



An
Bord
Pleanála

Board Order

PL 06D.248486

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D16A/0967

Appeal by Patrick and Nuala Delaney of 2 Avondale Road, Killiney, County Dublin and by others against the decision made on the 19th day of April, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Starlingbrook Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of two number existing dwellings and construction of 19 number residential units comprising five number four bedroom two-storey (plus attic level) terraced houses and 14 number apartments. The apartments will be located in a three-storey (over undercroft car park) building and will comprise four number one bedroom units, eight number two bedroom units and two number three bedroom units, all with associated balconies. The development will include new entrance from Glenageary Road Upper, internal access road, car and cycle parking, landscaping, boundary treatments, site development works and services at numbers 230 and 234 Glenageary Rod Upper, Glenageary, County Dublin, as amended by the further public notice received by the planning authority on the 23rd 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 Sustainable Residential Development in Urban Areas Guidelines, the Quality Housing for Sustainable Communities Best Practice Guidelines, the Design Manual for Urban Roads and Streets Guidelines, the Dún Laoghaire-Rathdown County Development Plan 2016 – 2022, and the planning history of the site, it is considered that, subject to compliance with the conditions set out below, the proposal would not seriously injure the visual or residential amenities of the area. This proposal would comply with all relevant density objectives and development standards and would be acceptable in terms of traffic safety and public health. No flood risk or Appropriate Assessment issues would arise. The proposal 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 23rd day of March, 2017 and by the further plans and particulars received by An Bord Pleanála on the 12th 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 proposed development shall be amended as follows:
 - (a) The boundary wall in the vicinity of the balcony to apartment number 1 shall be finished in a light colour.
 - (b) Gates to facilitate direct access between the rear gardens of the dwelling houses numbers 1 and 5 and the adjacent access road shall be specified and communal bin and bicycle storage facilities for dwelling houses numbers 2, 3 and 4 shall be provided within the vicinity.
 - (d) All the proposed bicycle stands shall be specified as being of “Sheffield” type or similar.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In order safeguard the residential amenity of the area and to afford a satisfactory standard of amenity to future residents.

3. 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.

4. Proposals for a 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 street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

5. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

Reason: In the interest of public health.

6. The internal road serving the proposed development including the turning head, parking spaces, 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.

7. Prior to the making available for occupation of any dwelling, the internal road shall be constructed to at least base wearing course.

Reason: To ensure timely and satisfactory provision of such site development works.

8. The footpaths shall be dished at the junction between the site access road and Glenageary Road Upper in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

9. The open spaces shall be developed for, and devoted to public use. They shall be kept free of any development and shall not be incorporated into house plots.

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

10. 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.

11. 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.

12. 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.

Reason: In the interests of amenity and public safety.

13. 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.

14. The development shall proceed in accordance with the Construction Management Plan submitted to the planning authority on the 23rd day of March, 2017, unless otherwise agreed in writing with the planning authority.

Reason: In order to safeguard the residential amenities of the area.

15. 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.

16. 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.

17. (a) The obscured glazed windows and privacy panels shown on the submitted plans shall be installed as proposed, and thereafter, they shall be retained in-situ for the duration of the development.
- (b) The “flat roof” areas on the second floor shall be not used as balconies, roof terraces or any other amenity area. Instead, they shall be accessed for maintenance purposes.

Reason: In order to safeguard the residential amenities of the area.

18. The landscaping scheme shown on drawing number 100, as submitted to the planning authority on the 23rd day of March, 2017 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.

19. 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.

