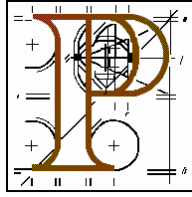


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2009

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D08A/0778

An Bord Pleanála Reference Number: PL 06D.233274

APPEAL by Anthony Harvey of 4 Claremont Villas, Adelaide Road, Glenageary, County Dublin and by Anna Comerford and others of 28 Adelaide Road, Glenageary, County Dublin against the decision made on the 12th day of March, 2009 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to O'Connor Property Group care of O'Mahony Pike Architects of The Chapel, Mount Saint Anne's, Milltown, Dublin.

PROPOSED DEVELOPMENT: (i) Demolition of existing structures on both sites with the exception of Saint Paul's (former) Parochial Hall (a protected structure). Demolition to include the existing two-storey annexe to the rear of the hall; (ii) conversion of the existing Parochial Hall into two number duplexes (one number two bedroom; one number three bedroom) facilitated by the provision of an internal mezzanine level and minor elevational modifications and replacement of windows to match, both with private terraces; (iii) nine number new dwellings (two number three bedroom and seven number five bedroom) consisting of: (a) seven number five bedroom houses within the curtilage of a protected structure all with private gardens and terraces over basement car parking (16 number spaces of 22 number total) accessed via a modified and relocated vehicular entrance off Adelaide Road and (b) two number three bedroom own door duplex units with half-level basement within the curtilage of a protected structure both with private terraces; (iv) replacement of the boundary treatment along Adelaide Road to the Barkel Sales site with new wall and piers to complement the existing wall, piers and gates to the Parochial Hall site (which will be retained), provision of six number surface car parking spaces (of 22 number total), bin store, cycle parking and such ancillary landscaping works and boundary modifications necessary to complete the works at Saint Paul's Parochial Hall and Barkel Car Sales sites, Adelaide Road, Glenageary, County Dublin.

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

Having regard to the design of the proposed development and the scale and pattern of development in the area, 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 not adversely impact on the setting or character of the protected structure, would be acceptable in terms of traffic safety and convenience and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered that, subject to the conditions attached, the proposal would be acceptable in relation to its impact on the visual amenities of the area and adjoining properties and would not materially or adversely impact on the setting and character of the protected structure.

CONDITIONS

1. The development shall be carried out in accordance with the plans and particulars lodged with the application, as amended by the further plans and particulars received by the planning authority on the 13th day of February, 2009, except as may otherwise be required in order to comply with the following conditions.

Reason: In the interest of clarity.

2. The proposed development shall be revised as follows:
 - (a) The access to the site shall comply generally with the layout received by the planning authority on the 4th day of July, 2008. The original stone parochial hall front boundary to the site shall be retained intact except at the location of the proposed three entrances. The southern vehicular entrance shall be widened to the south to enable access by a fire appliance.
 - (b) The retaining wall on the northern site boundary adjoining the vehicular ramp shall be relocated a further one metre from the northern site boundary and the area along this boundary shall be appropriately landscaped. The northern boundary of the residential block adjoining the ramp shall be set back one metre to the south to maintain the ramp width. The location of the vehicular opening in the site boundary shall be relocated to the south by one metre to align with the ramp.

Revised drawings showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To protect the setting of the protected structure as viewed from the public road and to protect the residential amenity of adjoining property to the north and in the interest of the visual amenities of the area.

3. Details of the materials, colours and textures of all the external finishes (including sample materials) to the proposed dwellings shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

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

Reason: In the interest of public health.

6. The internal vehicular access serving the proposed development, including parking areas, footpaths and kerbs and access ramp to the underground car park shall be in accordance with the detailed standards of the planning authority for such works.

Reason: In the interest of amenity and of traffic and pedestrian safety.

7. A minimum of 14 number bicycle parking spaces shall be provided within the underground car park and eight number covered cycle spaces at ground level on the site. The layout and demarcation of these spaces shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

8. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interest of amenity and public safety.

9. 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 interest of visual and residential amenity.

10. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed dwellinghouses without a prior grant of planning permission.

Reason: In the interest of residential amenity.

11. All rear gardens shall be bounded by block walls, 1.8 metres in height, capped, and rendered, on both sides, to the written satisfaction of the planning authority.

Reason: In the interests of residential and visual amenity.

12. Details of fences or other boundary treatment constructed around the front curtilage of the proposed dwellings and front gardens shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In the interest of visual amenity.

13. Proposals for a name and house numbering scheme and associated signage shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, all street signs and house numbers shall be provided in accordance with the agreed scheme. 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 orderly development.

14. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. The landscaping scheme shall include 12 half-standard trees of indigenous species. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

Reason: In order to ensure the satisfactory development of the public open space areas and their continued use for this purpose.

15. (a) A conservation expert shall be employed to manage, monitor and implement the works on the site and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All repair works to the protected structure shall be carried out in accordance with best conservation practice as detailed in the application and the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Environment, Heritage and Local Government in December, 2004. The repair works shall retain the maximum amount of surviving historic fabric in situ, including structural elements, plasterwork (plain and decorative) and joinery and shall be designed to cause minimum interference to the building structure and/or fabric. Items that have to be removed for repair shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.
- (c) All existing original features, including interior and exterior fittings/features, joinery, plasterwork, features (including cornices and ceiling mouldings) staircases including balusters, handrail and skirting boards, shall be protected during the course of refurbishment.

Reason: To ensure that the integrity of the retained structures is maintained and that the structures are protected from unnecessary damage or loss of fabric.

16. The management and maintenance of the communal parts of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, vehicular access 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.

17. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

18. 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 Dublin Region.

Reason: In the interest of sustainable waste management.

19. 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 shall be submitted to and agreed in writing with the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

Reason: To provide for the appropriate management of waste and, in particular, recyclable materials, in the interest of protecting the environment.

20. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of social and affordable housing in accordance with the requirements of section 96 of the Planning and Development Act 2000, as amended, unless an exemption certificate shall have been applied for and been granted under section 97 of the Act, as amended. Where such an agreement is not reached within eight weeks from the date of this order, the matter in dispute (other than a matter to which section 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board for determination.

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

21. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November, 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

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

Reason: To ensure the satisfactory completion of the development.

23. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

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

Dated this day of 2009.