



An
Bord
Pleanála

Board Order
PL 06D.248456

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0137

Appeal by the residents of 3, 4, 5, 6 and 7 Craigmore Gardens care of Jason Taylor and Sarah Rock of 4 Craigmore Gardens, Blackrock, County Dublin against the decision made on the 12th day of April, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Crekav Trading GP Limited care of Marlet Property Group Limited of 7th Floor, Collage House, Townsend Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the Former Europa Garage buildings on site (circa 2,103 square metres) and construction of a residential development (gross floor area circa 7,925.4 square metres including basement) of two-four storeys in height over three blocks. Overall, the residential scheme (circa 5,039.1 square metres) shall provide for 51 number residential units; 42 number apartment units and nine number houses. The apartment units will consist of 11 number one-bed units (circa 46 to 69 square metres) and 31 number two-bed units (circa 77 to 100 square metres) all with associated private balconies/terraces to the north/south/east/west elevations and the nine number houses will be circa 109 to 123 square metres with associated private terraces/rear garden areas to the south/west. Block A (four storeys) shall provide for 39 number apartment units (total gross floor area circa 3,595.4 square metres); Block B (two to three storeys) shall comprise of three number apartments and one number house (total gross floor area circa 1,021.2

square metres and Block C (two to two and a half storeys) shall provide for a terraced block of eight number houses (total gross floor area circa 422.5 square metres). Basement level (circa 2,886.3 square metres) shall provide for 67 number car parking spaces; 50 number bicycle spaces; three number motorcycle spaces; plant areas; CHP boiler room; bin storage area; bin hoist and surface water attenuation tank. The development proposal shall also provide for circa 1,925 square metres of communal open space including play area; basement ramp adjacent to vehicular access off Newtown Avenue to north; new pedestrian accesses off Newtown Avenue to north/east; four number visitor car parking spaces and 22 number bicycle parking spaces at grade; bin holding area; Electricity Supply Board substation and metering rooms; amendments to existing western and southern site boundary walls; closing up of an existing vehicular entrance to the south-east off Newtown Avenue and all other site development works and site services required to facilitate the proposed development, all on a site of 0.49 hectares (1.23 acres) known as the 'Former Europa Garage site' at Newtown Avenue, Blackrock, 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 layout, scale and form of the proposed development, which is in accordance with the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 and the Site Framework Strategy for the site set out in the Blackrock Local Area Plan 2015-2021, the planning history of the site and the pattern of development in the area and the proposed treatment of the southern boundary wall, it is considered that, subject to compliance with the conditions set out below, the proposed development would not give rise to overlooking or seriously injure the visual or residential amenities of the area and 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 received by An Bord Pleanála on the 6th day of June 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. The permission relates to the provision of 51 number dwellings, comprising nine number houses and 42 number apartments.

Reason: In the interest of clarity.

3. The southern boundary wall shall be retained to a height of +21.380 between the front building line of number 7 Craigmore Gardens and the rear boundary of the property. Prior to commencement of development, revised plans showing compliance with this condition shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity and residential amenity.

4. Prior to commencement of development, a revised south elevation for Block A, which indicates the fenestration details for apartment number 34 as illustrated on drawing number 1635 P 104 submitted to the planning authority at application stage, such that they accord with the submitted floor plans, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of clarity.

5. Prior to commencement of development, a detailed plan and elevation drawing shall be submitted to and agreed in writing with the planning authority indicating the following:

- (a) A ramped entry treatment for pedestrian priority at the proposed new/redesigned vehicular entrance to the proposed residential development on Newtown Avenue in accordance with the guidance and standards set out in Chapter 4.2.6 of the 'Design Manual for Urban Roads and Streets' (2013) / the 'Traffic Management Guidelines Manual (2003)'. The tactile paving at either side of the ramp shall be shown as buff colour as per the following documents 'Guidance on the use of tactile paving surfaces' – Department of Environment, Transport and the Regions (UK).
- (b) the provision of a STOP sign at the proposed new/redesigned vehicular entrance to the proposed residential development at the back of the existing footpath on Newtown Avenue.

Reason: In the interest of the proper planning and sustainable development of the area and road safety.

6. Prior to commencement of development, a detailed design of the ramp to the basement car park, to be in accordance with the 'Design Recommendations for Multi Storey and Underground Car Parks - Fourth Edition' shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to commencement of development, arrangements for the removal of a 'Pay and Display' parking bay (or part thereof) on Newtown Avenue to accommodate the proposed vehicular entrance, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

8. Prior to commencement of development, drawings and details for the proposed works to the adjacent Contra Flow cycle lane to accommodate cyclists to and from the proposed residential development on Newtown Avenue shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

9. Prior to commencement of development, drawings and details shall be submitted to and agreed in writing with the planning authority indicating the following:
 - (a) Details for the required total of 62 secure bicycle spaces (an additional 12 bicycle spaces to the proposed 50) for the 42 number residential apartment units at basement level, and
 - (b) Details for the required total of 26 secure bicycle spaces (an additional four bicycle spaces to the proposed 22) for the 51 number residential house/apartment units for visitors at ground level. These required bicycle spaces shall be shown covered, secure and correctly designed in accordance with Dún-Laoghaire-Rathdown County Council Cycling Policy.

Reason: In the interest of the proper planning and sustainable development of the area.

10. Prior to commencement of development, details of the green roof shall be submitted to and agreed in writing with the planning authority. Details shall include a construction plan and a post-construction maintenance specification and schedule. Maintenance contractors with specialist training in green roof care shall be used.

Reason: In the interest of the proper planning and sustainable development of the area

11. The mature sycamore tree to the north of the site, which has been identified as being in decline in the Arborist report submitted to the planning authority at application stage, shall be replaced by a large specimen mature tree within the first planting season following the occupation of houses and apartments on the site. Should the tree, within a period of five years from the completion of the development, die, be removed, or become seriously damaged or diseased, it shall be replaced in the next planting season with another of similar size and species, unless the planning authority gives its written consent for any variation. Full details of the proposed tree shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

12. 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.

13. Prior to the occupation of the development, the recommendations of the AECOM Quality Audit submitted to the planning authority at application stage shall be implemented in full, to the satisfaction of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. One clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose. These residential spaces shall not be utilised for any purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.
- (b) The four number surface level visitor spaces shall be clearly marked as visitor parking only.
- (c) The developers shall ensure that the proposed residential/visitor car parking spaces are constructed so as to be capable of accommodating future electric charging points as required.

- (d) Prior to the occupation of the development, a Parking Management Plan shall be prepared for the site and shall be submitted to and agreed in writing with the planning authority. This plan shall provide for the permanent retention of the designated residential parking spaces and shall indicate how these and other spaces within the development shall be assigned, segregated by use and how the car park shall be continually managed.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units and in the interest of the proper planning and sustainable development of the area.

16. 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. In this regard, prior to commencement of development, details of the proposed rehabilitation of existing lakes, capacities, weirs and transfer pipework shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of public health.

17. 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 means to carry out the demolition works, retention of the southern and western boundary walls, safeguarding of the adjoining properties, noise management measures, vehicle cleansing/wheel washing, means to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works, on-site parking of vehicles during construction and off-site disposal of construction/demolition waste.

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

18. 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.

19. Proposals for an estate/street name, house/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/apartment numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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

20. 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.

21. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house/apartment.

Reason: In the interests of amenity and public safety.

22. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological 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 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.

23. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be levelled, 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.

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

24. The landscaping scheme shown on drawings numbers 1371 – 9030 to 9033, as submitted to the planning authority at application stage, shall be carried out within the first planting season following substantial completion of external construction works.

All planting shall be adequately protected from damage until established. 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 the interest of residential and visual amenity

25. 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 planning 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.

26. 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