



An
Bord
Pleanála

Board Order

PL 06D.248770

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D16A/0548

Appeal by Vigodon Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin and by Shane Doorley and others care of Hughes Planning and Development Consultants of The Mash House, Distillery Road, Dublin against the decision made on the 30th day of May, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to the said Vigodon Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: A mixed use development on overall site of 0.282 hectares at The Old School House, Eblana Avenue, Dun Laoghaire, County Dublin. The proposed development (total Gross Floor Area circa 6,575 square metres) shall provide for the demolition of the Old School House building on site (circa 2,629 square metres) and the construction of 59 number apartments (circa 5,295 square metres); Café (circa 36 square metres); Kiosk (circa 23 square metres), all in a scheme of five-six storeys over basement level (circa 1,244 square metres). The residential element of the scheme shall provide for 15 number one bedroom units (circa 49-68 square metres); 33 number two bedroom units (circa 74-82 square metres), 11 number three bedroom units (circa 96-116 square metres) all with associated balcony/terrace areas (circa 692.4 square metres). Permission is also sought for 59 number car parking spaces (42 number at basement level, 17 number at surface level); 88 number bicycle parking spaces; bin storage area; plant areas; switch room; ESB substation; 673 square metres of open space in the form of a

shared roof terrace and new pedestrian walkway allowing access from Eblana Avenue to Crofton Road; vehicular access via Eblana Avenue; site services and all associated site development, service connections and landscape works. (As amended by the further public notices received by the planning authority on the 11th day of January, 2017 and the 3rd day of May, 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 policy provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 including the Major Town Centre Zoning Objective,
- the Built heritage and Urban Design policies of the Development Plan,
- the Sustainable Residential Development in Urban Areas issued by the Department of the Environment, Heritage and Local Government in 2009,

- the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Environment, Heritage and Local Government in 2015,
- the Urban Design Manual - A Best Practice Guide' issued by the Department of the Environment, Heritage and Local Government in 2009,
- the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government in 2013,
- the National Climate Change Adaptation Framework - Building Resilience to Climate Change issued by the Department of the Environment, Community and Local Government in 2013,
- the planning history of the site,
- the pattern of development in the area, and
- the nature, scale and mixed use of the proposed development,

it is considered that, subject to compliance with the conditions as set out below, the proposed development would be in accordance with the policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, would not interfere with the character and setting of the adjacent Protected Structure, would achieve the aspiration contained within the Dún Laoghaire Urban Framework Plan to deliver a new pedestrian link from Eblana Avenue to the Harbour Master's Lodge, would represent a well-considered and appropriately scaled addition to the urban fabric of Dún Laoghaire, would not seriously injure the residential or visual amenities of the area and would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board concurred with the planning authority's assessment that the proposed development would accord with the provisions of the Development Plan and considered that its scale, mass and height would not constitute an overbearing feature within the urban town centre context of Dún Laoghaire, would not be visually obtrusive having regard to the high quality of the design response and the inclusion of set-backs and would not injure the visual amenities of the area or impact negatively on the setting of the adjoining Protected Structure and therefore, would 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 11th day of January, 2017 and the 3rd day of May, 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. 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.

3. 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 interests of visual and residential amenity

4. Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority, full plans and details of the public lift proposed adjacent to the public walkway steps. The details shall include plans indicating either inward opening or sliding doors for the kiosk entrance located immediately adjacent to the north of the lift. The Management Company for the proposed development shall be responsible for the maintenance and upkeep of the public lift proposed adjacent to the public walkway steps and shall ensure that the lift be maintained in an operable condition and available for public use.

Reason: In the interest of safeguarding public amenities.

5. The proposed pedestrian public right of way from Eblana Avenue to Harbour Square shall be available for use at all times. This public right of way and walkway shall be completed in full and available for public use, prior to the occupation of the development.

Reason: In the interest orderly development.

6. Prior to the commencement of the development, the developer shall submit for the written agreement of the planning authority, proposals for the maintenance and management of the public walkway through the site.

Reason: In order to safeguard public amenities.

7. The disabled parking spaces shall be provided with a 1.2 metre buffer on both sides. The proposed relocation/replacement of the existing lighting and ESB pole near the development access shall be carried out in the developer's expense to the satisfaction written agreement of the Electricity Supply Board and the planning authority.

Reason: In the interest of orderly development.

8. 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 communal 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.

9. 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 and off-site disposal of construction/demolition waste.

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

10. 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.

11. 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 for each apartment unit 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: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

12. Proposals for street name, 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 street signs, and apartment numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

13. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed basement and surface car parking spaces shall be for occupants of the residential units and shall be sold off with the units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

14. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing prior to commencement of the development. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

15. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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.

16. 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.

17. 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.

