



An
Bord
Pleanála

**Board Direction
PL06D.249330**

The submissions on this file and the Inspector's report were considered at a Board meeting held on March 8th 2018.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the established uses on the site and the design and limited scale of the proposed development, it is considered that subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of properties in the vicinity, and would be acceptable in terms of pedestrian and traffic safety. 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. The proposed development shall be amended as follows:

The proposed three number car parking spaces shall be omitted, and the area thus released, with the exception of a 2 metre wide footpath giving access to the proposed dental surgery entrance, shall be incorporated into the private garden area of the apartment. This private garden area shall be bounded, on the laneway side and along the pedestrian footpath/surgery access, by a wall, 1.8 metres in height, which shall be rendered on both sides and capped. A pedestrian gate only may be provided in this wall to the laneway, to give access to the garden.

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 pedestrian and traffic safety, and as it is considered that the development would otherwise result in an intensification of the use of the existing laneway by vehicular traffic.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision amending or replacing them, the use of the proposed modified building to the rear shall be restricted to dental surgery (as specified in the lodged documentation), unless otherwise authorised by a prior grant of planning permission.

Reason: In the interest of residential amenity.

4. 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) A plan to scale of not less than 1:500 showing a landscape plan for the rear amenity and car parking area serving no. 30 Sandycove Road (as modified by condition2 of this order, indicating–

(i) The species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species.

(ii) Hard landscaping works, specifying surfacing materials and finished levels.

(b) 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 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: In the interest of residential and visual amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dental surgery 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. Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows),

advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the proposed dental surgery building, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess any such signage or advertisements through the statutory planning process.

7. The site and building works required to implement the development shall be carried out only between the hours of 0800 to 1800 Monday to Fridays, 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 adjoining property in the vicinity.

8. 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 noise management measures; off-site disposal of construction/demolition waste; details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.

Reason: In the interests of public safety and residential amenity.

9. 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

10. Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the planning authority for such works.

Reason: To ensure adequate servicing of the development, and to prevent pollution.

11. 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 making its decision, which modified the condition that had been proposed by the Inspector reducing the number of car parking spaces to one, the Board considered that any car parking serving the proposed development would lead to an intensification of vehicular traffic movements using the laneway, and would therefore endanger public safety by reason of traffic hazard, both to vehicular users and pedestrians. In this context, the Board had regard to the reason for refusal of the

planning authority and also reason number 2 of its decision under file reference number PL06D.247858.

[Please issue a copy of this Direction with the Board Order to the parties.]

Board Member

Date: 8th March 2018

Philip Jones