

An
Bord
Pleanála

Board Direction

BD-008223-21

ABP-307679-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 20/05/2021.

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 policies and objectives of the Dun Laoghaire Rathdown County Development Plan 2016-2022 and the zoning objective for the site, to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, the National Planning Framework issued by the Department of Housing, Planning and Local Government and the Urban Development and Building Heights Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage, according to which new residential development should be increased in density and directed into locations within the existing built up serviced areas, the building pattern in the area and to the scale and architectural design of the proposal which ranges in height from two to five storeys on a site in close proximity to public transport in a well serviced urban area, it is considered that, subject to compliance with the conditions set out below, the demolition of the existing dwelling house is justified and would not result in a significant loss of architectural heritage in the area and that the proposed development would not seriously injure the visual or residential amenities of the area and would be acceptable in terms of quantum of

development, urban design, permeability, car parking, pedestrian and traffic safety, flood risk and ecology. 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 lodged and as amended by by the further plans and particulars received by An Bord Pleanala on the 23rd day of July 2020 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 scheme shall be amended and shall incorporate the following:

The omission of the terrace of 4 duplexes (comprising 8 units) along the southern boundary i.e. those 8 dwellings marked as D1.01, D1.02, D1.03, D1.04 on the site plan 1807A-OMP-ZZ-00-DR-A-1002 and their replacement with a terrace of 4no. two storey houses, House Type H3 Drawing No 1807A-OMP-H3-ZZ-DR-A-1001 which shall have a single aspect at first floor level (other than windows to bathrooms or ensuites) to the front elevation only. Increased boundary planting shall be provided at this section of the boundary. Revised drawings illustrating these amendments shall be submitted to the planning authority for written agreement prior to the commencement of development.

Reason: In the interest of residential amenity of adjoining properties.

3. The first-floor windows in the rear elevation of houses House type H1(01/02/04 and 05) as marked on the site plan 1807A-OMP-ZZ-00-DR-A-1002 proposed along the eastern boundary shall be fitted with opaque glazing which shall be permanently maintained.

Reason: To restrict overlooking of dwellings to the east.

4. Details including samples of the materials, colours and textures of all the external finishes to the proposed refurbished building and additional structures/plant, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. RC11H 2

6. Prior to commencement of development, the developer shall enter into water and/or waste water connection agreement(s) with Irish Water.

Reason: In the interest of public health

7. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services. Prior to commencement of development the following details shall be submitted for the prior written agreement of the planning authority:

- a) An assessment of the possible impact of the attenuation tanks on high groundwater levels at the proposed location and modification if required to address any issues such as flotation.
- b) Details of an in-line solution for Tank No. 1
- c) Cross-sections of the proposed permeable paving and road to establish road camber and level of interception.
- d) Details of interception for the proposed green roof and permeable paving and treatment, including accompanying description and calculations to demonstrate that the entire site complies with the requirements of GDSDS.
- e) Demonstration of protection of attenuation tanks from root spread.

Reason: In the interest of public health

8. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external

plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area

9. (a) 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 shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. A plan. Thereafter, the waste shall be managed in accordance with the agreed plan.

(b) This plan shall provide for screened bin stores for the entire development and which shall accommodate not less than three standard-sized wheeled bins within the curtilage of each house plot unless suitable communal areas can be provided at not less than 10m from the boundaries with existing residences to the east and south.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

10. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

11. A total of 117 number bicycle parking spaces shall be provided within the site. 88 of these spaces shall be available prior to occupancy of any unit. The phasing, layout and demarcation of these spaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure that adequate bicycle parking provision is available to serve the proposed development, in the interest of sustainable transportation.

12. Prior to the occupancy of the development, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and car pooling. The mobility strategy shall be prepared and implemented by the management company for all units within the development. Details to be agreed with the planning authority shall include the provision of the monitoring and managing of the pedestrian access points and adequacy of bicycle parking and maintenance facilities.

13. 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 interest of visual amenity and orderly development.

14.

15. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall incorporate the requirements of Fisheries Ireland and provide details of intended construction practice for the development, including, hours of operation, noise and dust management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of environmental protection of the watercourse bounding the site and to protect the amenities of the area.

16. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes, 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 dwelling.

Reason: In the interest of public safety.

17. 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 public 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.

18. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the dwelling houses without a prior grant of planning permission.

Reason: In the interests of amenity and orderly development.

19. Site development and building works shall be carried out only between the hours of 0700 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: To protect the amenities of the area.

20. A Road Safety Audit shall be prepared and submitted for agreement with the planning authority prior to commencement of development.

Reason: In the interest of traffic safety

21. The measures to avoid pollution of the Maretimo stream and downstream Natura 2000 sites as proposed in the Natura Impact Statement submitted in support of the appeal and the Outline Construction and Environmental Management Plan supporting the original planning application shall be incorporated in the finalised Construction and Environmental Plan to be submitted to the local authority for its agreement prior to the commencement of any work on the site. this CMP shall include details of the location of the site compound, bunded areas and the silt fence and berm to be installed parallel to the western boundary of the site and procedures for managing demolition, construction, chemical storage, vehicles and machinery on site and shall be implemented in full.

Reason: To prevent pollutants entering and having a detrimental impacts on Natura 2000 sites protected by Habitats Directive (92/43/EEC) and the Birds Directive (2009/147/EC).

22. 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 or felling of trees 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.

23. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical

features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility

24. The landscaping scheme as submitted to the planning authority on the 13th day of March, 2020 as modified in accordance with the requirements of the Drainage Division by written agreement with the planning authority shall be carried out within 6 months of the date of commencement of development or as soon as is feasible allowing for a restriction on the clearance of vegetation from the development site only taking place in the period from 1st September to the end of February inclusive (i.e. outside the main bird nesting season. All planting and associated works shall be in accordance with the mitigation measures contained within the NIS as amended and submitted to the An Bord Pleanála on the 23rd day of July, 2020.

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 or until the development is taken in charge by the local authority, whichever is the sooner, 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 visual amenity.

25. 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.

26. 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 landscaping commitments 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.

27. 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 road safety measures serving the proposed vehicular access. 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 An Bord Pleanála for determination. The contribution shall be paid prior to commencement of 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.

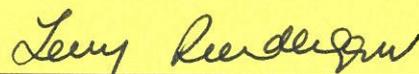
Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which

are not covered in the Development Contribution Scheme and which will benefit the proposed development.

28. 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


Terry Prendergast

Date: 20/05/2021