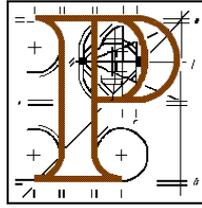


## An Bord Pleanála



### INSPECTOR'S REPORT

**DEVELOPMENT:** Conversion of Parochial Hall (Protected Structure) to house and apartment. Demolition of buildings and erection of 8 houses at a protected structure

**LOCATION:** St Pauls Parochial Hall and adjacent car sales site, Adelaide Road, Glenageary, Co.Dublin

### PLANNING APPLICATION

**Planning Authority:** Dun Laoghaire – Rathdown County Council

**Planning Authority Reg. Ref.:** D14A/0618

**Applicant:** Adelaide Homes Ltd

**Type of Application:** Permission

**Planning Authority Decision:** Refuse

### PLANNING APPEAL

**Type of Appeal:** First Party

**Appellant(s):** None

**Observers / Public Representation:** St Pauls Hall Concerned Neighbours

**DATE OF SITE INSPECTION:** 20<sup>th</sup> & 25<sup>th</sup> March 2015

**INSPECTOR:** Mary Crowley

## **1.0 SITE LOCATION AND DESCRIPTION**

- 1.1 The appeal site, with a stated area of 0.3019 ha. is located on the western side of Adelaide Road in Dun Laoghaire, c. 1km inland from Sandycove Harbour. It comprises the amalgamation of two adjoining sites; 1) the former St. Paul's Parochial Hall (a Protected Structure) and 20<sup>th</sup> century two storey flat roof rear extension and 2) a car sales site. The general area is characterised as suburban residential. To the south is a terrace of tall two storey houses with frontage onto Claremont Villas. An existing laneway separates that site and the Victorian houses on Claremont Villas to the south. Terraced two storey houses of a large c.1940's estate bound the site to the west along Eden Villas.
- 1.2 A set of photographs of the site and its environs taken during the course of the site inspection (x2) is attached. I also refer the Board to the photographs of the appeal site and environs available to view throughout the appeal file.

## **2.0 PROPOSED DEVELOPMENT**

2.1 Permission is sought for the following:

- (i) Demolition of existing structures on both sites with the exception of St Paul's (former) Parochial Hall (Protected Structure). Demolition to include the existing two-storey annex to the rear of the Hall;
- (ii) Conversion of the existing Parochial Hall into 2 no. residential units (1 no. 3-bedroom house within main two storey hall, 1 no. 2 bedroom apartment within single storey side annex) facilitated by the provision of an internal mezzanine level and minor elevational modifications and replacement of windows to match, with new roof lights to existing roof, both units with private gardens and parking spaces via retained and modified original entrance, piers and gates to Parochial Hall (4 no. spaces);
- (iii) 8 no. new 2 storey plus attic, semi-detached dwellings to rear of site (all 4-bedrooms) 5 within curtilage of a Protected Structure, all with private gardens. Surface car parking (18 no. total) access via a modified and relocated vehicular entrance off Adelaide Road;
- (iv) Replacement of the boundary treatment along Adelaide Road to the John Keogh Car Sales site with new wall, railing and piers to complement the existing wall, piers and gates to the Parochial Hall site (which will be retained); provision of cycle parking (10no spaces Drg W102-PA-001 refers) and such ancillary landscaping works and boundary modifications necessary to complete the works.

(v) It is stated that this application is a change of site plan and house types to that previously granted planning permission under D08A/0778.

2.4 According to the application both the proposed source of water supply and waste water management will be by means of a new connection to the public mains and sewer in respect of both. Surface water disposal will be by means of the public sewer / drain. It is further stated that the proposed development will be maintained by an estate management company.

2.5 The application was be accompanied by the following:

(i) Appraisal report prepared by Project Architects

(ii) Architectural Heritage Appraisal Report

(iii) Drainage Report

(iv) Part V – it is submitted that the applicant will provide a monetary contribution towards Part V rather than unit transfer.

### **3.0 OBJECTIONS / OBSERVATIONS / PUBLIC REPRESENTATION TO THE PLANNING AUTHORITY**

3.1 There are 8 objections / observations recorded on the planning file from (1) Julie & Barry McLoughlin, (2) John Healy, (3) Derek Alexander & Emily O'Sullivan, (4) Alan Murphy & Anna Flaminio, (5) Anna Comerford (6) Gilberty Stucky & Maryse Mensile, (7) Marcus McInerney and (8) Don Harrington. All submission are available to view on the appeal file. The issues raised relate to (as summarised) height, density, screening, overlooking, loss of views, inadequate drawings, mews lane is a private lane, impact on character of Protected Structures; traffic impact, design, development is out of scale with the local setting and the proposal does not comply with Section 16.3.1 of the 2010-2016 County Development Plan.

### **4.0 TECHNICAL REPORTS**

4.1 The **Surface Water Drainage Report DLRCC** (06/11/14) requested that the applicant submit non-contradictory drawings detailing the proposed type of paving. The report further notes that if permeable paving is not being proposed or the extent is reduced alternative SuDS measures will be required and that a solution that is acceptable to both Water Services and Transportation will be required.

4.2 The **Parks and Landscape Services DLRCC** states that the application is not fully acceptable in its current form and content due to concerns over proposed site layout, open space, urban and landscape design proposal and future management. Refusal

was recommended.

- 4.3 The **Conservation Officers Report DLRCC** states that they have no difficulty with the principle of development on this site and welcome the reuse of the Protected Structure. However serious concern regarding the scale, height and massing of the new units and encroachment on the setting of St Paul's is raised and that the scheme is contrary to Policy PDM4 of the County Development Plan 2010 – 2016. Further information was requested.
- 4.4 The **Transportation Planning Section DLRCC** requested further information in relation to permeable paving, underground services, surface water and car parking.
- 4.5 The **Building Control Section** states that it is Government policy that this development should be taken in charge and that unless otherwise agreed with the County Council, all development works are to be executed at the applicants expense and in accordance with DLRCC Guidance document, Development Works in Residential and Industrial Areas
- 4.6 The **Housing Department** recommends that a condition be attached requiring the applicant / developer to enter into an agreement in accordance with Part V of the Planning and Development Acts 2000 – 2010.
- 4.7 The **Local Authority Planner** having considered the proposed development recommended that planning permission be **refused** for three reasons. The notification of decision to refuse planning permission issued by Dun Laoghaire Rathdown County Council reflects this recommendation.

## 5.0 PLANNING AUTHORITY DECISION

- 5.1 The planning authority issued notification of decision to **refuse** planning permission for the following three reasons:

1. *Having regard to the zoning objective 'A' of the site, 'To protect and/or improve Residential Amenity', the shallow rear garden depths and the height of the proposed 8 no. semi-detached dwellings, it is considered that the proposed development would be visually overbearing and domineering, would seriously injure the residential amenity of property in the vicinity, particularly in relation to No.s 38 – 41 Eden Villas, would result in substandard residential amenity to serve the future occupants, and would, therefore, be contrary to the proper planning and sustainable development of the area.*
2. *Having regard to the height, scale, massing of the proposed 8 no. semi-detached dwellings, the proximity of proposed Unit No.s 7 and 8 to the Protected Structure, and the level of surface car parking provision, it is*

*considered that the proposed development would detract from the character and setting of the Protected Structure, would be overbearing and domineering on the character and setting of the Protected Structure, and would, therefore, be contrary to the proper planning and sustainable development of the area.*

3. *Having regard to the inadequate open space provision, and the level of surface car parking, the proposed development would result in a poor form of development and result in a sub-standard level of amenity for future residents. This would, therefore, be seriously injurious to visual and residential amenities and contrary to the proper planning and sustainable development of the area.*

## **6.0 PLANNING HISTORY**

- 6.1 There was a previous grant of planning permission and subsequent third party appeal on this site that may be summarised as follows:

**PL06D.233274 (Reg Ref D08A/0778)** - DLRCC granted permission for the demolition of structures with the exception of St Paul's Parochial Hall (Protected Structure), conversion to 2 houses, construction of 9 houses and associated works, at St Pauls Parochial Hall, Barkel Motors Site, Adelaide Road, Glenageary, Co. Dublin. Following a third party appeal the Board also granted permission subject to 23 generally standard conditions.

- 6.2 **Pre Application Consultations (PAC/210/14)** – According to the Local Authority Planners Report a pre-planning consultation meeting was held in April 2014 regarding the provision of 8 no. dwellings and the conversion of the Parochial Hall to 2 no. residential units.

## **7.0 POLICY CONTEXT**

- 7.1 The operative plan for the area is the **Dun Laoghaire-Rathdown County Development Plan 2010 – 2016**. The site is located on lands zoned **Objective A** where the objective is *to protect and/or improve residential amenity* where residential development is permitted in principle. St. Paul's Parochial Hall is a **Protected Structure**, Ref. No. 1430, in Appendix C, Schedule 1 of the 2010-2016 County Development Plan refers. Chapter 16 of the Development Plan deal with **Development Management** and Chapter 5 deals with **Residential Development**.

## **8.0 GROUNDS OF APPEAL**

- 8.1 The first party appeal has been prepared and submitted by Simon Clear & Associates Planning and Development Consultants on behalf of the applicant Adelaide Homes Ltd. The issues raised in the appeal may be summarised as follows:

- 8.2 **Background** - An Bord Pleanála previously granted permission for a residential development that includes a pair of semi-detached substantial dwellings located adjacent to the proposed structure in the front part of the site.
- 8.3 **Overbearing & Domineering** – The proposed dwellings, with mansard roofs are approximately 1.3m higher than the houses at Eden Villas. It is submitted that this is not such a significant change in height between the dwellings as to render the proposed dwellings domineering or overbearing in relation to the existing dwellings. It is further submitted that the proposed layout is very similar to the layout adopted already in Eden Villas in terms of use of corner units and proximity to boundaries. The sun path analysis submitted with the appeal shows no significant overshadowing effect from this arrangement. It is therefore submitted that taking all issues into account, that the proposed development is neither domineering nor overbearing in relation to the adjoining residential developments, particularly the terrace of dwellings to the west at 38 – 41 Eden Villas.
- 8.4 **Adjacency to Protected Structure** – it is submitted that the planning authority was dissatisfied with the relationship between the semi-detached pair of dwellings No's 7 & 8 in relation to the protected structure. It is submitted that the planning authority has been unreasonable in its criticism of the relationship of the proposed dwellings to a protected structure, from which an obtrusive unsympathetic extension will be removed through demolition as part of the proposed development. There are other similar relationships between new build and protected structures that work well and particular reference is made to PL29S.244050 (Edward Square Donnybrook).
- 8.5 **Open Space** – an appropriate amount of public open space has been provided, which is overlooked by all units within the development. If it is considered that there is a shortfall in open space, there is provision in the development plan that a contribution in lieu of provision of public open space is acceptable in respect of a small development that cannot provide meaningful public open space within the development site.
- 8.6 **Car Parking** - It is acknowledged that an oversupply of car parking spaces has been provided within the main part of the development. It is proposed that the six car parking spaces that occupy part of the communal open space serving this development should be deleted by condition with the resulting area being allocated into the open space.
- 8.7 **Conclusion** – the proposed development is an attractive compact urban residential infill that is well designed, protects the amenities of adjoining residential properties and also respects the Protected Structure on site. The proposed layout is consistent with the established residential layout in the area.

8.7 **Note** – the appeal was accompanied by a Shadow Analysis and a sketch demonstrating impact on Parochial Hall between site layout plan as submitted under D14A/0618 and PL06D.233274.

## 9.0 **RESPONSE OF THE PLANNING AUTHORITY**

9.1 The Planning Authority in their response to the appeal refer to the planners report and consider that the grounds of appeal do not raise any new matter which in the opinion of the planning authority would justify a change of attitude to the proposed development.

## 10.0 **OBSERVATIONS TO AN BORD PLEANÁLA**

10.1 There is one observation recorded on the appeal file from St Pauls Hall Concerned Neighbours. The issues raised are similar to those raised in the objections submitted to the Planning Authority including:

- The narrow grassed laneway along the site boundary is part of Claremont Villas (Protected Structures) and is a mews laneway owned by the residents
- The applicant has never supplied elevations of Claremont Villas with the necessary levels and therefore makes it impossible to ascertain the relation of the proposed development against Claremont Villas or vice versa
- Considered that there is general complacency in relation to the Parochial Hall

## 11.0 **ASSESSMENT**

11.1 Concerns raised regarding the adequacy of drawings and description of the proposed scheme are noted. However it is not for An Bord Pleanála in this instance to determine whether the application was in breach of the Planning and Development Regulations. Nonetheless I would make the comment that together with my site visit I am satisfied that there is adequate information available on the appeal file to consider the issues raised in the appeal and to determine this application. I would also point out for the purpose of clarity that the development proposed is considered “de novo”. That is to say that the Board considers the proposal having regard to the same planning matters to which a planning authority is required to have regard when making a decision on a planning application in the first instance and this includes consideration of all submissions and inter departmental reports on file together with the relevant development plan and statutory guidelines, any revised details accompanying appeal submissions and any relevant planning history relating to the application.

12.1 Having regard to the information presented by the parties to the appeal and in the course of the planning application and my two site inspections of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be addressed under the following general headings:

- Principle / Policy Considerations
- Impact on Protected Structure
- Residential Amenity
- Other Issues:

## **12.0 PRINCIPLE / POLICY CONSIDERATIONS**

12.1 As set out previously planning permission was granted by an Bord Pleanála at this site for the demolition of structures on site with the exception of St Paul's Parochial Hall (Protected Structure), the conversion of St Paul's to 2 residential units, construction of 9 houses and associated works (PL 06D.233274 (Reg Ref D08A/0778) refers). Similar to the previously permitted development on site the application now before the Board proposes to demolish and clear all structures within the appeal site with the exception of St Paul's Parochial Hall (a protected structure), convert the protected structure into two residential units; a three-bedroom house within the main two storey structure and a 2 bedroom apartment within the single storey side annex to the south and to construct 8 two storeys plus attic, semi-detached dwellings, with rear gardens to the rear of the site. The existing front boundary wall to the Parochial Hall site will be retained and the existing entrance will be widened to serve the converted hall only (2 units). Vehicular access to the 8 semi-detached houses to the rear will be provided by means of a new gated access point within the car sales site to the north.

12.3 The proposal before the Board largely reflects that of the previous grant of permission but with the following amendments:

- Removal of the basement from the scheme
- Increase in public open space
- Two storey plus attic, semi-detached homes with private gardens and revised elevational treatment
- Parochial Hall converted into one large family home rather than split with the adjoining single storey wing retained as one single storey apartment

- Site entrance repositioned as per An Bord Pleanála Condition No 2

- 12.4 Under the provisions of the Dún Laoghaire-Rathdown County Council County Development Plan 2010 – 2016 the appeal site is wholly contained within an area zoned Objective A where the objective is *to protect and / or improve residential amenity* and where residential development is *permitted in principle subject to compliance, with the relevant policies, standards and requirements* set out in plan. Further and as noted by the local authority planner the site is proximate to Glasthule and Dalkey villages, to Glenageary Dart station and to local schools and services within the area. Accordingly the principle of converting St Pauls Parochial Hall (Protected Structure) into two residential units and developing 8 no dwelling houses at this location is acceptable.
- 12.5 The proposed density for the site is 33 dwellings per hectare (10 units / site area 0.3019 ha). Section 5.3.3 of the 2010-2016 County Development Plan states that as *a general rule the minimum density for new residential development shall be 35 units per hectare. This density may not be appropriate in all instances, but will serve as a general guidance rule particularly in relation to 'greenfield' sites or larger 'A' zoned areas.* It is further stated that *consideration in relation to densities and layout may be given where proposals involve existing older structures that have inherent vernacular and/or streetscape value and retention would be in the interests of visual and residential amenity and sustaining the overall character of the area.*
- 12.6 Overall I agree with the local authority planner that while the density is marginally below the minimum standard of 35 units per hectare, the proposed density is acceptable at this location having regard to the presence of St Paul's Parochial Hall within the site and the requirement to balance the architectural setting and spatial character of this protected structure within the site with proposals for the sustainable redevelopment of this serviced urban site. Accordingly I consider the density proposed to be acceptable at this location.

### **13.0 IMPACT ON PROTECTED STRUCTURE**

- 13.1 As stated previously St. Paul's Parochial Hall is a Protected Structure, Ref. No. 1430, in Appendix C, Schedule 1 of the 2010-2016 County Development Plan refers. With regard to the refurbishment and change of use of the vacant Parochial Hall to residential use I agree with the local authority planner that the renovation of the Protected Structure is regarded as a planning gain and will ensure the continued survival of this building through sensitive adaptation, reuse and occupancy. However I also share the concerns raised by the DLRCC Conservation Officer regarding how the internal spaces of the protected structure are to be subdivided. Unlike the previous application (PL 06D.233274 (Reg Ref D08A/0778)) refers) this scheme proposes to retain the entire parochial volume as one large family home. However in the previous scheme the works involved inserting a dividing wall running

on a north/south axis through the centre of the building and inserting a free standing mezzanine “box” structure for use as a bedroom.

- 13.2 The Conservation Officer noted that this treatment allowed the spatial integrity of the hall to remain more legible and that in the revised scheme now before the Board, the open volumetric quality/nature of the Hall is to be compromised by a proliferation of partitions necessitating numerous rooflights all which were absent in the earlier application which had a minimal amount of partitions. For this reason the Conservation Officer favored a return to the previous scheme approved by the Board.
- 13.3 Having regard to the detailed plans and particulars submitted with the previous planning application on this site and available to view on appeal file PL06D.233274 (attached for the Boards consideration) I agree with the Conservation Officer in this regard and recommend that should the Board be minded to grant permission that these internal revisions proposed to St Paul’s Parochial Hall be amended to reflect the scheme previously permitted by the Board with the details to be agreed prior to commencement of work on site. While I am satisfied that these internal amendments, as previously approved by the Board, can be dealt with by way of a suitably worded condition I would draw the Boards attention to Section 57 of the Planning and Development Act (as amended) where it states as follows:

*Notwithstanding section 4(1)(a), and (h), (i), (ia) (j), (k), or (l) and any regulations made under section 4(2), the carrying out of works to a protected structure, or a proposed protected structure, shall be exempted development only if those works would not materially affect the character of—*

*(a) the structure, or*

*(b) any element of the structure which contributes to its special architectural, historical, archaeological, artistic, cultural, scientific, social or technical interest.*

- 13.4 Accordingly, should the Board be minded to approve the proposed internal changes to St Paul’s Parochial Hall in line with the scheme previously approved by the Board and recommended by DLRCC Conservation Officer the Board may wish to seek revised public notices prior to granting permission.
- 13.5 I further note that the Conservation Officer has raised concerns regarding window replacement / window schedule and programme of repairs and material specifications pertaining to St Paul’s Parochial Hall. It is recommended that should the Board be minded to grant planning permission that these matters are addressed by means of a suitable worded condition requesting that the following information is agreed with the planning authority prior to commencement of work on site:

- Window survey by a specialised contractor clearly indicating which windows are to be repaired and which are to be replaced, also any presence of historic glass remaining therein. In the event that a window has been damaged beyond repair details of the replacement window (including drainage) must be submitted to ensure they match the existing in profile, dimensions etc.
- Documentary evidence and drawings of the proposed replacement demi-lune window on the northwest elevation
- Programme of repairs and material specifications prepared by an RIAI accredited Conservation Architect or a suitably qualified professional with specialised conservation expertise.

13.6 With regard to the remainder of the proposed development it is noted that DLRCC refused permission as it was considered that the *height, scale, massing of the proposed 8 no. semi-detached dwellings, the proximity of proposed Unit No's 7 and 8 to the Protected Structure, and the level of surface car parking provision*, would be overbearing and domineering on the character and setting of the Protected Structure.

13.7 In this regard I note the concerns raised by DLRCC Conservation Officer regarding the impact on the setting and appreciation of the protected structure by reason of the proximity of dwellings located to the immediate rear of St Paul's Parochial Hall. However it is my view that the proposal for 8 new residential units before the Board, in terms of design, layout and positioning to the rear of the site and set back from St Paul's Parochial Hall reflects and respects the scale of the surrounding area and that of character and setting of the protected structure on site. Overall I consider that this proposal is a sensitive design response to the requirement to develop a vacant infill site in a well-serviced residential area while also providing a more intensive, efficient and sustainable use of an important urban site. Further the positioning of the development to the rear of St. Paul's Parochial Hall respects the predominant nature and setting of this protected structure and I am satisfied that the scheme will not adversely detract from the character of St Paul's or the wider area.

13.8 With regard to the proposed landscaping plan for the site I have noted the concerns raised by both the Conservation Officer and the Parks and Landscape Services regarding quality of material. I am satisfied that this matter can be dealt with by means of suitably worded condition requiring the submission of a detailed comprehensive scheme for landscaping prior to commencement on work on site for agreement.

13.9 With regard to car parking provision it is noted from the application that it is proposed to assign car parking spaces within the development to the dwelling houses (as indicated in the architect's site layout plan) and that these will not be sold separately.

The applicant in their appeal submission acknowledges that an oversupply of car parking spaces has been provided within the main part of the development (8 no houses). The appellant proposes that the six car parking spaces that occupy part of the communal open space serving the main development can be deleted by condition with the resulting area being allocated into the open space. I consider this is an appropriate response to the concerns raised by DLRCC in their reason for refusal and that such an approach will also enhance the setting of St. Paul's Parochial Hall within the development. It is recommended that should the Board be minded to grant permission that this scheme be conditioned accordingly.

- 13.10 Notwithstanding the positive impact on the setting of the protected structure on site by removing these six car parking spaces there is a knock on effect in terms of meeting the minimum car parking standards as set out in Table 16.3 of the current Development Plan. Based on the information provided (8 no 4 bed units, 1 no 3 bed unit and 1 no 2 bed unit) and having regard to Table 16.3 (2 car parking spaces per 3 bed plus and 1 car parking space per 2 bed unit) it is estimated that 19 off street car parking spaces are required to serve this development.
- 13.11 The proposed internal road and parking layout plan (Drg No 001 PL1 refers) indicates the provision of 22 car parking spaces within the overall site (4 no spaces to serve the 2 residential units within St Pauls Parochial Hall and 18 no units to serve the 8 no new dwellings units). The removal of 6 spaces together with "shared surface footpath area" (from those serving the new 8 no houses) will reduce the car parking proposed to serve the main part of the development to 12 spaces; 4 spaces below that required to meet the development plan minimum standards for this element of the development (8 no 4 bed units x 2 car parking spaces = 16 car parking spaces).
- 13.12 Section 16.10.6 Car Parking Standards of the development plan states that revised car parking standards (reduced car parking numbers) for any development may be acceptable dependent on the precise nature of the proposed development, its location, appropriate mix of land uses, the availability of on-street parking controls in the immediate area and / or other agreed special circumstances where such can be justified on sustainability grounds. Having regard to the infill nature of the site, the requirement to ensure that the impact of any proposed development (including car parking provision) does not negatively affect the character of the protected structure within the site together with the location of the scheme proximate to Glenageary Dart Station I am satisfied that a sustainable and flexible approach to car parking provision can be taken in this instance. Accordingly there is no objection to the reduction of car parking provision from 16 no spaces to 12 spaces within the main part of the development serving 8 no new unit (reduction from 22 spaces to 16 spaces within the overall development).

13.13 Further I am satisfied that this proposed amendment to the scheme would also result in the improved provision of amenity for future residents; a concern raised in DLRCC reasons for refusal. It is noted that according to the applicant the open space area as submitted with the planning application measured 238 sq.m and that the proposed enlarged open space resulting from the omission of 6 car parking spaces, measures at 403 sq.m, represents 13.3% of the site area.

#### **14.0 RESIDENTIAL AMENITY**

14.1 DLRCC in their reasons for refusal expressed concern with regard to the impact of the proposed scheme on the residential amenities of adjoining properties in Eden Villas and the substandard level of amenity for future residents future occupants.

14.2 According to the applicant the proposed dwellings, with mansard roofs are approximately 1.3m higher than the houses at Eden Villas to the rear (west) of the appeal site. It is submitted that this is not such a significant change in height between the dwellings as to render the proposed dwellings domineering or overbearing in relation to the existing dwellings and that the proposed layout is very similar to the layout adopted already in Eden Villas in terms of use of corner units and proximity to boundaries. It is submitted that this has been accepted previously by An Bord Pleanála as acceptable for assessment of sunlight impacts to neighbouring properties. It is noted that the sun path analysis submitted with the appeal shows no significant overshadowing effect from this proposed scheme.

14.3 Having regard to the information available on the appeal file together with my site inspection I am satisfied that the design, layout and form of the proposed new dwellings tot eh rear of the site strike a reasonable balance between the protection of the amenities and privacy of the adjoining dwellings at Eden Villas in terms of overlooking and overshadowing with the sustainable redevelopment of this restricted infill site and the protection and enhancement of St Pauls Parochial Hall. With regards to the provision of private and public open space within the scheme I am satisfied that the proposed development makes adequate provision for public and private amenity space to serve the proposed development. Accordingly I am satisfied that the proposed development will not result in any significant loss to residential amenities of either adjoining properties of future residents.

#### **15.0 OTHER ISSUES**

15.1 **Traffic Safety** - Given the location of the appeal site within an established suburban residential neighbourhood along Adelaide Road together with the proposal to provide two access points to the scheme (St Pauls Parochial Hall and 8 no new units) I am satisfied that the vehicular movements generated by the proposed development would not have a significant material impact on the current capacity of the road network in the vicinity of the site or conflict with traffic or pedestrian movements in

the immediate area. Accordingly I am satisfied that the proposed development will not result in the creation of a traffic hazard.

15.2 **Surface Water** – it is noted that DLRCC Surface Water Drainage Report (06/11/14) states that permeable paving is shown in FDA Consulting Drawing No 14-3553-003 PL1 but that on FDA Consulting Drawing No 14-3553-001 and PA Drawing No W102-PA-001 conventional non-permeable paving is shown. The report requested that the applicant submit non-contradictory drawings detailing the proposed type of paving. The report further notes that if permeable paving is not being proposed or the extent is reduced alternative SuDS measures will be required and that a solution that is acceptable to both Water Services and Transportation will be required. I am satisfied that this matter can be dealt with by means of a suitably worded condition.

15.2 **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, nature of the receiving environment and proximity to the nearest European site, I am satisfied that no appropriate assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.

15.3 **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under **Section 48** of the Planning and Development Act 2000 (as amended) and is in place since 13<sup>th</sup> May 2013. The proposed development does not fall under the exemptions listed in the scheme and it is recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000. In relation to the **Section 49** Supplementary Development Contribution Schemes (Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds, and Extension of LUAS Line B1 – Sandyford to Cherrywood) it is noted that the subject site is located outside the catchment area of both and therefore the Section 49 scheme is not applicable in this case.

## 16.0 RECOMMENDATION

16.1 Based on the above assessment I recommend that permission be granted for the proposed development for the reason and considerations set out below.

## 17.0 REASONS AND CONSIDERATIONS

17.1 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.

## 18.0 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 out in accordance with the agreed particulars.

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

2. The proposed internal refurbishment to St Pauls Parochial Hall, a Protected Structure, shall be reconfigured in line with the previously permitted scheme at this site (PL 06D.233274 (Reg Ref D08A/0778)) refers) as follows:

(a) A dividing wall running on a north/south axis through the centre of the building together with a free standing mezzanine "box" structure (x 2) shall be inserted forming 2 no residential units with own door access serving both units.

(b) The private open space allocated to each unit shall be reconfigured to reflect the internal changes outlined above

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

3. The six car parking spaces and associated shared surface footpath that occupy part of the communal open space serving the main part of this development (8 no units) shall be omitted and the resulting area allocated into the open space. Prior to commencement of work on site revised plans and details shall be submitted and agree with the plannign authority.

**Reason:** In order to protect the character of the protected structure

4. Prior to commencement of work on this the following information shall be submitted and agreed with the Planning Authority prior to commencement of work on site:

(a) Window survey by a specialised contractor clearly indicating which windows are to be repaired and which are to be replaced, also any presence of historic glass remaining therein. In the event that a window has been damaged beyond repair details of the replacement window (including drainage) shall be submitted to ensure they match the existing in profile, dimensions etc.

(b) Documentary evidence and drawings of the proposed replacement demi-lune window on the northwest elevation

(c) Programme of repairs and material specifications prepared by an RIAI accredited Conservation Architect or a suitably qualified professional with specialised conservation expertise.

**Reason:** To ensure an appropriate standard of development and conservation.

5. 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.

6. 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. Prior to commencement of work on site non-contradictory drawings detailing the proposed type of paving shall be submitted and agreed with the planning authority. NOTE - If permeable paving is not being proposed or the extent is reduced alternative SuDS measures will be required to be agreed

**Reason:** In the interest of public health.

7. (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.

8. The internal road network serving the proposed development shall comply with the detailed standards of the planning authority for such road works.

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

9. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. [Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of pedestrian safety.

10. 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.

11. 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.

**Reason:** In the interest of visual and residential amenity.

12. 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

13. Proposals for an estate/street name, 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 estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

**Reason:** In the interests of urban legibility.

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. 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) 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.

(b) The applicant shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer) throughout the life of the site development works. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the Planning Authority in consultation with the Parks and Landscape Services Department; and in accordance with the permitted landscape proposals.

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

- 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. 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.

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 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 and maintenance until taken in charge by the local authority of roads, footpaths, watermains, drains, public 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 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 referred to An Bord Pleanála for determination.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

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. 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.

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**Mary Crowley**  
**Planning Inspector**  
**2<sup>nd</sup> April 2015**

*Report Ends MC*