



An
Bord
Pleanála

Board Direction
BD-005496-20
ABP-304981-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 24th, 2020.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the site's location in an established suburban area on lands zoned for residential use in the Dun Laoghaire Rathdown County Development Plan 2016 - 2022, to the nature, scale and design of the proposed development, to the pattern of existing and permitted development in the area, and to the provisions of the National Planning Framework 2040, the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009 and the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March, 2018, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity, would respect the character of the area, would not be prejudicial to public health or give rise to an undue risk of flooding, 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 as amended by the further plans and particulars submitted on the 12th day of June 2019, except as may otherwise be required in order to comply with the following conditions. Where such conditions require details to be agreed with the planning authority, the developer shall agree such details in writing with the planning authority prior to commencement of development and the development shall be carried out and completed in accordance with the agreed particulars.

Reason: In the interest of clarity.

2. The developer may discharge an attenuated excess of surface water into the nearest combined sewer, through a flow limitation device which shall be set at 1.5 l/s and with a head of 0.7m. For this discharge, the developer shall replace, at its own cost and in consultation with Irish Water, the whole of the existing 150mm diameter combined pipe with a minimum 300mm diameter pipe, to the point where it connects to the existing 300mm diameter pipe. Alternatively, a new 300mm diameter pipe may be laid to the point of connection. Details shall be agreed with the Planning Authority prior to commencement of development, and the works on the pipe shall be carried out and completed, to the written satisfaction of the planning authority and Irish Water, prior to the making available by the developer for occupation of any of the apartments.

Reason: In the interests of public health, and to prevent flooding.

3. Prior to commencement of development, details of the opening hours of the proposed gate to provide access to/from the green space to the northwest of the application site, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development, permeability and residential amenity.

4. As PA condition no 19 (*alter the word “applicant” to “developer” and alter the term “Dun Laoghaire Rathdown Parks and Landscape Services” to “the planning authority”*)

Reason: In the interest of visual amenity and to ensure full and verifiable implementation of the approved landscape design.

5. (a) Prior to the commencement of development on site, the developer shall appoint a qualified arborist as an arboricultural consultant for the entire period of construction. Such consultant shall ensure that all of the trees that are identified in the submitted documentation as to be retained are protected, and are retained.
(b) Prior to commencement of any works on site, the developer shall erect protective fencing around all trees to be retained along the northern boundary and as indicated on drawing titled “Tree Protection” (Drawing No 103; submitted on the 26th day of October 2018). Such protective fencing shall be maintained on site until all construction works have been completed. No plant or machinery shall be parked, and no storage of materials, spoil or soils shall take place, within the area thus delineated by such fencing.

Reason: In the interest of visual amenity and to protect and preserve trees on site.

6. As PA condition no. 21 (*alter the word “applicant” to “developer” and alter the term “Dun Laoghaire Rathdown Parks and Landscape Services” to “the planning authority”*)

Reason: In the interest of visual amenity and to protect and preserve trees on site.

7. A specification and layout for public lighting shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In particular, the specification and layout shall include:
 - a) Proposals for the relocation of the ESB Network column, which currently has a public light on it. The developer shall demonstrate detailed proposals for moving this pole, including how the removal of this pole will impact on light levels on Glenageary Road Upper. Details of agreement with ESB Networks to move this pole shall be submitted.
 - b) A revised lighting design which shall provide a minimum of 1 lux on all areas. Any existing or potential obstacles shall be taken into account in the revised lighting design which is to meet the minimum 1 lux standard. In particular, light levels of the access road and ramp into the basement car park shall be clearly indicated.

The agreed lighting shall be provided in full prior to the making available by the developer for occupation of any of the apartments.

Reason: To ensure a satisfactory standard of public lighting in the interest of public safety.

8. The proposed red brick finish, as indicated on submitted drawings, shall be replaced by a light buff coloured brick finish. Apart from this stipulation, all of the other materials and finishes of the proposed apartment buildings, and, the treatment of boundaries within the development shall generally be in accordance with the details submitted with the application, unless otherwise agreed in writing with the planning authority prior to the commencement of development. The proposed render finish on the northern and eastern elevations, as submitted to An Bord Pleanála on the 26th day of August 2019, shall not be carried out.

Reason: In the interests of visual and residential amenity, and in the interest of clarity as to what forms and colours of finishes are considered to be acceptable, and what are not permitted.

9. 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, and to allow the planning authority to assess the impact of any such structures solely through the statutory planning process.

10. Prior to commencement of development, the developer shall enter into water and waste water connection agreements with Irish Water.

Reason: In the interest of public health.

11. Drainage arrangements, including those for the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services, and as required by condition number 2 of this Order.

Reason: In the interests of public health, and to prevent flooding.

12. All of the proposed basement car parking spaces shall be provided by the developer with functioning electric vehicle charging points. Details of these charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, and the agreed provision shall be carried out and completed prior to the making available by the developer for occupation of any of the proposed apartments.

Reason: In the interest of facilitating the use of electric vehicles.

13. As PA condition 10 (*omit first line*).

Reason: In the interest of pedestrian and traffic safety.

14. Proposals for a naming and numbering scheme and associated signage for the permitted development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

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

15. 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 compounds including areas identified for the storage of construction refuse; areas for construction site offices and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;
 - (b) 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; measures to obviate queuing of

construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;

(c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;

(e) 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;

(f) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

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

16. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

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

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

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development,
- (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
- (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

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

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

18. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of shared internal areas, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

19. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and 96(2) and 3 (Part V) of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached

within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 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 for the area.

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

Reason: To ensure the satisfactory completion of the development.

21. 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 the 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.

22. The developer shall pay to the planning authority a financial contribution of €1,500.00 (fifteen hundred euro) as a special contribution under Section 48(2) (c) of the Planning and Development Act 2000 (as amended) in respect of the provision of the new footpath proposed from the new pedestrian entrance gate to the north-western boundary leading to the existing pathway in the adjoining public green space. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the SCSi Price Tender Index.

Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

Board Member

Date: 24th March 2020

Philip Jones