

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0090

An Bord Pleanála Reference Number: 06D.246537

APPEAL by Calerotech Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 7th day of April, 2016 by Dún Laoghaire-Rathdown County Council to refuse permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: As revised by further public notices received by An Bord Pleanála on the 9th day of September, 2016, the proposed development now comprises a mixed-use residential and commercial development consisting of: Partial demolition of the existing Golden Tavern Public House (764 square metres of the existing floor space to be removed and 196 square metres floor space to be retained along with retention of part of the front façade); an extension of 378 square metres to the ground and first floor level; change of use of first floor level to office use. The reconfiguration will provide a total floor area of 596.7 square metres. (292.7 square metres public house and 304 square metres of office use). Permission is also sought for the provision of 46 number residential units (comprising: two number four bedroom three-storey detached dwellings, 18 number four bedroom three-storey semi-detached dwellings; six number one bedroom ground floor apartments with six number two bedroom two-storey duplex unit above with first floor terrace to their rear elevation; seven number three bedroom two-storey duplex units with balcony/terrace to their rear elevations above four number ground floor one bedroom apartments and three number ground floor two bedroom apartments all with terraces/balconies to their rear elevations; upgrading and realignment of the existing vehicular entrance to Enniskerry

Road, provision of new car parking spaces (28 number spaces for public house and offices and 81 number residential spaces) and all ancillary landscaping, boundary treatment, engineering and site development works at lands at and adjoining the Golden Ball Public House, Enniskerry Road, Kiltiernan, 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 residential zoning objective for the site set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- the density of the proposed residential development,
- the quantum and layout of public open space, and
- the standards of amenity provided for in the proposed residential units

it is considered that the proposed development, subject to compliance with the conditions set out below, would not seriously injure the residential amenity of future residents of the proposed development or of existing residential development in the vicinity, would not give rise to traffic hazard or obstruction of road users and would accord with the provisions of the development plan, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas Issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in December 2015 and would, otherwise, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission because it was considered that the proposed development would constitute a material contravention of the development plan, however, having regard to the provisions of Section 37(2)(b)(iii) of the Planning and Development Act, 2000, and in particular, to Government policy, as expressed in the said Guidelines, the Board considered that planning permission should be granted for the proposed development.

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 An Bord Pleanála on the 4th day of May 2016, 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. Two number car spaces to the north-east of Block C shall be omitted to allow for the northern shared access road serving units numbers 1 to 10 to connect directly into the access road to the north-east and the connecting road from units numbers 8 to 13 across the public open space shall be omitted and re-surfaced as open space. Revised drawings showing compliance with this condition shall be submitted to and agreed in writing with the planning authority prior to commencement of works on site.

Reason: In the interest of residential amenity.

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

Reason: In the interest of visual amenity.

4. 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.

5. All rear boundary walls shall be constructed of concrete block and rendered on both sides to a height of 1.8 metres.

Reason: In the interest of residential amenity.

6. Bicycle parking spaces shall be provided within the site in accordance with the requirements of the planning authority. The layout and marking 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.

7. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:-

- (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development,
- (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
- (c) details of proposed street furniture, including bollards, lighting fixtures and seating, and
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

8. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

- 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 for each apartment unit shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

- 10. The area on the eastern edge of the site between the proposed Block E and the public house and the Enniskerry Road shall be reserved free of car parking and service vehicles and shall be paved and landscaped in accordance with a scheme which shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

- 11. An architectural impact statement and conservation plan for the two piers associated with the former Kiltiernan Abbey shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The development shall be carried out in accordance with this plan, and the relevant works shall be restricted to conservation, consolidation and presentation works.

Reason: To ensure that these elements of the historic structure are maintained and protected from unnecessary damage or loss of fabric.

12. 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.

13. The design, layout and materials of construction of the junction of the proposed access road with the Enniskerry Road shall comply with the detailed requirements of the planning authority. Prior to commencement of development, detailed plans and particulars to comply with this condition shall be submitted to and agreed in writing with the planning authority.

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

14. 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 interests of visual and residential amenity.

15. Proposals for an estate/street name, house/apartment 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/apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name 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 interests of urban legibility.

16. 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.

17. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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 interests of amenity and public safety.

18. 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.

19. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 of the development.

20. 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.

21. The developer shall pay to the planning authority a financial contribution in respect of Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 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.