

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

**Dún Laoghaire-Rathdown County**

**Planning Register Reference Number: D15A/0622**

An Bord Pleanála Reference Number: PL 06D.246953

**APPEAL** by Seosaimhin Ní Bhruin and Peter Hoare care of Ireboc Holdings of Ardfert, Whitshed Road, Greystones, County Wicklow and by the Springfield Park Residents Association care of Feargall Kenny Consultant Architect of 45 Hainault Drive, Foxrock, Dublin against the decision made on the 27<sup>th</sup> day of June, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to SH14 Property Investment Limited care of GVA Planning and Regeneration Limited of 2<sup>nd</sup> floor, Seagrave House, 19-20 Earlsfort Terrace, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of the existing dwelling on site, Springfield House, and construction of 24 dwelling units, comprising seven house type A units, four bedroom part three part two-storey and three house type B units, four bedroom part three part two-storey, one house type B1 unit, three bed part three part two-storey and one house type B2 unit, three bed part three part two-storey, three type C units, two bed ground floor duplex and one type C1 two bed unit, ground floor duplex and one type C2 two bed unit, ground floor duplex and one type C3 two bed unit, ground floor duplex and three type D units, three bed first floor duplex part one part two-storey over ground level, one type D1 unit, three bed first floor duplex part one part two-storey over ground level, one type D2 first floor duplex three bed unit, part one part two-storey over ground level, one type D3 first floor duplex three bed unit, part one part two-storey over ground level. All units have courtyard terraces except for the ground floor duplexes. The overall floor area is 3,505

square metres designed in a courtyard shared surface layout, with ancillary associated site infrastructure, parking, public realm open space, sustainable energy services, solar panels and landscaping and landscaping structures, all on a site area of 6,705 square metres with improvement to the existing entrance at Springfield House, Springfield Park, Foxrock, Dublin. The proposed development was revised by further public notices received by the planning authority on the 31<sup>st</sup> day of May, 2016.

## **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, to the established character and pattern of development within the vicinity of the site and having regard to the residential zoning of the site in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the provisions of this plan in relation to the promotion of increased residential density, 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 traffic safety and convenience and 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 31<sup>st</sup> 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. The proposed development shall be amended as follows:-
  - (a) The first floor window in the western elevation of house number 25 shall be omitted.
  - (b) Units numbers 1 (apartment) and 2 (duplex) in Block E shall be omitted, and the space thus released shall be included within the proposed public open space adjoining this Block to the north/north-east.
  - (c) The proposed area of open space to the rear of the remainder of Block E shall be omitted, and the resultant space shall be divided in order to provide rear gardens to units numbers 3 and 5 (that, is, the ground floor apartments). These rear gardens shall be bounded by concrete block walls 1.8 metres in height, which shall be capped and finished either in dry dash or, where visible from public areas, shall be finished in brick to match the finish of the adjoining dwellings. Timber panel fences shall not be used. The block walls shall be so designed as not to interfere with the root spreads of the existing trees which are indicated to be retained.

- (d) The open space area and footpath to the rear of Block C/D shall be omitted, and the resultant space shall be divided in order to provide rear gardens to the ground floor apartment units (C type) units, that is, unit numbers 7, 9, 11, 13, 15 and 17. These rear gardens shall be bounded by concrete block walls 1.8 metres in height, which shall be capped and finished either in dry dash or, where visible from public areas, shall be finished in brick to match the finish of the adjoining dwellings. Timber panel fences shall not be used.
- (e) All of the proposed timber screens on units D, D1, D2 and D3 shall be replaced by 1.8 metres high opaque glass screens.
- (f) All windows serving landings, WCs and bathrooms in the proposed development shall be permanently fitted with opaque glazing.
- (g) All of the rear gardens of houses numbers 19 – 25 shall be bounded by concrete block walls 1.8 metres in height, which shall be capped and finished either in dry dash or, where visible from public areas, shall be finished in brick to match the finish of the adjoining dwellings. Timber panel fences shall not be used.

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

**Reason:** In the interests of protecting the residential amenities of surrounding properties, of providing durable boundary treatment to rear gardens, and in order to provide an appropriate level of public open space to comply with the provisions of the Development Plan.

- 3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings 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. The flat roofs proposed within the development shall not be used or converted for use as private open space.

**Reason:** In the interest of protecting the residential amenities of surrounding properties.

5. All 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 the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and in the interest of the proper planning and sustainable development of the area.

6. Proposals for a development/estate name, house and unit 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 signs, and house/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

**Reason:** In the interests of urban legibility, and to ensure the use of locally appropriate place names for new residential areas.

7. Site development and building works shall be carried out only between 0800 hours and 1800 hours Mondays to Fridays excluding bank holidays and between 0800 hours and 1300 hours on Saturdays. Deviation from these times will only be allowed in exceptional circumstances where prior written approval has been received from the planning authority.

**Reason:** In the interest of protecting the residential amenities of adjoining properties.

8. Development described in Classes 1 or 3 of Part 1 of Schedule 2 to the Planning and Development Regulations, 2001, or any statutory provision modifying or replacing them, shall not be carried out within the curtilage of any of the proposed houses or apartment units without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of private open space is provided for the benefit of the occupants of the proposed houses/apartments.

9. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

**Reason:** In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

10. The areas of open space shown on the lodged plans (as modified by condition number 2 of this permission) 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. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

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

11. 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 clarity, orderly development and amenity.

12. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground.

**Reason:** In the interest of visual and residential amenity, and of sustainable development.

13. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

14. 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.

15. Public lighting shall be provided in accordance with a scheme, to include lighting in the public open spaces and along the pedestrian access to the N11, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

16. (a) The landscape scheme accompanying the planning application shall be implemented in full in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. The landscape scheme shall have regard to the planning authority's Guidelines for Open Space Development and Taking in Charge. The developer's Landscape Architect shall certify by letter his/her opinion on compliance of the completed landscape scheme with the approved landscape proposal within six months of substantial completion of the development.
- (b) Details of the play equipment proposed for the public open space area to the north of houses numbers 23 - 25 shall to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed equipment shall be provided before any of houses numbers 19 – 25 are made available for occupation.

- (c) All trees shown shall be retained on the site shall be adequately protected during the period of construction in accordance with BS:5837. Such measures shall include a protection fence which shall be erected beyond the branch spread, and no construction work or storage shall be carried out within the protective barrier.

**Reason:** In the interests of amenity, ecology and sustainable development.

17. A plan containing details for the management of waste 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:** In the interests of residential amenity and proper waste management.

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) 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for 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 until taken in charge of roads, footpaths, watermains, drains, public 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 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.

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 the 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 a financial contribution to the planning authority as a special contribution under section 48 (2)(c) of the Planning and Development Act 2000, as amended in respect of the provision, by the local authority, of works to Springfield park, including footpath strengthening and the provision of an uncontrolled pedestrian crossing, as detailed in the application documents. This contribution shall be paid prior to the commencement of the development or in such phased payments as the planning authority may facilitate. The application of indexation required by this condition 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.

**Reason:** It is considered reasonable that the developer should contribute towards the specific exceptional costs which will be incurred by the planning authority, outside the boundaries of the subject site, which are not covered in the Development Contribution Scheme and which will benefit the proposed development.

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

**Dated this            day of            2016.**