Planning and Development Act, 2000 pursuant to a resolution entitled “Cherrywood Strategic Development Zone, Planning Scheme”:

**AND WHEREAS** Cabinteely and District Residents Association care of Cara Toner of An Gleann Mór, Old Bray Road, Cabinteely, Dublin and others appealed the decision of the planning authority in relation to the planning scheme:

## **DECISION**

**An Bord Pleanála decided under the provisions of section 169 (7) of the Planning and Development Act, 2000, as amended, to APPROVE the making of the planning scheme based on the reasons and considerations under and subject to the modifications 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 provisions of Part IX of the Planning and Development Act, 2000, as amended,
- (b) the Planning and Development Act 2000 (Designation of Strategic Development Zone: Cherrywood, Dún Laoghaire-Rathdown County) Order 2010 (S.I. No. 535 of 2010),
- (c) national policy as set out in the National Spatial Strategy for Ireland 2002 - 2020, "Smarter Travel a Sustainable Transport Future - a New Transport Policy for Ireland 2009 – 2020" issued by the Department of Transport, and regional policy and guidelines, as set out in the Regional Planning Guidelines for the Greater Dublin Area 2010 - 2022, the "Greater Dublin Area Draft Transport Strategy 2011 – 2030" issued by the National Transport Authority, and the "Retail Strategy for the Greater Dublin Area 2008 – 2016", issued by the Dublin and Mid-East Regional Authorities,
- (d) the provisions of the Dún Laoghaire - Rathdown County Council County Development Plan 2010 - 2016, including the housing strategy,
- (e) the contents of the Environmental Report, Biodiversity Plan, Appropriate Assessment Screening Report, the Addendum to the Appropriate Assessment Screening Report and other accompanying documentation,
- (f) the existing pattern of development in the area,
- (g) the documentation and submissions on file and the report of the Inspector, who conducted an oral hearing,
- (h) the effect the scheme would have on any neighbouring land, and
- (i) the effect the scheme would have on any place which is outside the area of the planning authority.

The Board decided on the 22<sup>nd</sup> day of October 2013 to seek clarification from the Development Agency in relation to urban design aspects of the town centre. The response to the Board's request was submitted to An Bord Pleanála on the 15<sup>th</sup> day of January 2014. Having considered this response, the Board decided to circulate it to the parties for comment, following which, submissions were received from a number of parties. In particular, the Board noted the submissions received on the 27<sup>th</sup> day of February 2014 from BMA Planning and Scott Tallon Walker Architects on behalf of Cherrywood Properties, and from McCutcheon Halley Walsh and MÓLA Architecture on behalf of Dún Laoghaire Rathdown Properties Limited. Having considered all the submissions made, the Board considered that, while finer details of certain aspects of the town centre remain to be resolved, this can be satisfactorily achieved by means of an Urban Form Development Framework.

Having regard to the nature, scale and location of the development envisaged in the Planning Scheme, Appropriate Assessment Screening Report and to the Addendum to the Appropriate Assessment Screening Report, the Environmental Report, the submissions on file, and the report of the Inspector, which is noted, the Board conducted a screening exercise for Appropriate Assessment, and concluded that, by itself or in combination with other plans or projects, the planning scheme, with modifications, would not be likely to have significant effects on European Sites.

Having regard to the nature, scale and location of the development envisaged in the Planning Scheme, the documentation on file, including the Environmental Report and the Biodiversity Plan, the submissions on file, and the report of the Inspector, which is noted, the Board concluded that the Planning Scheme, with modifications, would not be likely to have significant effects on the environment.

The Board considered that, having regard to its nature, scale and location, and subject to the modifications set out below, the Planning Scheme would:

- be in accordance with the provisions of national, regional, and local planning and development policies,
- provide for the comprehensive planning and development of the site in accordance with the requirements of the Strategic Development Zone designation,

- constitute an appropriate and planned response to the housing and employment needs of the area and associated infrastructural and recreation requirements,
- constitute a reasonable means of enabling the development of the subject lands without compromising the strategic function and carrying capacity of the M50/N11 transport corridors subject to compliance with the planned phasing of development,
- be consistent with the provisions of the Planning Authority's Housing Strategy,
- be in accordance with the provisions of Section 168(2) of the Planning and Development Act, 2000, as amended,
- occupy a strategic location inside the M50, served by good public transport infrastructure, including proximity to the Luas transport corridor and to bus networks,
- respond positively to its landscape setting and topographical features, including Tully Hill and Druid's Glen, and would create a strong sense of place and of community identity within this discrete site, and
- would be in accordance with the proper planning and sustainable development of the area.

The Board, therefore, approved the Planning Scheme, subject to the modifications set out below.

The Board is satisfied that the modifications made are minor in nature, and would not be likely to have significant effects on the environment or adversely affect the integrity of a European site.

## MODIFICATIONS

### *General*

1. The following text shall be added after “Future Form” and before “Specific Objectives” on Page 67:

#### ***“Urban Form Development Framework***

*Achieving a successful urban form in the Cherrywood town centre is critical. The town centre crosses different landownerships and incorporates a variety of opportunities and constraints, including the crossing of the Wyattville Link Road. To ensure a comprehensive approach to the layout and urban form of the Cherrywood town centre, it is a pre-requisite to the approval of any planning applications for the town centre that, following consultation with the relevant landowners, an Urban Form Development Framework be prepared by the Development Agency in accordance with the Cherrywood SDZ Planning Scheme.*

*The purpose of the Urban Form Development Framework is to provide clarity and to assist the assessment of whether planning applications are consistent with the objectives of the Planning Scheme. Any development permitted in the town centre shall be in accordance with the Urban Form Development Framework.*

*The preparation of the Framework shall take cognisance of the design approach set out in the submissions received by An Bord Pleanála on the 27<sup>th</sup> day of February 2014 from BMA Planning and Scott Tallon Walker Architects on behalf of Cherrywood Properties, and from McCutcheon Halley Walsh and MÓLA Architecture on behalf of Dún Laoghaire Rathdown Properties Limited.*

*The level of detail provided by the Framework shall be at least that provided in the submission to An Bord Pleanála by Scott Tallon Walker Architects on behalf of Cherrywood Properties, on the 27<sup>th</sup> day of February 2014, which related to quadrant TC3.*

*The Framework shall address the area identified as ‘town centre’ (TC 1 – 4) on Map 6.2 ‘Development Area 2 Cherrywood’ and shall, at a minimum, include the following:*

- (a) identification of:*

  - the principal focus and civic core of the town centre,*
  - the principal retail focus for quadrant TC1, and*
  - the relationship between quadrant TC1 and Grand Parade, and their respective urban identities,*

- (b) a block layout for the town centre, illustrating urban blocks and urban grain,*
- (c) height, scale and massing, and building typologies,*
- (d) finished floor levels for buildings, including identification of entrance level(s), and finished levels for roads and footways, and in particular, the horizontal and vertical connections between Grand Parade and the surrounding streets/buildings,*
- (e) the location, design and treatment of squares, civic spaces, pocket parks, and the public realm generally,*
- (f) provision for facilities including a community facility, places of worship, a library, and a primary care unit, in accordance with Objective DA 11,*
- (g) the treatment of the Grand Parade generally, including the proposed approach to the crossing of the Wyattville Link Road, demonstrating how an attractive and welcoming urban environment can be maintained, having regard to its important transport function as set out in the Planning Scheme,*
- (h) provision for a separate pedestrian/cycle bridge across the Wyattville Link Road, connecting quadrants TC1 and TC3, as shown in Map 6.2 ‘Development Area 2 Cherrywood’, and provision for the sequencing of this development.*
- (i) identification of vehicular and pedestrian routes within the town centre, and associated finished levels and access points, including car park access points, including section drawings, and*

- (j) *identification of the car parking spaces to be provided, the location, access to and usage of car parks, including shared use car parks, and any on-street parking.*

*The Framework shall not materially alter the Planning Scheme.*

*In the event of disagreement between the parties on any matters within the Framework, the matter in question shall be referred to An Bord Pleanála for determination.”*

**Reason:** In the interest of clarity, and to ensure the high quality development of the town centre, in accordance with the Urban Form Development Framework that is to be prepared.

2. Arising from Modification 1, the following amendments are necessary, for clarification:
- (a) Under Section 4.2.7 ‘Internal Road Proposals’, in the last sentence of the third paragraph, replace the words “*master plans*” with “*planning applications*”.
  - (b) Replace ‘*town centre masterplan*’ with ‘*Urban Form Development Framework*’ at the following locations in the text of the Planning Scheme: page 51 in the 4<sup>th</sup> column in Table 5.1; and page 59 in Specific Objective GI 76.
  - (c) Replace ‘*masterplan*’ with ‘*Urban Form Development Framework*’ at the following locations in the text of the Planning Scheme: page 51 in Specific Objective GI 1; and page 59 under section 5.9 ‘Town Centre Civic Space’.
  - (d) On page 62, delete the section entitled ‘Masterplan.’
  - (e) On page 67, delete specific objective DA 10.

**Reason:** In the interest of clarity.

3. The following paragraph shall be added to Section 2.7.3 'Private Open Space': "*Open space to serve apartments or similar residential units, including private and communal open space, shall comply with the provisions of the "Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns and Villages)", issued by the Department of the Environment, Heritage and Local Government (2009) and its companion document "Urban Design Manual - A Best Practice Guide" (2009).*"

**Reason:** In the interest of residential amenity for the occupants of apartments and similar residential units.

4. The following text shall be added as a second paragraph to Section 2.14 of the Scheme (Construction Management Plans): "*Dún Laoghaire-Rathdown County Council will proactively manage the implementation of these Construction Management Plans and Traffic Management Plans. The developers or their agents/contractors shall attend regular co-ordination meetings and undertake measures to ensure the safety of the public, minimise disruption to traffic and existing occupants and ensure that the area is kept clean and secure.*"

**Reason:** In the interests of orderly development, public safety, traffic safety, and to minimise disruption to the existing occupants in the area.

5. (a) Under Section 2.6.5 'Commercial Uses', a new Specific Objective shall be inserted after '*Retail Warehousing*', as follows: "*A consistent approach shall be taken to advertising for buildings or businesses along Beckett Road. Such advertising shall not be excessive in scale, particularly when viewed from the M50 motorway. Lighting in this commercial area shall be discreet and unobtrusive.*"
- (b) The following text shall be added to the first sentence of the second last paragraph of the third column on page 44: "*whereby any widening shall still maintain a planted verge area.*"



- (c) A new Specific Objective shall be added under Section 5.4.6 'Green Corridors', after Specific Objective GI 40, as follows: "*A landscaping strip shall be maintained alongside the M50 (in particular along the western side of Beckett Road) to create a visual buffer between the Cherrywood lands and the motorway. The positioning of landscaping shall take account of any future need for motorway widening that might arise.*" Map 5.2 'Vegetation' shall be modified accordingly.
- (d) A new Specific Objective shall be added after DA 21 on page 71, as follows: "*There shall be a high quality of landscaping and visual amenity at the interface with Cherrywood when viewed from the M50.*"
- (e) A new Specific Objective shall be added after DA 43 on page 78, as follows: "*There shall be a high quality of landscaping and visual amenity at the interface with Cherrywood when viewed from the M50.*"
- (f) A new Specific Objective shall be added under 'Specific Objectives' on page 81, as follows: "*There shall be a high quality of landscaping and visual amenity at the interface with Cherrywood when viewed from the M50.*"

**Reason:** To provide an attractive and coherent interface between development within Cherrywood and the M50 motorway.

- 6. Map 3.1: 'Archaeology' on page 23 shall be modified to incorporate all recorded monuments, and the archaeological features identified in the report submitted to An Bord Pleanála at the Oral Hearing on the 11<sup>th</sup> day of March 2013 by Margaret Gowen and Company Ltd on behalf of the Development Agency.

**Reason:** In the interests of clarity and of the protection of archaeological heritage.

7. Under Section 5.4.2 'Amenity Open Space, Class 1' on page 53, Specific Objective GI 23 shall be modified by the addition of the following sentence: "*The development of Tully Park shall be appropriate to the tranquil character and setting of the cluster of national monuments at its centre. The mature trees in the vicinity of the Tully Church complex shall be retained insofar as possible.*"

**Reason:** To protect the setting of national monuments.

8. Under Section 7.3 'Phasing of Development' under 'Note' on page 89, the following text shall be deleted: "*The phasing requirements cannot be applied retrospectively to these permissions, unless they apply for an extension of duration of permission. Development that has commenced prior to the expiration of the permission will be considered for an extension of duration of permission in accordance with Section 42 and 42A of the Planning and Development Act 2000 - 2011 (even if their construction does not accord with the sequencing set out above).*" The said deleted text shall be replaced with the following: "*Existing permissions shall be considered to accord with the Planning Scheme, and applications for extensions of duration for these permissions shall not be refused due to the phasing or sequencing in the Scheme; no additional levies shall be imposed on such extensions of duration of permission.*"

**Reason:** In the interest of clarity.

#### *Development Area 1: Lehaunstown*

9. Map 6.1 'Development Area 1: Lehaunstown' on page 63 shall be modified so that the Res 1 plot (bounded to the north, east and south by Lehaunstown Lane) shall be subject of a Res 2 density designation. The following maps shall be modified accordingly: Map 2.2 'Scale of Density' on page 12 and Map 2.4 'Principal Frontages' on page 17. Furthermore, Map 2.3 'Building Heights' on page 16 shall be modified to allow for 2 to 4 floors on the said plot.

**Reason:** Having regard to the residential densities and building heights set out for adjacent lands, this increase in residential density and height on this specific plot is considered reasonable.

*Development Area 2: Cherrywood*

10. Under Section 6.2 'Development Area 2 Cherrywood' remove reference to '1 no. Supermarket' in Table 6.2.1 on page 68. The Total Retail Quantum shall not be affected by this modification.

**Reason:** In the interest of retail vibrancy, and in the interest of clarity.

*Development Area 3: Priorsland*

11. The area designated for 2 to 3 floors in Development Area 3 'Priorsland' (i.e., the area to the north of Acton's Way and Castle Street) on Map 2.3 'Building Heights' on page 16 shall be subject to a modified building height range of 2 to 4 floors. Map 2.3 'Building Heights' shall be modified accordingly.

**Reason:** Having regard to the existing context and the building heights indicated for adjacent lands on Map 2.3, the increase in building height at this location is considered reasonable.

12. Under Section 3.3.2 '*General Objectives for works to Protected Structures and to lands associated with them*' on page 25, the following additional Specific Objective shall be added: "*Development proposed on the lands that are subject of Map 3.3 'Character Areas of Protected Structures' and specifically (and only) subsection '2. Priorsland' and subsection '4. Carrickmines Station' therein shall not be the subject of the restrictions contained in section 7.2 'Sequence of Development'. In all other respects development proposed on these lands shall comply with the requirements of the Planning Scheme, including, inter alia, the requirements for the design and commissioning of a Flood Containment Zone as proposed for Development Area 3: Priorsland.*"

**Reason:** Having regard to the following: the significant changes to the physical context in recent years surrounding these lands containing the Protected Structures of Priorsland House and Carrickmines Station; the existing infrastructure immediately adjoining these sites including the Glenamuck Road, Acton's Way and the Luas Green Line and station; the fact that these structures and associated lands already form part of established developments along the Glenamuck Road, and the limited amount of development that can be accommodated on these lands, it is

considered reasonable to allow for development to proceed on these lands without applying the requirements of Section 7.2 (Sequence of Development) of the Planning Scheme to them.

13. Under Section 3.3.4 'Priorsland' on page 27:

- (a) Specific Objective H 39 shall be deleted and replaced as follows:  
*"Development within Character Area 1 shall be so sited and designed as to maintain Priorsland House as the primary architectural element, and the architectural coherence between the main house and associated outbuildings and stable complex shall be maintained. Development east of the primary (front) elevation of Priorsland House shall be appropriately sited and designed, having regard to views to and from the Protected Structure, and the character and quality of spaces to be created between the new and existing built form."*
- (b) Specific Objective H 40 shall be deleted and replaced as follows:  
*"The planting of native trees in order to enhance the visual amenity and relationship between new development and the Protected Structure shall be integrated within detailed landscape proposals."*
- (c) Specific Objective H 41, in relation to the stable yardm, shall be deleted and replaced as follows: *"Repair, restoration, adaptation or development of the stable yard shall ensure that its special interest character is maintained, retaining the original form, and in line with good conservation practice and the "Architectural Heritage Protection Guidelines for Planning Authorities" issued by the Department of the Arts, Heritage and the Gaeltacht (2011)."*
- (d) Specific Objectives H 44 and H 46 shall be deleted and replaced with one Specific Objective to read as follows: *"Development shall be appropriately sited and designed having regard to views to and from the Protected Structure. The creation of new views and juxtapositions that add to the variety and texture of the setting will be encouraged. The planting of native trees in order to enhance the visual amenity and relationship between new development and the Protected Structure shall be integrated within detailed landscape proposals."*

- (e) Specific Objective H 47 shall be deleted and replaced as follows:  
*“In the event that the proposed park and ride facility, as indicated in the Sandyford Industrial Estate to Cherrywood Railway Order (S.I. No. 441 of 2006), is relocated as indicated on Map 6.3, the following is the appropriate approach for any development in this area: design of buildings which respond to the historic layout of the garden, as evidenced on Historic Maps; the relationship between new building and the historic garden walls shall avoid visual, structural or material damage to the historic walls, and employ a contemporary and imaginative design with materials chosen to complement the existing palette of materials of stone and brickwork.”*

**Reason:** In the interest of the protection of architectural heritage.

14. Under Section 3.3.5 ‘Carrickmines Station’, Specific Objective H 51 on page 28 shall be deleted and replaced as follows: *“To seek an appropriate setting/curtilage and new use for the former station that incorporates development of an appropriate scale relative to the historic complex, in order to protect the visual amenity of the Protected Structure.”*

**Reason:** In the interest of the protection of architectural heritage.

15. The following text shall be added to Specific Objective DA 22 on page 71 in Section 6.3 ‘Development Area 3: Priorsland’: *“A local convenience retail outlet (of up to 200 m<sup>2</sup> gross floor area) and a tea room/café use are permissible in principle on the lands adjacent to the Carrickmines Luas stop.”*

**Reason:** It is considered reasonable to provide for such conveniences at the Carrickmines Luas station, which will not adversely impact on the vitality or viability of other established retail offers in the wider area, and which will not conflict with the ‘Principles for Cherrywood’ outlined in Section 1.7 of the Planning Scheme.

### *Development Area 5: Druid's Glen*

16. In 'Development Area 5: Druid's Glen' the building height range shall be modified to facilitate 2 to 5 floors on the north side of Druid's Glen Road at the location of the principle frontage, as identified on Map 2.4 'Principle Frontages' on page 17 and on Map 6.5 'Development Area 5 Druid's Glen' on page 74, whereby any fifth floor shall be set back. This modification shall be incorporated into Map 2.3 'Building Heights' on page 16.

**Reason:** It is considered reasonable to accommodate an additional set back floor at this specific location having regard to the building heights as established by the existing residential development to the north (Brennanstown).

17. (a) On Map 4.5 'Road Hierarchy' on page 39, Point P3 on Druid's Glen Road shall be moved further south on this road to the 'Indicative Access Point' immediately to the south of Glendruoid House as indicated on Map 2.5 'Access & Movement' on page 18. The following maps shall be modified to record this location for point P3: Map 4.5 'Road Hierarchy'; Map 4.6 'Public Transport' on page 43; Map 7.1 'Development Areas' on page 85, and Map 7.2 'Growth Areas' on page 86.
- (b) Furthermore, Table 6.1.2 'Infrastructure Requirements Development Area 1 Lehaunstown' on page 65, under 'Road Requirements', second bullet point, shall be modified to read as follows: "*Extend Grand Parade B to C and close Lehaunstown Lane at its intersection with the western side of Druid's Glen Road*".
- (c) Table 6.5.2 'Infrastructure Requirements Development Area 5 Druid's Glen' on page 75, under 'Road Requirements', the first sentence shall be modified to read as follows: "*Construct Road P3-Q, and close Lehaunstown Lane at its intersection with the western side of Druid's Glen Road*".

**Reason:** In the interest of clarity, and to facilitate continued access onto Brennanstown Road for the existing development located along the western section of Lehaunstown Lane close to the Brennanstown Road/Lehaunstown Lane junction, and to facilitate the early development of lands in Growth Phase 1.

*Development Area 6: Bride's Glen*

18. (a) Development Area 6: Bride's Glen, shall be subdivided. Map 6.6 'Development Area 6 Bride's Glen' on page 76 shall be modified such that the areas marked 'HIE1', 'HIE2', 'Green Infrastructure' and the 'walkway/cycleway' shall be identified as Development Area 6A; and the areas marked 'HIE3', 'Res1', 'Res2', and 'Physical Infrastructure' shall be identified as Development Area 6B.
- (b) Development Area 6A shall be incorporated into the 1<sup>st</sup> Growth Area. Development Area 6B shall remain in the 3<sup>rd</sup> Growth Area. This change shall not affect the phasing of development. Map 7.1 'Development Areas' on page 85 and Map 7.2 'Growth Areas' on page 86 shall be modified accordingly.
- (c) Under Section 7.2 'Sequence of Development' on page 84, the first bullet of the second paragraph shall be modified to read: "**First Growth Area: Development Areas 2, 4, 5 and 6A.**" The third bullet of the same paragraph shall be modified to read "**Third Growth Area: Development Areas 6B, 7 and 8.**"

**Reason:** Having regard to the nature and scale of development already undertaken in this area, it is considered that the reassigning of Development Area 6A to the First Growth Area would represent a logical extension to the existing business park, would result in minimal changes to the sequencing of development, and would not affect the phasing of development.

*Development Area 7: Macnebury*

19. A new Specific Objective shall be added under the heading "Future Form" on page 78, as follows: "*The proposed tunnel on Beckett Road, under the Wyattville Link Road, shall be developed in accordance with the clarification submitted to An Bord Pleanála by the Development Agency on the 15<sup>th</sup> day of January 2014.*"

**Reason:** In the interest of clarity and of pedestrian amenity.

*Legislative Requirements*

20. Prior to the publication of notice of approval of the Planning Scheme as required under section 169(7)(b) of the Planning and Development Acts, 2000–2013, a copy of the consolidated Planning Scheme, hereby approved and as modified by this order, shall be prepared by the Development Agency. The consolidated Planning Scheme shall be used by the planning authority in assessing all planning applications in the Scheme area.

**Reason:** In the interest of clarity and for public information.

21. The identification of the Objectives listed in Table 2.1 '*Integration of environmental measures into the Planning Scheme*' of the Strategic Environment Assessment Statement for the Planning Scheme shall be amended to reflect the modifications (above) applied by this order.

**Reason:** In the interest of clarity, and to comply with the provisions of article 179I(2) of the Planning and Development Regulations 2001, as amended,.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this      day of                      2014.**