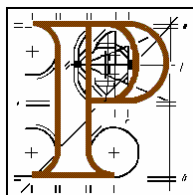


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2011

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D12A/0519

An Bord Pleanála Reference Number: PL 06D.241751

APPEAL by Seaview Residents Association care of Tom Nolan of 16 Seaview Lawn, Shankill, Dublin against the decision made on the 22nd day of February, 2013 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Orchid Homes Limited care of BBA Architecture of Suite 3, Edengate Centre, Delgany, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of (1) two number 193 square metres two-storey detached five bedroom dwellings with habitable accommodation in the roof/attic space, roof lights and solar panels with vehicular and pedestrian access via access road of the Dublin Road, and (2) two number, 145.4 square metres two-storey semi-detached four bedroom dwellings with habitable accommodation in the roof/attic space, roof lights, solar panels and semi car port area to the front/south facing elevation, with vehicular and pedestrian access via Seaview Park estate, together with drainage connection to local mains and other site development works at Seaview Park, Dublin Road, Shankill, 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 zoning of the site as set out in the Dún-Laoghaire Rathdown Development Plan 2010-2016 and to the nature, height, scale and design of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not adversely affect the residential or visual amenities of the area, would not be prejudicial to public health 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, 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. 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.

3. Each dwelling shall be used as a single residential unit.

Reason: In the interest of clarity.

4. The proposed glass balustrade serving the first floor level of proposed Units 1 and 2 shall be omitted from the proposal and the proposed double doors at this location shall be replaced with a window of suitable dimensions. Revised drawings in this regard shall be submitted to and agreed in writing with the planning authority, prior to commencement of development.

Reason: In the interest of amenity.

5. 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.

6. Details of the materials, colours and textures of all the external finishes 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.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

A plan to scale of not less than 1:500 showing:

- (i) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder, and which shall not include prunus species.
- (ii) Details of screen planting which shall not include cupressocyparis x leylandii. In this regard, the proposed planting along the west site boundary with Dublin Road shall be extended along the entire west site boundary, in particular along the side gable of proposed Unit 3.
- (iii) Details of roadside/street planting, which shall not include prunus species.
- (iv) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
- (v) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (vi) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The services of an Arboricultural Consultant and a Landscape Consultant shall be retained for the duration of site development works.

Reason: In the interest of residential and visual amenity.

8. 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.

9. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation.

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

10. Traffic, access, parking and traffic calming arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public safety, to ensure a proper standard of development and to prevent the development of this area prior to its use for future road improvements.

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 interest of residential and visual amenity.

12. Proposals for a 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 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.

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

13. All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interest of visual and residential amenity.

14. The proposed scheme shall not be occupied until such time as all development is completed to the satisfaction of the planning authority.

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

15. 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.

16. 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.

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

Dated this day of 2013.