

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0039

An Bord Pleanála Reference Number: PL 06D.247207

APPEAL by W.H. Hastings of 13 Lower Albert Road, Sandycove, County Dublin against the decision made on the 9th day of August, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Bernard and Dawn McCormick care of Eoghan Garland of 2 Haigh Terrace, Dún Laoghaire, County Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of two new dwellings on this site to the side of the existing house, 'The Barn' as well as associated landscape and site development works. House A will be a detached two-storey over part basement four-bedroom house with balcony to southern elevation, and vehicular access via the existing entrance on Atmospheric Road. House B will be a detached two-storey four-bedroom house with vehicular access via a new entrance from Barnhill Lawn. Each house will be served by two dedicated car parking spaces. All at 'The Barn', Atmospheric Road, Dalkey, 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 nature, scale and design of the proposed development, the residential zoning objective for the site as set out in the Dún Laoghaire-Rathdown County Development Plan 2016 - 2022, the nature and extent of development that has taken place on the site and the physical changes made, the lack of known features associated with industrial heritage relating to the Atmospheric Railway remaining on the site, and the location of the site outside of The Metals candidate Architectural Conservation Area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area or of property in the vicinity, would not adversely affect known features of industrial heritage significance, would not detract from the character of the candidate Architectural Conservation Area, would be acceptable in terms of pedestrian and traffic safety and convenience, would not be prejudicial to public health, and would be in accordance with the provisions of the County Development Plan. 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 on the 14th day of July 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. 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.

3. The existing front (south) boundary cast-iron railings of the proposed site, bounding onto Atmospheric Road/The Metals, shall be retained.

Reason: In the interest of visual amenity and harmony.

4. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

5. Each house shall be used as a single dwelling unit only and shall not be sub-divided in any manner.

Reason: In the interest of clarity and of residential amenity.

6. The foul sewer connection to the proposed houses, and the amendments to the foul and surface water drainage arrangements to the existing house, shall be completed to the written satisfaction of the planning authority prior to the occupation of the proposed houses.

Reason: In the interest of orderly development and protection of the environment.

7. 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.

8. The developer shall facilitate the industrial heritage appraisal of the site and shall provide for the presentation, recording or otherwise protection of industrial heritage 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 commencement of any site operations (including stripping of topsoil and hydrological or geotechnical investigations), and
 - (b) employ a suitably-qualified and experienced industrial heritage professional to assess the site and monitor all site development works. The assessment shall address the following issues:
 - (i) the nature and location of industrial heritage material on the site, and
 - (ii) the impact of the proposed development on such industrial heritage material.

A report, containing the results of the assessment, shall be submitted to the planning authority. Arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further industrial heritage requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

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

Reason: In the interest of industrial heritage, to secure the preservation (in-situ or by record) of any remains of industrial heritage merit that may exist within the site.

9. The site shall be landscaped, using only indigenous deciduous trees and hedging species, in accordance with details which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the streetscape, in the interest of visual amenity.

10. 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 interest of sustainable waste management.

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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

12. 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 2017.