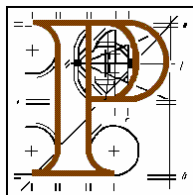


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Dun Laoghaire-Rathdown County

Planning Register Reference Number: D12A/0217

An Bord Pleanála Reference Number: PL 06D.241296

APPEAL by Garnish Investment Holdings Limited care of Gibbons and Associates of Larchfield, Dundrum Road, Dublin against the decision made on the 18th day of October, 2012 by Dun Laoghaire-Rathdown County Council in relation to an application for permission for the use of the site as a public car park for 26 number car spaces and bicycles and the widening of the link laneway and ancillary minor development works, advertising signs and notices, the improvement of the front boundary wall and replacement of railings and ancillary 1.5 storey offices at 35/37 Glasthule Road, Glasthule, County Dublin in accordance with the plans and particulars lodged with the said Council (which decision was to grant subject to conditions permission for a temporary car park and to refuse permission for the office building).

DECISION

GRANT permission for the said use of the site as a public car park for 26 number car spaces and bicycles and the widening of the link laneway and ancillary minor development works, advertising signs and notices, the improvement of the front boundary wall and replacement of railings in accordance with the said plans and particulars based on the reasons and considerations marked (1) under and subject to the conditions set out below. REFUSE permission for the said ancillary 1.5 storey offices based on the reasons and considerations marked (2) under.

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 (1)

Having regard to the neighbourhood zoning, the vacant and disused nature of the site and to pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed temporary car park would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 20th day of August, 2012 and the 24th day of September, 2012, 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 proposed development shall be amended as follows:
 - (a) The office building shall be omitted from the development and replaced by two number car parking spaces.
 - (b) No more than 26 number car parking spaces shall be provided on foot of this permission.

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: In the interests of visual and residential amenity and in the interest of clarity.

3. The car park use shall cease and any associated signage and ancillary structures shall be removed on or before a period of ten years from the date of this order unless prior to that date permission for its retention has been granted.

Reason: In the interest of orderly development.

4. Car parking signage shall be restricted to one number 'V' shaped display sign with two number display panels of 600 millimetres by 900 millimetres. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority details indicating the exact location of the signage together with details of signage materials.

Reason: In the interest of visual amenity.

5. Notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no other advertisement signs, advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

6. An updated boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-
- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
 - (c) details of proposed street furniture, including bollards, lighting fixtures and cycle stands,
 - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

7. The site works and building works required to implement the development shall only be carried out between 0800 hours and 1900 hours, Mondays to Fridays and between 0830 hours and 1400 hours on Saturdays and not at all on Sundays or Bank Holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: To safeguard the residential amenities of adjacent dwellings.

8. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

9. 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 and to ensure a proper standard of development.

10. 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 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.

REASONS AND CONSIDERATIONS (2)

1. It is considered that the proposed office building, by reason of its design and positioning on site, does not relate well with the existing streetscape of the village, would constitute the ad-hoc piecemeal development and would compromise the future development potential of the site. The proposed office building would, therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to its positioning on site, together with its scale, height and design, it is considered that the proposed office building would overlook and have a visually overbearing impact on adjacent residential properties. The proposed office building would, therefore, seriously injure the residential amenities of property in the vicinity and would be contrary to the proper planning and sustainable development of the area.

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

Dated this day of 2013.