



An
Bord
Pleanála

Board Direction
PL06S.248229

The submissions on this file and the Inspector's report were considered at a Board meeting held on 6th November 2017.

The Board decided to issue a split decision generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

- A) permission be granted for the subdivision of Whitechurch Lodge Protected Structure into two separate dwelling units, the provision of house nos.3 and 4 as a semi-detached pair and the provision of house no.7 subject to the conditions below.
- B) It is recommended that permission be refused for terraced units 5 and 6 for the reasons and considerations below.

Reasons and Considerations

Having regard to the land use zoning of the site, to the sylvan character of the area within the grounds of the Protected Structure Whitechurch Lodge and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development i.e. the subdivision and extensions to Whitechurch Lodge into two separate units, the provision of housing units 3 and 4 as a semi-detached pair in the north eastern part of the site and the provision of house unit 7 as a detached unit in the north western part of the site, would not seriously injure the residential amenities of surrounding dwellings or the

visual amenities of the area. 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 and by the further plans and particulars received by An Bord Pleanála on the 20th day of March, 2017, 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 (a) Conditions, where relevant, attached to Planning Permission Registered Reference. SD15A/0211 shall apply.

(b) No development shall commence for Phase 2 Whitechurch Lodge until the site entrance and access road as permitted under Reg.Ref.15A/0211 for Phase 1 are constructed.

Reason: In the interests of orderly development.

3. The design of the proposed development shall be amended as follows:

(a) Unit nos.5 and 6 shall be omitted from Phase 2 and unit nos. 3 and 4 to the north east shall be retained as a semi-detached pair.

(b) The internal access route to these units shall be realigned closer to the western elevation of Whitechurch Lodge. The proposed access route and changes to ground levels to form the Ha-ha element shall be omitted and this area shall be retained along with trees within its landscaped setting.

(c) The parking spaces proposed for unit no.2 shall be omitted from the side garden of this property and included in the Homezone parking area.

(d) Two windows to match the existing shall be inserted in the proposed extension at the northern elevation of Whitechurch Lodge.

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 protection of the setting and attendant grounds of the Protected Structure Whitechurch Lodge and of residential amenity.

4. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity of the setting of the Protected Structure.

5. All repair/restoration/extension works to the Protected Structure shall be carried out in accordance with best conservation practice as detailed in the application and in the Architectural Heritage Protection Guidelines for Planning Authorities issued by the Department of Arts, Heritage and the Gaeltacht in 2011 and be supervised by a Grade 1 RIAI qualified conservation architect (or equivalent). The repair/restoration works shall retain the maximum amount possible of surviving historic fabric in-situ including structural elements, plasterwork and joinery and shall be designed to cause minimum interference to the building structure and/or fabric.

Reason: To ensure that the integrity of the historic structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

6. 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 shall include the following:

(a) Retention of the existing landscaped setting of the Protected Structure including the Cedar of Lebanon tree (shown tag no. 525 on the Tree Survey drawings submitted).

- (b) Provision of riverside walks to provide for connection between Phases 1 and 2 of the proposed development.
- (c) Details of additional landscaping proposed within the site.
- (d) Tree protection measures in accordance with current standards shall ensure that existing trees to be retained on site are protected and retained during construction works.
- (e) Boundary treatments for proposed realigned boundaries.

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 5 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.

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 interest of the retention of the visual amenity of the setting of the Protected Structure.

7. Detailed measures in relation to the protection of bats shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection

8. 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. All attenuation provision shall take place outside the branch spread of trees to be retained.

Reason: In the interest of public health and to ensure a proper standard of development.

9. The internal road network serving the proposed development including access routes, turning bays, junctions, footpaths, parking areas and external lighting on site 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.

Reason: In the interest of amenity and public safety.

10. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

11. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and

(b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

12. 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. 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 Region in which the site is situated.

This shall also include a detailed method statement to mitigate potential nuisance including noise and dust. The statement should outline how it is proposed to prevent spillage or deposits of clay, rubble or other debris on adjoining roads during construction

Reason: In the interests of sustainable waste management and to mitigate potential construction nuisance.

13. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0700 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

Reason: In order to safeguard the residential amenities of property in the vicinity.

14. A plan containing details for the management of waste and 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 recyclable materials, in the interest of protecting the environment.

15. 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.

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 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 An Bord Pleanála to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, 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

1. Having regard to the locational context and planning history of the subject site within the curtilage of a Protected Structure, it is considered that the proposed development of unit nos. 5 and 6 by reason of siting, scale, height, design and layout, and in particular the impact on landscape and mature trees and the setting of the attendant grounds, would constitute development which would appear overly dominant and piecemeal and detract from the character and setting of the Protected Structure, and would therefore be contrary to Policy 3 'Protected Structures' and Objectives HCL3-1 and HCL3-2 and Policy 6 'Green Infrastructure - New Development in Urban Areas' and Objective G6-1 of the South Dublin County Council Development Plan 2016-2022. The proposed development would therefore, be contrary to the proper planning and sustainable development of the area.

Note: In deciding to grant permission for unit no. 7 which has a proposed minimum finished floor level in accordance with recommended flood risk guidelines, the Board considered that the proposed structure did not pose an unacceptable flood risk and was therefore in accordance with the proper planning and sustainable development of the area.

Board Member

Date: 8th November 2017

Maria FitzGerald