

# An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

## Dún Laoghaire-Rathdown County

**Planning Register Reference Number: D15A/0840**

An Bord Pleanála Reference Number: PL 06D.247812

**APPEAL** by Faye and Vincent Drouillard of Florenceville, Shanganagh Road, Shankill, Dublin and by others against the decision made on the 2<sup>nd</sup> day of December, 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Fortiori Developments Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

**PROPOSED DEVELOPMENT:** Demolition of the bungalow (Barn Close Lodge) located on the eastern boundary of the site and existing out buildings and structures on the application site; sub-division, alterations to and refurbishment of Beechlands House and Barn Close, including demolition of existing extensions, to provide for use as four number dwellings (two number three beds and two number four beds), including two storey extensions to the rear of both Barn Close and Beechlands; provision of a total of 36 number apartments (six number one beds, 27 number two beds and three number three beds) in four number blocks (Blocks A to D) of three, four and five storeys in height. Block A and B are located above a basement level of car parking; provision of 13 number three bed houses and 8 number four bed houses, all two storeys in height with attic accommodation. A total of 61 number residential units will be provided on site; retention and structural works (to make safe) to Shanganagh Castle and incorporation into a landscaped area which is publicly accessible; vehicular and pedestrian access will be via an upgrade of the existing entrance from Shanganagh Road. A road reservation is provided for on the south eastern portion of the site to cater for the Six Year Road Objective to upgrade Shanganagh Road; the development includes 96 number car parking spaces (49 number at surface level and 47 number at basement level), landscaping, open space areas, alterations to boundary treatment and all associated site works all on a 1.5

hectare site containing Barn Close, Barn Close Lodge, Beechlands and Shaganagh Castle, on the Shaganagh Road, Shankill, Dublin. The application site is bound by Shaganagh Road to the east, Florenceville (a Protected Structure) and Mill Lane to the north and Broomfield Court and Seaview Lawn/Park to the west. The site contains Shaganagh Castle (a recorded archaeological monument RMP Reference: 026-031001), Beechlands House and Barn Close (both Protected Structures RPS Reference Number 1784 and 1785 respectively). (As amended by the further public notice received by the planning authority on the 7<sup>th</sup> day of November, 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 zoning provisions for the site as set out in the current Dún Laoghaire-Rathdown County Development Plan and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely impact on the archaeological significance of Shaganagh Castle or adversely affect the character and setting of the protected structures of Barn Close and Beechlands on the site and the adjoining protected structure of Florenceville, would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by reason of traffic hazard and would otherwise be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In respect of impacts on cultural heritage and building conservation, the Board concurred with the analysis of the planning authority's Conservation Officer and accepted that the loss of the gate lodge and a later extension to Barn Close would be acceptable in the context of a development which provides for the restoration and conversion of Barn Close and Beechlands and the retention and structural works to Shanganagh Castle and the Board considered that exceptional circumstances applied in this instance in accordance with the provisions of section 57 (10)(b) of the Planning and Development Act 2000, as amended.

### **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 drawings and details submitted to the planning authority on the 10<sup>th</sup> day of October, 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 development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development. The conversion of Barn Close and Beechlands into four dwelling units shall take place and be completed prior to the commencement of development of Block D and units 8-21 inclusive

**Reason:** To ensure the timely provision of services, for the benefit of the occupants of the proposed residential units.

3. Details of the materials, colours and textures of all the external finishes to the proposed dwellings and apartment blocks 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. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of any house, without a prior grant of planning permission.

**Reason:** In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwellings.

5. Prior to the commencement of development, the following details shall be submitted to, and agreed in writing, with the planning authority:
  - (a) the measures relating to the proposed Shanganagh Road Improvement Scheme, to include the boundary setback along the eastern site frontage, the provision of a public footpath and pedestrian crossing facilities, and the treatment of the area between the existing road carriageway edge and the setback roadside front boundary;
  - (b) an updated Stage 2 independent Quality Audit in accordance with the Design Manual for Urban Roads and Streets (DMURS);
  - (c) the provision of a public lighting design scheme;
  - (d) details to provide unimpeded public access between the Shanganagh Road access and Shanganagh Castle; and
  - (e) landscape treatment and access arrangements for the basement car park.

**Reason:** In the interest of traffic safety.

6. The site shall be landscaped in accordance with the submitted landscaping scheme and trees to be retained shall be protected in accordance with the submitted tree protection measures. The following details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
  - (a) provisions relating to the management and monitoring of the development by an arboricultural consultant and landscape consultant during the construction phase;
  - (b) a tree protection plan;

- (c) the provision of a tree bond to secure the protection during construction of trees to be retained, the form and amount of which 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;
- (d) proposals for all boundary treatment interventions and proposed boundary finishes; and
- (e) proposals relating to the maintenance of open plan front gardens and amenity spaces.

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

7. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority, evidence of agreement from the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs, with respect to the detailed planning and implementation of proposals for the preservation, conservation, stabilisation and management of Shanganagh Castle.

**Reason:** To ensure the continued preservation (rather in situ or by record) of place, caves, sites, features or other projects of archaeological interest.

8. The proposed development shall adhere to the recommendations set out in section 10.2 of the Archaeological Impact Report, prepared by Courtney Deery Heritage Consultancy and submitted with the application on the 23<sup>rd</sup> day of December, 2015.

**Reason:** In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

9. All repair works to Shanganagh Castle shall be carried out in accordance with the submitted Archaeological Impact Report and structural appraisal and outline methodology for repairs submitted on the 23<sup>rd</sup> day of December, 2015 and in accordance with best conservation practice and the works shall be subject to the written agreement of the planning authority and the Department of Arts, Heritage, Regional, Rural and Gaeltacht Affairs.

**Reason:** To ensure that the integrity of the retained structure is maintained and that the structure is protected from unnecessary damage or loss of fabric.

10. All works to the protected structures shall be carried out under the supervision of a Grade 1 Conservation Architect or other similarly qualified professional. All works shall be carried out in accordance with the Architectural Protection Guidelines and best conservation practice. The developer shall comply with the requirements of the planning authority in relation to the external render finish to the protected structures on the site and the provision of en-suites therein.

**Reason:** In order to ensure an appropriate standard of restoration works for the protected structures.

11. 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.

12. 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.

13. Proposals for an estate/street name, 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 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 interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

14. Except for the basement car park and for the common areas within the apartment blocks (which shall be maintained by a management company), the remainder of the development including open space and road and footpaths shall be maintained by the developer and taken in charge by the planning authority

**Reason:** In the interest of orderly development.

15. The areas of 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. All of 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.

16. 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.

17. 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.

18. 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.



19. 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, which is to be used to fund works including the provision of all footpaths and pedestrian crossings along Shanganagh Rd (as required by condition 5a of this permission). This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate. The amount of the contribution and 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 are incurred by the planning authority 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            2017.**