



An  
Bord  
Pleanála

**Board Direction  
PL06D.248770**

The submissions on this file and the Inspector's report were considered at a Board meeting held on October 20<sup>th</sup>, 2017.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

### **Reasons and Considerations**

Having regard to

- the policy provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 including the Major Town Centre Zoning Objective
- the Built heritage and Urban Design policies of the Development Plan
- the Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- The DoEHLG Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2015);
- 'the Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- The Design Manual for Urban Roads and Streets'(2013)
- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change' (DoECLG, 2013).
- the planning history of the site
- the pattern of development in the area
- the nature scale and mixed use of the proposed development

the Board decided that subject to the conditions as set out below, the proposed development would accord with the policies and objectives of the Dún Laoghaire-

Rathdown County Development Plan 2016-2022, would not interfere with the character and setting of the adjacent Protected Structure , would achieve the aspiration contained within the Dún Laoghaire Urban Framework Plan to deliver a new pedestrian link from Eblana Avenue to the Harbour Master's Lodge, and would represent a well-considered and appropriately scaled addition to the urban fabric of Dún Laoghaire and which would not seriously injure the residential or visual amenities of the area and which, subject to the conditions as set out below, would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the planning authority's assessment that the proposed development would accord with the provisions of the Development Plan and considered that its scale mass and height would not constitute an overbearing feature within the urban town centre context of Dún Laoghaire, would not be visually obtrusive having regard to the high quality of the design response and the inclusion of set-backs and would not injure the visual amenities of the area or impact negatively on the setting of the adjoining Protected Structure and therefore, would be in accordance with the proper planning and sustainable development of the area.

**Conditions.**

1 Plans and particulars

2. 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.

3 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. All existing over ground cables shall be relocated underground as part of the site development works.

**Reason:** In the interests of visual and residential amenity

4 As per condition 7 + 8 combined

5 As per condition 9

6 As per condition 10

7 As per condition 11

8 The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of communal open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

9. 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 interests of public safety and residential amenity.

10. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 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.

11 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 for each apartment unit 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:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12 Proposals for street name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

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

13 As per PA Condition No 19

14 Landscape Condition in accordance with PA Condition No 24

15 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.

16 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.

17 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 housing in accordance with the requirements of section 94(4) and section 96(2) and (3) (Part V) 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 96(7) applies) may be referred by the planning authority or any other prospective party to the agreement to An Bord Pleanála 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 of the area.

18 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.

**Note:** In deciding not to omit the top floor of the proposed development, the Board considered that the height of the proposed Eblana Avenue elevation constituted an appropriate design response to the urban context and would assist in terms of building legibility and would avoid the creation of an overly horizontal intervention into the urban fabric.

**Board Member**

**Date:** 20.10.17

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Paul Hyde