

**An  
Bord  
Pleanála**

**Board Direction  
BD-008929-21  
ABP-309240-21**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/08/2021.

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 provisions of the Dun-Laoghaire Rathdown County Development Plan 2016-2022, the location of the site within the Dalkey ACA and the proximity of the site to a number of protected structures, the submissions on the file, and the design, scale and layout 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 visual amenities of the area or residential amenity of property in the vicinity. 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 as amended by the further plans and particulars submitted to the planning authority on the 17th day of November, 2020 and by the further plans and particulars received by An Bord Pleanála on the 19th day of January 2021, 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 third floor pavilion, walkway and garden shall be omitted in accordance with the alternative option drawings submitted to An Bord Pleanála on the 19th of January 2021.

A complete set of revised drawings showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority/ An Bord Pleanála prior to commencement of development.

Reason: In the interest of visual amenity having regard to the location of the site in the Dalkey ACA and the proximity of the site to protected structures.

3. Details of the materials, colours and textures of all the external finishes to the proposed buildings shall be as submitted with the application, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

4. Prior to first occupation of the ground floor commercial units and the 3 No. kiosks, details of the exact use and opening hours of the units and kiosks shall be submitted to and agreed in writing by the Planning Authority:

Reason: To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

5. Details of all security shuttering, external shopfronts, lighting and signage shall be as submitted to An Bord Pleanála with this application unless otherwise submitted to, and agreed in writing with, the planning authority prior to occupation of the commercial/retail units.

Reason: In the interest of the amenities of the area/visual amenity.



6. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building (or within the curtilage of the site) in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

Reason: In the interest of visual amenity.

7. 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.

8. Proposals for a development name, commercial unit identification and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

9. (a) 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 / installation of lighting.

(b) External lighting shall be directed away from adjacent housing and shall be directed and cowled such as to reduce, as far as possible, the light scatter over adjacent houses. Such lighting shall be provided prior to the making available for occupation of any unit.

(c) Details of the light fitting proposed for the Entrance Pillars, protected structures, to be submitted to and agreed in writing with the planning authority.

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

10. Electric charging facilities shall be provided for cycle parking and proposals shall be submitted to and agreed in writing with the Planning Authority prior to the occupation of the development



Reason: In the interest of orderly development and to provide for and future proof the development as would facilitate the use of electric cycles.

11. The developer shall enter into water and waste water connection agreements with Irish Water, prior to commencement of development.

Reason: In the interest of public health.

12. (a) All relevant mitigation measures outlined in the Noise Report submitted to the Planning Authority on the 17th day of November 2020 shall be complied with.

(b) Operational noise levels shall, in any event, not exceed 55 dB(A) rated sound level (that is, corrected sound level for a tonal or impulsive component) at the nearest noise sensitive location or between 0800 and 2000 hours, Monday to Friday inclusive, and shall not exceed 45 dB(A) at any other time.

Procedures for the purpose of determining compliance with this limit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To protect the residential amenities of property in the vicinity of the site.

13. The site shall be landscaped in accordance with the detailed comprehensive scheme of landscaping, which accompanied the application submitted, unless otherwise agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

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



15. The developer shall facilitate the planning authority in the archaeological appraisal of the site, and in preserving, recording or otherwise protecting archaeological materials or features which may exist within it. In this regard, the developer shall -

- (a) employ a suitably qualified archaeologist who shall test the site prior to commencement of development;
- (b) submit to, and agree in writing with, the planning authority full details of the foundation design to include details of pile layout and pile caps along with a report prepared by a suitably qualified archaeologist on the inspections of same;
- (c) 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;
- (d) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works; and
- (e) provide satisfactory arrangements for the recording and removal of any archaeological material which may be considered appropriate to remove.

Reason: In order to conserve the archaeological heritage of the site on account of the location within the Zone of Archaeological Potential and to secure the preservation of any remains in situ.

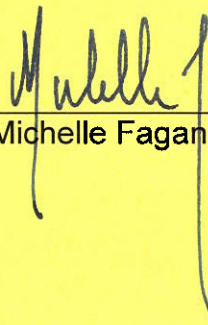
16. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

**Board Member**

  
Michelle Fagan

**Date:** 18/08/2021