



An  
Bord  
Pleanála

**Board Direction**  
**BD-001303-18**  
**ABP-301942-18**

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The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/10/2018.

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 land use zoning of the site for residential development in the Dún Laoghaire Rathdown County Development Plan 2016-2022, to the established pattern and character of development in the area, it is considered that, subject to compliance with the condition set out below, the proposed relocation of existing offset vehicular site entrance to a more central position, would not affect the character of the surrounding streetscape on Marlborough Road, would not materially contravene the Development Plan with regard to the development in Candidate Architectural Conservation Areas and twentieth century architecture, would not seriously injure the amenities of the area or of properties in the vicinity and 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. Site development and building works shall be carried out only between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

3.
  - a) Prior to commencement of the proposed development, the Developer shall arrange (with DLRCC – Parking Control Section) for the removal of the “Pay and Display” parking bay / bays in front of No 23 Marlborough Road as a result of the proposed new vehicular entrance. These works shall be agreed in writing with the Planning Authority and carried out at the Developers own expense.
  - b) The footpath in front of the proposed new vehicular entrance shall be dishd and strengthened at the Developers own expense including any moving / adjustment of any water cocks / chamber covers and all to the satisfaction of the appropriate utility company and Planning Authority. With regards to the dishing and strengthening of the footpath the

Developer shall contact the DLRCC - Road Maintenance & Control Section to ascertain the required specifications for such works and any required permits.

- c) The Developer shall ensure that the new footpath dishing shall not interfere with the roots of the existing tree, which is located in close proximity to the proposed new vehicular entrance.
- d) The Developer shall ensure that the proposed redesigned driveway / parking area shall be constructed with sustainable urban drainage systems (SUDS) and to the satisfaction of the Planning Authority. The Developer shall ensure that drainage from the proposed redesigned driveway / parking area will not enter onto Marlborough Road.

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

- 4. 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.

**Board Member**

**Date:** 09/10/2018

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Stephen Bohan