



An
Bord
Pleanála

Board Order

PL 06S.249209

Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0064

Appeal by Homeland Investments Limited care of Brock McClure of 63 York Road, Dun Laoghaire, County Dublin and by Ingrid and Aidan Furlong of 79 Templeroan Park, Rathfarnham, Dublin against the decision made on the 15th day of August, 2017 by South Dublin County Council to grant subject to conditions a permission to the said Homeland Investments Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: A residential scheme (total gross floor area circa 8,704.4 square metres) on a site at Ballyroan House (a Protected Structure) to provide for 23 number residential units (ranging in size from 83.9 square metres to 348.4 square metres) in the form of 21 number houses and two number apartments, all in an overall proposal of one to three storeys in height. The development shall comprise: (a) the demolition of an existing two storey stable block in use as a garage/former office accommodation (circa 587.72 square metres) and the demolition of single storey print shop on site (circa 150.12 square metres); (b) the vertical separation and restoration of Ballyroan House (circa 710.2 square metres) into three number residential units (two to three storeys in height) in the form of House Types A, A1 and A2, the demolition of extensions to the original Protected Structure including a two storey block work extension and a single storey extension to the rear and the removal of an old ruin (total demolition of extensions/old ruin circa 170.8 square metres), the removal of internal walls and partitions, modifications to elevations

including the removal of windows, the provision of new window and door openings, the construction of a modern glass and metal entrance to the fore of the Protected Structure and the construction of a modern glass and metal extension to the rear and (c) the construction of 18 number house units on site in the form of Types B, B1, B2, C, C1, C2, C3, D, F1 and F2 (varying in height from one to three storeys) and two number apartment units in Block E/Type E units (two storeys). There are options to provide for a number of variations to Unit Types B, B1, B2, C, C1 and C2 and permission is sought to implement a combination of these options within the scheme. These options will determine development mix with provision made for accommodation generally in the form of one to four bedroom units in a combination of detached, semi-detached, terraced and apartment units across the site. Type F units are single storey in nature with split level access and associated courtyards (Type F1 – entrance finished floor level 70.81, ground finished floor level 67.81; Type F2 - entrance finished floor level 71.26, ground finished floor level 68.26). The proposal shall also provide for 43 number car parking spaces, vehicular and pedestrian access via existing access point from Ballyroan Heights; new pedestrian access to adjoining park; private open space areas in the form of side/rear gardens, courtyards and balcony/terrace spaces; public open space areas, new boundary treatments, public lighting and all associated site development, site services and landscape works on a site of circa one hectare on lands at Ballyroan House, Ballyroan Heights, Dublin, as amended by the further public notice received by the planning authority on the 20th day of July, 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

It is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the objectives of the South Dublin County Council Development Plan 2016-2022, and the 'Sustainable Residential Development in Urban Areas' guidelines published by the Department of Environment, Heritage and Local Government, 2009. The proposed development would not seriously injure the existing amenities of the area, would not set an undesirable precedent, and would be acceptable in terms of traffic safety and convenience. The proposed development 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 considered that the current condition of the stable block outbuilding justifies its demolition in the context of the overall development hereby permitted, and that this, when combined with the ancillary nature of the outbuilding, means that its loss would not have a serious and detrimental impact on the setting and character of the protected structure.

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 20th day of July 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:

Units F2, E1 and E2 (as indicated on revised drawings submitted as further information on the 20th day of July, 2017) shall be omitted.

Reason: To protect the amenities of the area and the setting and character of the protected structure.

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 the reuse of stone and other materials from the stable block outbuilding shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of clarity.

5. No full-length windows shall be provided above ground floor level and flat roofs shall not be used for recreational purposes.

Reason: In the interest of residential amenity.

6. Proposals for the support and retention of the existing boundary wall shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of protecting the setting and curtilage of the protected structure, and of residential amenity.

7. A revised landscape and boundary treatment plan shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interests of visual amenity.

8. Any removal of vegetation (including trees) from Ballyroan House and its environs shall only take place between the months of August and April.

Reason: To prevent disturbance to nesting birds and in the interest of nature conservation.

9. 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.

10. 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 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

11. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.
- (b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

12. The internal road network serving the proposed development including turning bays, junctions, parking areas, 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.

13. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority. Details of the locations and materials to be used in such dishing shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of pedestrian safety.

14. 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.

15. 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.

16. No walls, fences or other boundary treatment shall be constructed around the front gardens of the proposed dwellings, and front gardens shall be kept as “open plan”.

Reason: To ensure that the proposed scheme remains open plan in nature/appearance, in the interest of visual amenity.

17. Proposals for an estate 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 estate and street signs, and house 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 placenames for new residential areas.

18. 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 continued use for this purpose.

19. Detailed measures in relation to the protection of bats shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. These measures shall be implemented as part of the development. Any envisaged destruction of structures that support bat populations shall be carried out only under licence from the National Parks and Wildlife Service and details of any such licence shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

20. 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.

21. 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.

22. 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.

23. 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 hours of working, details of traffic management, noise management measures and off-site disposal of construction/demolition waste.

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

24. 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.

25. 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 2018