



An
Bord
Pleanála

**Board Order
PL 06D.248819**

Planning and Development Acts 2000 to 2017

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D16A/0959

Appeal by Gabriel Ennis and Mary Yeo of 4 Shandon Park, Monkstown, County Dublin and by Ray Phillips care of Clifton Scannell Emerson Associates of Seafort Lodge, Castledawson Avenue, Blackrock, County Dublin against the decision made on the 15th day of June, 2017 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Marvel Properties Limited care of David O'Reilly of 78-80 Upper Drumcondra Road, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing house and outbuildings and construction of one number two-storey (four bedroom) house, with two number car spaces, accessed from Stradbroke Road and six number two and a half storey (four bedroom) houses accessed from a new entrance at Shandon Park with 12 number parking spaces, bicycle parking, bin store and all associated site works on a site of circa 2058 square metres, all at Sancta Maria, Stradbroke Road, 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 provisions of the current Dún Laoghaire-Rathdown County Development Plan, including policies in relation to the promotion of increased residential densities, and also having regard to the existing pattern of development in the area, and to the form, layout, design and siting of the proposed development on residentially zoned lands, it is considered that, subject to compliance with the conditions set out below, the proposed development would not constitute an excessive density of development, would not seriously injure the residential amenities of neighbouring property or the visual amenities of the area, and would be acceptable in terms of pedestrian and vehicular safety. The proposed development 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 to the planning authority on the 19th day of May, 2017 and the details submitted to An Bord Pleanála on the 2nd day of August, 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 proposed pedestrian footway along the north side of the proposed nine grouped car parking spaces shall be omitted, and shall be replaced by a pedestrian footway, not less than 1.2 metres in width, which shall be provided on the north side of the internal access road, to the front of the proposed nine grouped car parking spaces, connecting the bin storage area to the proposed vehicular entrance of the development. The car parking spaces shall be set back accordingly.
 - (b) An additional four number secure bicycle parking spaces for residents and visitors to the development shall be provided adjacent to the proposed 10 number bicycle spaces.

- (c) The glazing of the stairwell windows to the west facing side elevation of house number 1, and to the east facing side elevation of house number 6 and the glazing of all bathrooms/w.c.'s and en-suites, shall be manufactured opaque or frosted glass, which shall be permanently maintained.

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 the interest of pedestrian and traffic safety, and to protect the residential amenities of adjoining property.

3. 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. Roof colour shall be blue-black or slate grey only (including ridge tiles).

Reason: In the interest of visual amenity.

4. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

5. The flat roof areas shall not be used as balconies, roof terraces or similar amenity areas, and shall be accessed for maintenance purposes only.

Reason: In the interest of protecting the residential amenities of adjoining property.

6. 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.

7. Prior to commencement of development, details of traffic management provisions, inclusive of traffic signage at the proposed access to Shandon Park, provision for electric charging points for all car parking spaces, and the delineation and marking of car parking spaces for each residential unit, other than the proposed visitor parking space, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of pedestrian and traffic safety.

8. Prior to commencement of development or any related construction activity or tree felling on the site, the developer shall lodge with the planning authority a bond of an insurance company, a cash deposit, or other security to ensure the protection of trees on and immediately adjacent to the site and to make good any damage caused during the construction period, coupled with an Arboricultural Agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed

or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority. The security to be lodged shall be as follows -

- (a) an approved insurance company bond in the sum of €10,000 (ten thousand euro), or
- (b) a cash sum of €10,000 (ten thousand euro) to be applied by the planning authority at its absolute discretion if such works are not carried out to its satisfaction, or
- (c) such other security as may be accepted in writing with the planning authority.

Reason: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

9. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This shall include the replacement of the proposed trees along the boundary with number 4 Shandon Park with a lower hedgerow option, details of the form of timber fencing within and bounding the site, the timelines for the early implementation of boundary planting, and the ongoing maintenance of the hard and soft landscaping provisions.

Reason: In the interest of residential and visual amenity.

10. All service cables associated with the proposed development 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 interest of visual and residential amenity.

11. Proposals for a naming and numbering scheme for the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate signs, and unit 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 place names for new residential areas.

12. Site development and building works shall be carried out only between the hours of 0800 to 1800 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.

13. A construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and for storage of deliveries to the site.

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

14. 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.

15. 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, 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 and maintenance of the development until taken in charge.

16. 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.

