

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0262

An Bord Pleanála Reference Number: PL 06D.245603

APPEAL by John and Karen Hughes and others care of 131 Lower Georges Street, Dún Laoghaire, County Dublin and by Randalswood Construction Limited care of Roger Hofler Architects of 6A Carrickbrennan Road, Monkstown, County Dublin against the decision made on the 16th day of September, 2015 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Randalswood Construction Limited in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of existing vacant factory building and construction of new L-shaped block with underground car park for 14 cars, 14 bicycle spaces, refuse storage and apartment storage units, with two, three and four residential levels above car park. The new residential accommodation includes two one bedroom, 10 two bedroom, one three bedroom apartment and one three bedroom duplex, total 14 number, ancillary accommodation, balconies and private open space on ground floor with roof gardens above duplex number 1, apartment number 8 and apartment number 11. New vehicular entrance to car park off George's Place with associated basement drainage. Number 4 Bentley Villas to be refurbished with new ground floor porch and first floor bedroom extension to rear and internal alterations. All on site bounded by Georges Place, Callaghan Lane, Bentley Villas and existing house 4 Bentley Villas, Dún Laoghaire, County Dublin. The proposed development was revised by further public notices received by the planning authority on the 8th day of July, 2015.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the Major Town Centre zoning of the site in the Dún Laoghaire-Rathdown County Development Plan 2016– 2022, to the pattern of development in the area, the layout of the scheme and the planning history on the site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 8th day of July, 2015 and the 20th day of August, 2015, 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. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, revised plans and drawings indicating the following:
 - (a) The ground floor communal terrace area located immediately to the west of apartment number 2 shall be subsumed into the private terrace area for apartment number 2 and shall be for the sole use of that unit.
 - (b) Direct access shall be provided internally via a stairs from duplex number 1 to its rooftop private open space area. Access to this private amenity area from the adjacent stairwell shall be omitted.
 - (c) The south facing window on the projecting bay window element to bedroom number 2 within duplex number 1 shall be fitted with opaque glazing. The opaque glazing shall be manufactured opaque or frosted glass and shall be permanently maintained. The application of film to the surface of clear glass is not acceptable.
 - (d) An additional two square metres storage room shall be provided within the study room of apartment number 7.
 - (e) The brick finish to the north-west corner of the building shall be continued up to second floor level (level 21.06 metres on submitted elevation drawing) and shall include for both north and west facing elevations on this corner of the building.

Reason: In the interest of residential and visual amenity.

3. 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:
 - (a) Location of the site and materials compound(s) including area(s) identified for the storage of construction refuse.
 - (b) Location of areas for construction site offices and staff facilities.

- (c) Details of site security fencing and hoardings.
- (d) 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.
- (e) Measures to obviate queuing of construction traffic on the adjoining road network.
- (f) Measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network.
- (g) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works.
- (h) Details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels. Such measures shall reflect the advice contained in BS 5228-1: 2009 + A1: 2014 and they shall include a dust minimisation plan.
- (i) Noise monitoring locations for the purposes of the construction phase of the proposed development shall be agreed in writing with the planning authority prior to commencement of any development on site.
- (j) Off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil.
- (k) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

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

4. Details of the materials, colours and textures of all the external finishes to the proposed buildings 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. The proposed new capped concrete block wall indicated between points 'B' and 'C' on the drawing: 'Boundary Walls to Development Site' – drawing number 05/15 (submitted to the planning authority on the 20th day of August. 2015), shall be rendered on both sides.

Reason: In the interest of visual amenity.

6. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interests of amenity and public safety.

7. Site development and building works shall be carried only out between the hours of 08.00 to 19.00 Mondays to Fridays inclusive, between 08.00 to 14.00 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.

8. Water supply and 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: In the interest of public health.

9. 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.

Reason: In the interest of visual and residential amenity.

10. (1) 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.
- (2) The developer shall retain the services of a suitably qualified Landscape Architect (or suitably qualified Landscape Designer). A Practical Completion Certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in consultation with the parks and landscape services section of the planning authority, and in accordance with the permitted landscape proposals.

Reason: In the interest of the proper planning and sustainable development of the area.

11. An acceptable naming and apartment numbering scheme, in both Irish and English, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development or the erection of any advertising hoardings on site. In this regard, the use of street names reflecting local place names or local history would be acceptable.

Reason: In the interest of orderly development.

12. 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 communal open spaces, car and cycle parking spaces 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.

13. 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.

14. 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 of roads, footpaths, watermains, drains, public open space 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 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 of the development.

15. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.