

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2017

Dun Laoghaire-Rathdown County Council

Planning Register Reference Number: D16A/0955

An Bord Pleanála Reference Number: ABP-300510-17

APPEAL by Peter Lawford care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin and by others against the decision made on the 20th day of November, 2017 by Dun Laoghaire-Rathdown County Council to grant subject to conditions a permission to Stillorgan RFC care of Byrne Looby of H5 Centrepoint Business Park, Oak Road, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Construction of a new club facility on lands consisting of two-storey clubhouse including changing rooms, meetings room, storage and ancillary facilities (gross floor area 463 square metres) and an outdoor viewing terrace, three number playing pitches, floodlights for pitches 1 and 2, associated car park with coach and cycle parking, new vehicular access from Tibbradden Road, on-site wastewater treatment system and all associated site and development works, all on lands at Tibbradden Road, Kilmashogue, Dublin as amended by the revised public notice received by the planning authority on the 24th day of October, 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 zoning objective for the area, would not seriously injure the character of the area or the amenities of property in the vicinity including Tibradden House (a protected structure) or Cloragh House; would not have unacceptable impacts on ecology, flooding or the landscape; 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.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the receiving environment, the Appropriate Assessment Screening Report submitted to the planning authority and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

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 24th day of October 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 clubhouse 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 on site, the developer shall submit full details of all signage associated with the development both on the proposed clubhouse and at the vehicular entrance for the written agreement of the planning authority. Any lighting of such signage shall be by means of concealed neon tubing or by rear illumination. No advertising structures or other projecting elements including flagpoles shall be permitted within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

4. Floodlighting shall operate in compliance with the standards identified in the report, submitted to the planning authority on the 24th day of October, 2017. The lighting shall only be in operation during periods when the pitches are in use and in any event the lighting shall be switched off during the period 2200 hours to 0700 hours.

Reason: In the interest of clarity, amenity and proper planning and sustainable development.

5. Public lighting to the car park 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.

Reason: In the interest of amenities and public safety.

6. Retractable protective netting to be erected at the western end of the pitches shall be retracted when the relevant pitches are not in use.

Reason: In the interest of visual 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 measures to prevent and mitigate the spillage or deposit of debris, soil or other material on the adjoining public road network, noise 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 1800 Monday to Fridays, 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 adjoining property in the vicinity.

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. These shall include that all surface water generated within the site boundaries shall be collected and disposed of within the curtilage of the site. No surface water from roofs, paved areas or otherwise shall discharge onto the public road or to adjoining properties.

Reason: In the interest of public health and to ensure a proper standard of development.

10. (a) The proposed effluent treatment and disposal system shall be located, constructed and maintained in accordance with the details submitted to the planning authority on the 20th day of December 2016 as amended by the further plans and particulars submitted on the 24th day of October 2017, and in accordance with the requirements of the document entitled EPA Wastewater Treatment Manuals "Treatment Systems for Small Communities, Business, Leisure Centres and Hotels" published by the Environmental Protection Agency. Arrangements in relation to the ongoing maintenance of the system shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (b) Within three months of the first occupation of the development, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that the proprietary effluent treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner in accordance with the standards set out in the EPA document.

Reason: In the interest of public health.

11. All public service cables associated with the proposed development (such as electrical and telecommunications) shall be located underground.

Reason: In the interest of orderly development and the visual amenities of the area.

12. The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs shall be in accordance with the detailed standards of the planning authority for such works. All car and bus parking shall be of permeable surfacing. No parking of vehicles shall take place on the public road.

Reason: In the interests of amenity and of traffic and pedestrian safety.

13. The proposed pedestrian refuge along Tibbradden Road, where provided, shall be a soft/grass two metre wide verge.

Reason: In the interests of traffic and pedestrian safety.

14. 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. This plan shall provide for screened bin stores.

Reason: In the interest of public health and to ensure the provision of adequate refuse storage.

15. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:

- (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
- (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of any archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements (including, if necessary, archaeological excavation) prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation (in-situ or by record) and protection of any archaeological remains that may exist within the site.

- 16. (a) Prior to commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at minimum a radius of two metres from the trunk of the tree or the centre of the shrub, and to a distance of two metres on each side of the hedge for its full length, and shall be maintained until the development has been completed.
- (b) Excavations in preparation for foundations and drainage, and all works above ground level in the immediate vicinity of trees to be retained shall be carried out under the supervision of a specialist arborist, in a manner that will ensure that all major roots are protected and all branches are retained.

- (c) No construction equipment, machinery or materials shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by the fencing and, in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

17. The landscaping scheme submitted to the planning authority on the 24th day of October 2017 shall be implemented 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 visual amenity.

18. All mitigation measures relating to biodiversity as outlined in the Ecological Impact Assessment Report shall be implemented

Reason: In the interest of the proper planning and sustainable development of the area.

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/removal of trees that support bat populations shall be carried out only under license from the National Parks and Wildlife Service and details of any such license shall be submitted to the planning authority.

Reason: In the interest of wildlife protection.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees and hedgerows on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees/hedgerows on the site or the 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 with others of similar size and species. 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 secure the protection of the trees and hedgerows on the site.

21. Prior to commencement of development, the developer shall provide for the appointment of a conservation expert, who shall manage, monitor and implement works on the site relating to the reconstruction of the boundary wall along Tibbradden Road and ensure adequate protection of the fabric of the wall during those works.

Reason: To ensure that the integrity of the historic wall is maintained and that the structure is protected from unnecessary damage or loss of fabric.

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

Dated this day of 2018.