

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D15A/0431**

An Bord Pleanála Reference Number: PL 06D.245911

**APPEAL** by David Rafferty of “Muireann”, 7 Knocksinna Crescent, Foxrock, Dublin and by others and by Floramount Limited care of McGill Planning of First Floor, 7 Fitzwilliam Street Upper, Dublin against the decision made on the 23<sup>rd</sup> day of November, 2015 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Floramount Limited in accordance with plans and particulars lodge with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of the existing house and outbuildings (circa 326.5 square metres) and construction of a new residential development comprising 12 number two-four bedroom detached and terraced units (ranging in size from circa 89 square metres to circa 202 square metres gross floor area). One of the houses is a bungalow and the remainder three-storey, all with off-street parking. The development to be served via a new access from Knocksinna Crescent. All associated site development, landscaping, boundary treatment works and services provision at site comprising part of the “Trianon” residential property and number 9 Knocksinna Crescent, off Granville Road, Blackrock, County Dublin.

## **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 planning history and zoning of the site, to the pattern of development in the area and the prevailing densities of established developments in the area, to the constrained nature and shape of the site, and to the proposed housing mix, it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the amenities of properties in the vicinity, would provide for an adequate housing mix, and is a suitable site for development at a density less than the optimal density provided for in the development plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the pattern of development in the area and to the significant design constraints affecting the site including its access and considered that the proposal represented a good design resolution.

## 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 27<sup>th</sup> day of October, 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. External finishes shall be in accordance with the perspectives shown on drawing number 1405-PL1-1000 submitted to the planning authority

on the 2<sup>nd</sup> day of July, 2015. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** In the interest of 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 noise management measures and off-site disposal of construction/demolition waste.

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

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

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

5. 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. 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.

6. The internal road network serving the proposed development 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.

7. 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 house.

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

8. 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 interests of visual and residential amenity.

9. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

10. Prior to commencement of development, the services of a qualified landscape architect (or qualified landscape designer) shall be appointed and retained as a landscape consultant, throughout the life of the site development works, and the planning authority shall be notified of that appointment in writing prior to commencement of development. A practical completion certificate shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority and in accordance with the permitted landscape proposals.

**Reason:** In the interest of visual amenity.

11. Prior to commencement of development or any related construction or tree felling, the applicant shall -

(a) lodge a tree bond to a minimum value of €5,000 with the planning authority to ensure the protection of trees on the site and to make good any damage caused during the construction period. The bond lodgement shall be coupled with an arboricultural agreement, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on or adjoining the site, or the appropriate and reasonable replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

(b) After the period three years post practical completion, the developer shall submit an arboricultural assessment report and certificate signed by a qualified arborist to the planning authority. Any remedial tree surgery, tree felling works recommended in that report shall be undertaken by the developer at his/her expense, under the supervision of the arborist. The tree bond shall not be released as and until the report, certificate and any remedial works have been fully undertaken, to the satisfaction of the planning authority.

**Reason:** To ensure the protection and long-term viability of trees to be retained on site.

12. Prior to undertaking works to be carried out on the public road (including on footpaths), a road opening licence shall be obtained from the road maintenance and control section of the planning authority.

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

13. The proposed double yellow lines outside 9 Knocksinna Crescent shall be omitted.

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

14. All development works shall be carried out at the developer's expense and in accordance with the requirements set out in the Development Works Guidance Document published by the planning authority and the requirements of the Department of the Environment, Community and Local Government.

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

15. Prior to commencement of development, a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the residents shall be submitted to, and agreed in writing with, the planning authority.

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

16. 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.

17. Site development and building works shall be carried out only between the hours of 0800 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 amenities of property in the vicinity.

18. Prior to commencement of development, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to secure the provision and satisfactory completion, and maintenance until taken in charge by the local authority, of roads, sewers, watermains, drains, car parks, open spaces 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 security to be lodged shall be as follows –

- (a) an approved insurance company bond in the sum of €41,500 (forty one thousand five hundred euro), or
- (b) a cash sum of €25,000 (twenty five thousand euro) to be applied by the planning authority at its absolute discretion if such services are not provided to its satisfaction, or
- (c) such other security as may be accepted in writing by the planning authority.

**Reason:** To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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.

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

**Dated this            day of            2016.**