



Board Direction

Ref: PL06D.245945

The submissions on this file and the Inspector's report were considered at a Board meeting held on 23rd May 2016. The Board decided to grant permission generally in accordance with the Inspector's recommendation, and in accordance with the draft reasons, considerations and conditions set out below.

REASONS AND CONSIDERATIONS

The proposed development is located on lands zoned to protect and/or improve residential amenity as set out in the Dún Laoghaire - Rathdown County Development Plan 2016-2022, and is subject to a site framework strategy in the Blackrock Local Area Plan 2015-2021 that supports residential development on the site.

Having regard to this planning policy for the application site, to the pattern of development in the area, and the availability of public transport and community facilities in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would be acceptable in terms of traffic safety and convenience, would not unduly detract from the character or setting of a protected structure, would be in accordance with the provisions of the County Development Plan and Local Area Plan, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board considered and adopted the planning inspector's evaluation, analysis and conclusions in relation to Appropriate Assessment.

CONDITIONS

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as amended by further plans and particulars submitted on the 3rd day of November 2015 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. PA 2

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

Reason: In the interests of orderly development, residential amenity and clarity.

4. The proposals for landscaping shall be substantially increased, 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) 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 indigenous deciduous species,

(ii) details of screen planting,

(iii) details of roadside/street planting,

(iv) details of dense planting along the boundaries between the proposed access road and the rear of houses on Newtownpark Avenue; the proposed border to the access road shall be increased in width if necessary to meet this requirement, in order to provide appropriate screening for these houses,

(v) hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels,

(b) specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and

(c) a timescale for implementation, including details of any phasing.

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 development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: To compensate for the significant removal of trees, in the interests of residential and visual amenity.

5. The proposed development shall be undertaken under the supervision of a qualified arborist, in accordance with details, including details of all reporting and certification requirements, to be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: In the interest of the protection of existing trees proposed to be retained.

6. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be contoured, 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 or the management company as appropriate.

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

7. A Stage 2 independent Quality Audit shall be submitted to and agreed in writing with the planning authority in accordance with the Design Manual for Urban Roads and Streets. The recommendations of the Quality Audit shall be implemented to the written satisfaction of the planning authority, unless otherwise agreed in writing with the planning authority.

Reason: In the interests of residential amenity and accessibility.

8. The design details of the proposed entrance to the yard to the rear of Cluain Mhuire shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: in the interest of traffic safety.

9. A minimum of one clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose.

Reason: In the interest of residential amenity.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed standards of the planning authority for such works, to the written satisfaction of the planning authority.

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

11. All car park spaces shall be capable of accommodating electric charging points. Prior to commencement of development, details indicating compliance with this requirement shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of orderly development.

12. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 interests of amenity and public safety.

13. All service cables associated with the proposed development (such as electrical, telecommunications and communal television cables) 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 interests of visual and residential amenity.

14. 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.

15. Screen walls shall be provided along the boundary with Cluain Mhuire and the boundary with the rear gardens of houses on Newtownpark Avenue. Prior to commencement of development details of the height, layout, the materials, and external finishes of these screen walls shall be submitted to, and agreed in writing with, the planning authority.

Reason: In the interests of residential and visual amenity.

16. Water supply and drainage arrangements, including the attenuation and 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.

17. (a) The communal open spaces, including hard and soft landscaping, car and bicycles parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

18. Archaeology

19. CMP 2 incl. construction hours
20. Naming
21. Part V
22. Security (trees)
23. 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, water mains, 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.

24. Section 48 (€394,680)
25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of the provision of a toucan crossing and associated lighting on Newtownpark Avenue. The contribution shall be paid prior to the commencement of the 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 Wholesale Price Index - Building and Construction (Capital Goods), published by the Central Statistics Office. The amount of the contribution shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board for determination.

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

Board Member: _____ Date: 23rd May 2016
Fionna O' Regan