



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0868

Appeal by Anthony and Mary Dalton care of Declan Brassil and Company Limited of Lincoln House, Phoenix Street, Smithfield, Dublin and by others against the decision made on the 14th day of February, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Crekav Trading GP Limited of 7th Floor, College House, Townsend Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Permission for demolition of fire damaged 'Arranmore' (circa 229 square metres) and fire damaged shed (circa 13 square metres), and fire damaged 'San Michele' (circa 250 square metres) at Church Road; the closing up of three existing vehicular accesses onto Church Road, while maintaining one as pedestrian/cycle access. Construction of residential development with new vehicular access through Number 19 Watson Road, consisting of 42 number new residential units to include 18 number dwellinghouses comprising 8 number two-storey terraced three-bed Type A units, seven number three-storey terraced four-bed Type B units, two number three-storey semi-detached Type BB units, one number three-storey end of

terrace four-bed Type B1 unit and 24 number apartments within two number four-storey Blocks C and D with Block C comprising four number one-bed units and 12 number two-bed units with balconies/terraces to south-east, north-west and south-west elevations and Block D comprising eight number two-bed units with balconies to north-east, south-east, north-west and south (ground floor only) elevations. Redesign of Number 19 Watson Road (circa 175 square metres) to include removal of part of the house to provide a new access road and provision of a new rear extension (redesigned unit to be circa 153 square metres). All associated site development, landscaping, boundary treatment works, services provision and ancillary site works, all on site of circa 0.9 hectares consisting of 'Arranmore' and 'San Michele', Church Road and Number 19 Watson Road, Killiney, County Dublin as amended by the revised public notice received by the planning authority on the 18th day of January, 2018.

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:-

- (a) the site's location on lands with a zoning objective for residential development and policy provisions in the current Dun Laoghaire Rathdown County Development Plan in respect of residential development,
- (b) the nature, scale and design of the proposed development which is consistent with the provisions of the Development Plan and appendices contained therein,
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness,
- (d) the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (e) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March, 2018,
- (f) the “Sustainable Residential Development in Urban Areas (Cities, Towns and Villages) Guidelines for Planning Authorities” issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- (g) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013,

- (h) the availability in the area of a wide range of social infrastructure,
- (i) the pattern of existing and permitted development in the area,
- (j) the submissions and observations received, and
- (k) the current and ongoing rehabilitation of the sewer systems,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning objectives for the area, would not seriously injure the residential or visual amenities of the area or the amenities of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and 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

Having regard to the information on file and to the Inspector's assessment which is noted, the Board is satisfied that the proposed development, either individually or in combination with other plans or projects, 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. In this regard, the Board concurred with and adopted the Planning Inspector's conclusions in respect of Appropriate Assessment Screening.

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 18th day of January, 2018, 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. Pedestrian and cyclist linkages from Watson Drive to Church Road and all other access points shall be permanently made available for public use at all times upon the first occupation of the proposed residential development unless otherwise agreed in writing with the planning authority.

Reason: To enhance pedestrian and cyclist permeability.

3. A suitably qualified ecologist shall be appointed by the developer to oversee the site set-up and construction of the proposed development and the ecologist shall be present on site during construction works. The ecologist shall ensure the implementation of all proposals contained in the Schedule of Ecological proposals. Prior to commencement of development, the name and contact details of said ecologist shall be submitted to the planning authority. Upon completion of works, an audit report of the site works shall be prepared by the appointed ecologist and submitted to the planning authority to be kept on record.

Reason: In the interest of nature conservation.

4. Prior to commencement of development, the developer shall submit to the planning authority a schedule of ecological proposals as detailed in the Ecological Impact Assessment report and the Construction Environmental Management Plan submitted with the application. The schedule shall set out the timeline for implementation of each proposal and assign responsibility for implementation. All of the proposals shall be implemented in full and within the timescales stated.

Reason: In the interest of clarity, protection of the environment and the proper planning and sustainable development of the area.

5. The badger setts identified as disused and/or inactive will be closed and excavated within three months of the date of this order as per best practice with the supervision of a badger specialist under licence from the National Parks and Wildlife Service (NPWS). The details of this process and any NPWS licences will be submitted to, and agreed in writing with, the planning authority prior to the instigation of badger setts/burrows and associated works.

Reason: To avoid death or injury to badgers which are protected under the Wildlife (Amendment) Act, 2000.

6. (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) 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.

7. Details of the materials, colours and finishes of the proposed development and the treatment of surfaces and boundaries within the development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The roofs of the proposed houses shall be blue black or slate grey only in colour including ridge tiles

Reason: In the interest of visual amenity.

8. 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.

9. 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.

10. 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. Street lighting in private areas shall be independent to the public lighting power supply.

Reason: In the interest of amenity and public safety.

11. All service cables associated with the proposed development (such as electrical, telecommunications and 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 interest of visual and residential amenity.

12. Proposals for an estate/street 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(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

13. (1) The roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.
- (2) 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.
- (3) The internal road network to serve the proposed development (including junctions, parking areas, footpaths and kerbs) shall comply with the detailed standards of the planning authority for such road works.
- (4) The materials used, including tactile paving, in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (5) Allocated car parking shall not be let or sold independently.
- (6) The vehicular and pedestrian entrances to the development shall remain ungated.

Reason: In the interests of traffic, cyclist, pedestrian safety and social integration.

14. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: In the interest of the amenities of the occupants of the proposed housing and to ensure that the development is carried out and completed to an acceptable standard of construction.

15. (1) Prior to commencement of the proposed development on site, the applicant shall ensure that the Church Road reservation line to accommodate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)', be set out by the contractor and agreed with the planning authority. The front face (roadside) of the required set back proposed front boundary wall along Church Road shall be constructed along or behind this line.
- (2) The applicant shall ensure that the area of land between the public footpath and the required set back proposed front boundary wall on Church Road shall be reserved free of development, ceded to Dun Laoghaire-Rathdown County Council to facilitate the future 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)', levelled and grassed accordingly at the applicant's own expense.

Reason: In the interest of ensuring the future completion of the proposed 'R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor (QBC)' and in the interest of proper planning and sustainable development of the area.

16. (1) Prior to commencement of development, a revised Taking in Charge plan shall be submitted which provides for the taking in charge by the planning authority of the lands required to accommodate the future R118 Wyattville Road to Glenageary Road Upgrade and Quality Bus Corridor.
- (2) The communal open spaces, directly associated with the apartments, internal road serving the apartments, car parking areas and access ways, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority as set out in (a), shall be maintained by a legally constituted management company.
- (3) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility in accordance with (b) of this condition, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.
- (4) The areas of public open space shown on submitted drawings shall be developed as such and shall be maintained as such by the developer until the development is taken in charge. At the time of taking in charge, these open spaces shall be vested in the local authority, at no cost to the authority, as public open space.

Reason: To provide for the satisfactory future maintenance of the apartments areas of this development in the interest of residential amenity, and for the taking in charge of the remainder of the development including public open spaces in accordance with National Policy.

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 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 current Development Plan for the area.

18. 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.

19. 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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,

- (i) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (j) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater, and
- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority.

Reason: To protect residential amenity, public safety and natural heritage.

20. 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.

Reason: In the interest of sustainable waste management.

21. 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.

22. 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 the 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.

23. 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.

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

Dated this day of 2018.