



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/0859

Appeal by Damien and Linda Loscher of Coolgreen, Brennanstown Road, Carrickmines, Dublin against the decision made on the 17th day of April, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions permission to Adrian Jones care of Oppermann Associates of Unit D1, The Steelworks, Foley Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (A) Demolition of existing outhouses and domestic garage. (B) Site clearance of selected trees and associated site works. (C) Removal of existing vehicular entrance and construction of new relocated vehicular entrance into site from Brennanstown Road. (D) Removal of existing boundary wall and fence and replacement with new boundary fence setback from road verge by two metres along Brennanstown Road. (E) Construction of one number two-storey dwellinghouse with pitched roofs at “Glenheather”, Brennanstown Road, Carrickmines, Dublin as revised by the further public notices received by the planning authority on the 8th 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 the location of the site on lands with a zoning objective for residential development and the policy and objective provisions set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022 in respect of residential development, the nature, scale and design of the proposed development and to the pattern of existing and permitted development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian 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 on the 8th January 2018 and by the further plans and particulars submitted on 21st March 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. The proposed roadside works shall align with the alterations and enhancements to the Brennanstown Road permitted under the Strategic Housing Development Scheme granted by An Bord Pleanála under application Reference Number ABP-301614-18 (Section 4(1) of Planning and Development (Housing) and Residential Tenancies Act 2016). These works shall be completed in full and to the written satisfaction of the planning authority at the expense of the developer prior to commencement of construction on site.

Reason: In the interest of public safety.

3. Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations shall take place within the curtilage of the house, without a prior grant of planning permission.

Reason: In the interest of the amenities of the area.

4. (a) The landscaping scheme as submitted to the planning authority (as amended) shall be carried out within the first planting season following substantial completion of external construction works
- (b) It will be necessary for tree protective fencing to be erected and all other mitigation measures required as set out in the Arboricultural Assessment to be put in place prior to the development works commencing on site.
- (c) A qualified arborist shall be retained as an Arboricultural Consultant/Site Arborist for the entire period of construction. The applicant shall inform the planning authority in writing of the appointment and name of the Consultant, prior to commencement of development. The Consultant shall visit the site on a regular basis to ensure the implementation of the all of the arboricultural recommendations and method statements, in the submitted Arboricultural Assessment Report.

- (d) 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 adequately protected. 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.
- (e) 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: To protect trees and planting during the construction period in the interest of residential and visual amenity.

- 5. (a) 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.
- (b) No services shall be located on the east side of the proposed dwelling.

Reason: In the interest of public health.

6. The site and building works required to implement the development 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.

7. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

8. 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.

9. 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.

10. The developer shall pay to the planning authority a financial contribution in

respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2018.