

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0671

An Bord Pleanála Reference Number: PL 06D.247552

APPEAL by McGrath Group Properties care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 2nd day of November, 2016 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: On foot of grant of planning permission planning register reference number D16A/0095, permission is sought for demolition/removal of existing plant room at fifth floor/roof level and construction of a new fifth and sixth floor penthouse residential apartment development comprising five number apartment units (two number three bed units, 2 number two bed units and one number one bed unit) with associated terraces/balconies. The proposed development will result in a seven storey over basement structure in lieu of the existing six storey (including plant roof at fifth floor/roof level) over basement level structure. Permission is also sought for the reconfiguration of the basement car park and all associated site development, engineering and landscape works at Brook House, Block C, Adelphi Centre, Corrig Avenue, Dún Laoghaire, County Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 of the site and adjoining lands, and to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, within which the site is zoned as a Major Town Centre, and which plan includes objectives to increase residential densities on serviced urban sites, it is considered that, subject to compliance with the conditions set out below, including the omission of the proposed sixth floor, the proposed development would be consistent with the Building Height Strategy set out in the development plan, and would not seriously injure the visual amenities of the area. Furthermore, it is considered that the addition of two number three-bedroomed apartments, as proposed for the fifth floor hereby permitted, would improve the mix of apartment unit sizes within the overall block, and that these apartments would afford a satisfactory standard of amenity to future occupiers. The proposed development, as modified, 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, 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:

The proposed sixth floor, containing two number two-bedroomed and one number one-bedroomed apartment, and associated balconies, shall be omitted. Only the fifth floor, containing two number three-bedroomed apartments, with associated balconies, shall be provided. The fifth floor shall be developed solely for two number three-bedroomed apartments, as indicated on submitted drawings.

Revised drawings showing compliance with these requirements, including all consequent amendments to lift and stairwells, and any roof mounted plant specifically required to service the apartment 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.

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 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. 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, parking provision for construction-related vehicles, and off-site disposal of construction/demolition waste.

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

6. 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 residential amenities of property in the vicinity.

7. The two apartments hereby permitted shall each be used as single dwelling units, for permanent residential use, and shall not be used nor let out as holiday accommodation nor for short-stay accommodation, without a separate planning permission. The individual apartments shall not be sub-divided in any manner or used as two or more separate habitable units.

Reason: In the interest of residential amenity and in order to define the scope of the development hereby permitted.

8. 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.

9. The developer shall ensure that each of the proposed apartments is allocated a minimum of one basement car parking space. These spaces shall be clearly marked as attaching to a particular apartment and allocated spaces shall not be sold or let independently. The remainder of the car parking spaces shall be marked as visitors' spaces and they shall not be sold or let independently. All of the proposed basement car parking spaces shall be so constructed and arranged as to be capable of accommodating future electric charging points for electrically operated vehicles.

Reason: To ensure that off-street car parking spaces are available at all times for residents and visitors, and in the interests of sustainable development.

10. Apart from any roof mounted plant necessary to serve the proposed apartment development, as agreed with the planning authority in writing under condition 2 of this permission, and notwithstanding the provisions of the Planning and Development Regulations, 2001, or any statutory provision amending or replacing them, no additional development shall take place at roof level, including any lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to permit the planning authority to assess any such development through the statutory planning process.

11. 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.