



An  
Bord  
Pleanála

## Board Order PL 06D.248396

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### Planning and Development Acts 2000 to 2017

**Planning Authority: Dún Laoghaire-Rathdown County Council**

**Planning Register Reference Number: D16A/0863**

**Appeal** by Margaret Walsh and others care of 91 Whitebarn Road, Churchtown, Dublin and by Paul and Finola Dolan of 43 Nugent Road, Churchtown, Dublin against the decision made on the 4<sup>th</sup> day of April, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Saint James Developments Limited (in receivership) care of Brazil Associates of The Studio, Maple Avenue, Stillorgan, County Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Construction of a new residential development on lands adjacent to existing development (under construction) known as Hazelbrook Square. The proposed development comprises 28 number dwellinghouses, comprising of 25 number two-storey terraced three-bedroom residential units ranging in floor area from 109.2 square metres to 123 metres in three terraces, two number three-storey semi-detached three bedroom residential units floor area 104 square metres and one number detached four bedroom detached dwelling unit floor area 156.2 square metres. Vehicular access is to be via the existing entrance off Whitehall Road which serves both the existing and the proposed development at Hazelbrook Square by way of the existing internal road network. The four bedroom detached house will have separate access onto Whitebarn Road and the development will have a new

pedestrian access onto Whitebarn Road. Permission is also sought for all associated site development and landscape works, boundary wall treatments and drainage works, all located on an overall site of circa 0.707 hectares adjacent to Hazelbrook Square, Whitehall Road, Churchtown. Dublin, to the rear of existing houses along Whitebarn Road and including a section fronting onto Whitebarn Road adjacent to and between numbers 71 and 65C Whitebarn Road. The proposed development was revised by further public notices received by the planning authority on the 8<sup>th</sup> day of March, 2017.

## **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 provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, to the planning history of the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Appropriate Assessment

The Board adopted the screening carried out by the Inspector and was satisfied that the proposed development, either individually or in combination with other plans or projects, would not be likely to have a significant effect on any other European site, in view of the conservation objectives of those sites.

## 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 8<sup>th</sup> day of March, 2017, 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. House number 28 shall be omitted. Any future application for permission for a house at this location shall incorporate a replacement vehicular access to number 71 Whitebarn Road or shall demonstrate the consent of the owner of that property to the making of the planning application.

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

3. A comprehensive boundary treatment and landscaping scheme 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. Prior to commencement of development, 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.

**Reason:** In the interest of orderly development and the visual amenities of the area.

5. Each proposed house shall be used as a single dwelling unit only and shall not be sub-divided in any manner or used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

6. Parking spaces shall not be sold or let independently of the residential units. Parking spaces for visitors and disabled parking shall be clearly marked as such. All parking spaces shall be constructed to be capable of accommodating future charging points for electrically operated vehicles.

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

7. 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.

**Reason:** In the interest of amenities, public health and safety.

8. 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.

9. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall comply with the detailed standards of the planning authority for such road works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

10. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

11. Proposals for an estate/street name, house 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 numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed names.

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

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

13. 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.

14. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

15. 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.

16. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2) (c) of the Planning and Development Act 2000 in respect of Loreto Park. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.



**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**