

An
Bord
Pleanála

Board Direction
BD-015104-24
ABP-315267-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 04/01/2024.

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 current Dún Laoghaire-Rathdown County Council Development Plan, 2022-2028, the location of the site in an established residential area and its zoning for residential purposes, the pattern of development in the area and to the modest nature, form, scale and design 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 or visual amenities of the area, and it would be acceptable in terms of pedestrian and vehicular safety. The proposed development would 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 on the 11th day of October, 2022, 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 development shall be revised to provide a solid screen of a minimum 1.8m height at the landing area of the proposed external stairs on the eastern side of this landing area. This screen shall comprise opaque glazing or other solid material. The developer shall agree such details in writing with the planning authority prior to the commencement of development.

Reason: In the interests of residential amenities.

3. (a) Prior to undertaking any works to be carried out on the public road/footpath, the Applicant shall obtain a Road Opening Licence from DLRCC Municipal Services Department - Road Maintenance & Roads Control Section.

(b) The Applicant shall provide one general car parking spaces as an Electric Vehicle Charging Space in accordance with the current Development Plan, Section 12.4.11 Electrically Operated Vehicles.

(c) In addition to the proposed short stay (visitor) cycle parking spaces, the Applicant shall provide secure, covered long stay (staff) cycle parking spaces (1 No. per 5 No. Staff) in accordance with the requirements of Dun Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018) Section 4.2. of the current Development Plan.

(d) All necessary measures shall be taken by the Applicant and Contractor to avoid conflict between construction traffic/activities and traffic/road users, particularly pedestrians and cyclists, on Arkendale Road, during construction works.

(f) The Applicant shall prevent any mud, dirt, debris or building material being carried onto or placed on the public road or adjoining properties as a result of the site works and repair any damage to the public road arising from carrying out the works.

Reason: In the interest of orderly development.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

5. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

6. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the

agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

- 7 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.

- 8 During the construction and/or demolition phase of the development, Best Practicable Means, shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other necessary precautions to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open Sites and British Standard B.S. 6187 Code of Practice for demolition.

Reason: In the interest of public health and residential amenity.

- 9 The construction of the development shall be managed in accordance with a Construction and Demolition Management Plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan, hours of working, noise management measures and off-site disposal of construction and demolition waste, protection measures for the adjacent open space and trees.

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


- 10 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.

Advisory Note ; Regarding access and boundary issues, the applicant is advised that Section 34(13) of the Planning and Development Act, 2000, as amended, states that 'a person shall not be entitled solely by reason of a permission under this section to carry out any development'.

Board Member



Joe Boland

Date: 18/01/2024