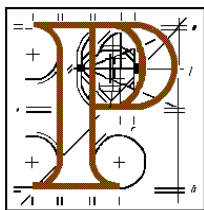


An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D15A/0675

An Bord Pleanála Reference Number: PL 06D.246699

APPEAL by Aongus and Noreen Curran of “Galvia”, Golf Lane, Westminster Road, Foxrock, Dublin and by others against the decision made on the 20th day of May, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Kavcre Westminster Foxrock Limited of 4 Inver Mews, Old Chapel Ground, Arklow, County Wicklow in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of 13 number dwellings to comprise two number Type B (two storey, two bed plus study) semi-detached dwellings, one number Type B1 (two storey, two bed plus study) detached dwelling, four number Type C (2.5 storey three bed plus playroom) semi-detached dwellings and six number Type D (2.5 storey four bed) detached dwellings, to be located in the former paddock of Stanford House; the provision of new access off Westminster Road to serve the proposed dwellings and the reduction of the height of circa 26 metres of the existing boundary wall by circa 300 millimetres; existing opes in existing stone walls to be widened to accommodate 4.8 metres wide shared surface access; provision of public open space in former kitchen garden; existing ope in stone walls to the rear of the stables to be filled in; enhancement of existing boundary treatment; existing Stanford House to be renovated and extended incorporating removal of 19th/20th century extensions to the side and rear of the existing main house (total area of demolition is circa 138 square metres) and new part single storey and part two storey rear extension, totalling circa 95.5 square metres, into the courtyard replacing existing kitchen extension; renovation and conversion of the former stables to a home office (circa 61 square metres); renovation and conversion of the former coach house/garage to guest quarters (circa 48 square metres); remains of concrete sheds in the paddock, plinths to old glass houses and raised beds in the walled garden,

existing lean to in south corner of existing stable yard to be removed; patio/terrace is proposed to the south and all associated site layout amendment works and site services at Stanford House, Westminster Road, Foxrock, Dublin, (a Protected Structure, Reference 1617). (As amended by the further public notice received by the planning authority on the 26th day of February, 2016 as follows: an increase in the number of proposed units from 13 number to 15 number and provides a pedestrian connection to the existing public right of way on Golf Lane).

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 nature and scale of the proposed development, the residential zoning of the site in the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the character of Stanford House and its status as a Protected Structure within an area designated as an Architectural Conservation Area and to the established character and pattern of development within the vicinity of the site it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or other amenities of the area, would be acceptable in terms of its impact on Stanford House and the conservation of its status as a Protected Structure, would be acceptable in terms of traffic safety and convenience and 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 on the 26th day of February, 2016 and the 27th day of April, 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. The proposed development shall be amended as follows:
 - (a) House number 1 shall be re-located 3.5 metres to the north and House number 10 shall be re-located 1.2 metres to the south. The resulting space shall be allocated to provide for increased separation distance between the remaining detached houses and pairs of semi-detached houses. The relocated dwellings shall be provided with equal separation distance between houses/pairs of semi-detached houses.
 - (b) The window serving bedroom number 3 number of House number 10 at first floor level on the south western elevation shall be omitted.
 - (c) The window serving the playroom of House number 1 at second floor level shall be omitted.
 - (d) The gable window serving the playroom of House number 2 at second floor level and the gable window serving the playroom of House number 3 at second floor level shall be obscure glazed.
 - (e) The door to the dressing room at first floor level in Stanford House shall be retained.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of residential amenity and in the interest of conservation.

3. All windows identified on the submitted plans as featuring obscured glazed shall be fitted and retained with such glazing unless authorised by a future grant of planning permission for normal glazing.

Reason: In the interests of residential amenity.

4. 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.

5. 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.

6. 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.

7. Block E residential parking spaces shall be constructed so as to be capable of accommodating future electric vehicle charging points.

Reason: To comply with Development Plan requirements as set out in Section 8.2.4.12 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and in the interests of the proper planning and sustainable development of the area.

8. Proposals for an estate/street name and house and 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 and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. 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 interests of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

9. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

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

10. 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.

11. All rear garden boundaries shall be enclosed by 1.8 metres high block walls capped and rendered.

Reason: In the interest of residential amenity.

12. 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.

13. 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 or public holidays. Deviation from these times shall 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.

14. Construction and demolition waste shall be managed in accordance with a construction waste 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 be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interests of sustainable waste management.

15. 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.

16. All works to conserve the fabric of Stanford House shall be carried out in accordance with best conservation practice and in accordance with the Department of the Environment’s Conservation Guidelines under the professional supervision on site of an Architect or other appropriately qualified person with specialised conservation expertise to ensure adequate protection of the retained and historic fabric during the works. The conservation architect shall, prior to commencement of work, submit a work programme to the planning authority for agreement, which shall detail all work to be carried out to the protected structure. The conservation architect shall certify upon completion that the specified works have been carried out in accordance with good conservation practice.

Reason: In order to safeguard the special architectural and historic interest of the building.

17. Prior to commencement of development, details of the materials, colours and textures of all the external finishes for Stanford House and associated outbuildings, shall be submitted to, and agreed in writing with, the planning authority. Samples of materials to be used shall be made available on site for inspection by the planning authority. Works to the Protected Structure shall be undertaken concurrently with the adjoining development. A schedule for the phasing of the development shall be submitted to the planning authority for written agreement prior to commencement of development.

Reason: In order to safeguard the special architectural or history interest of the building.

18. Prior to the commencement of development or any related construction or tree felling on the site, the developer shall lodge a Tree Bond to a minimum value of €10,000 (ten thousand euro) 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 satisfaction protection of any tree or tress 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. The form and amount of the tree bond 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 protect the sylvan charter of the site.

19. (a) Prior to the commencement of development, the developer shall engage the services of a qualified Arborist as an Arboricultural Consultant, for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site on a monthly basis, to ensure the implementation of all of the recommendations in the submitted tree report.

- (b) After the period of three years post practical completion, the developer shall submit an Arboricultural Assessment Report and Certificate, signed by a qualified Arborist, to the planning authority's Parks and Landscape Services. Any remedial tree surgery, tree felling works recommended in that Report shall be undertaken by the developer at their own expense, under the supervision of Arborist. The Tree Bond shall not be released as and until the Report, Certificate and any remedial works have been fully undertaken, to the satisfactory of the planning authority's Parks and Landscape Services.

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

- 20. 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 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.

Reason: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

- 21. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall –
 - (a) 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,
 - (b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and
 - (c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

22. 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 by the local authority 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 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 and maintenance of the development until taken in charge.

23. 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.