



An  
Bord  
Pleanála

**Board Order**  
**PL 06D.249205**

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## **Planning and Development Acts 2000 to 2017**

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

**Planning Register Reference Number: D17A/0551**

**Appeal** by Curve Devco Limited care of Stephen Little and Associates of 26/27 Upper Pembroke Street, Dublin against the decision made on the 10<sup>th</sup> day of August, 2017 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

**Proposed Development:** Development comprising 50 number apartments consisting of five number one-bed, 30 number two-bed and 15 number three-bed apartments, each with balcony/terrace space; the apartments are arranged in a number of blocks within eight number buildings which are linked by seven number glazed atrium, each providing access to two apartments blocks; the blocks range in height from three-four storeys over a single basement level; 80 number car spaces are provided at basement level, four number drop-off car spaces at surface level and 60 number cycle spaces at basement and surface level (including a covered bike parking store catering for 10 number spaces at surface level); all associated site development works including site excavation works, landscaping, provision of open space, all boundary treatments, lighting, children's play area, a single storey garden pavilion (circa 92.3 square metres), ESB substation (circa 21.9 square metres); bin stores and plant at basement level and ancillary site attenuation (including green roofs to the apartment buildings); a new controlled pedestrian/cycle access gate is proposed connecting to Castle Close. Vehicular access serving the scheme is off the existing avenue also serving Castle Park School via the existing school entrance off

Castle Park Road; the use of the existing gate to the school from Castlelands for emergency/fire tender access purposes, for pedestrian access and for temporary construction access; all on a site of circa 1.27 hectares within the grounds of the Castle Park School (house and entrance gateway both designated Protected Structures) on lands at Castle Park School, Castle Park Road, Dalkey, 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 zoning provisions for the site as set out in the current Dún Laoghaire-Rathdown County Development Plan and to the design, character and layout of the development proposed, it is considered that, subject to compliance with the conditions set out below, the proposed development would not adversely affect the character and setting of the protected structures of Castle Park, would not adversely impact on the residential amenities of adjoining properties, would be acceptable in terms of visual impact, would not endanger public safety by reason of traffic hazard and would be in accordance with the provisions of the current Dún Laoghaire-Rathdown County Development Plan. 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 drawings and details indicated as 'Option A' and revised drainage and watermain layouts submitted to An Bord Pleanála on the 6<sup>th</sup> day of September, 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 apartment block 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. Prior to the commencement of development, the following shall be submitted to, and agreed in writing with, the planning authority:
  - (a) detailed drawings showing internal access road, shared surfaces, footpaths, etc. to meet the requirements of the planning authority,
  - (b) traffic management provisions, inclusive of road signage and internal footpath connectivity,
  - (c) an independent Quality Audit in accordance with the Design Manual for Urban Roads and Streets (DMURS),
  - (d) layout and provision of car parking for designated residential units and provision of cycle parking, and

- (e) detailed access arrangements to Castlelands, inclusive of gateway elevations and provision of pedestrian and cycle links.

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

- 4. The site shall be landscaped in accordance with the submitted landscaping scheme and trees to be retained shall be protected in accordance with the submitted tree protection measures. The following details shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:

- (a) provisions relating to the management and monitoring of the development by an Arboricultural Consultant and Landscape Consultant during the construction phase,
- (b) a tree protection plan,
- (c) the provision of a tree bond to secure the protection during construction of trees to be retained, the form and amount of which 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, and
- (d) proposals for all boundary treatment interventions and proposed boundary finishes.

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

- 5. Water supply and drainage arrangements, including the 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.

6. 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.

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. This plan shall provide details of intended construction practice for the development, including noise and vibration management measures and off-site disposal of construction/demolition waste.

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

8. 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.

9. 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.

10. 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.

11. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces and provide for no light spill onto adjacent properties, 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 apartment.

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

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. 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.

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**Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.**

**Dated this          day of    2018**