



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/0967

Appeal by Bellevue, Glenageary and Rochestown Residents Association of 3 Park Court, Glenageary Heights, Glenageary, County Dublin against the decision made on the 31st day of January, 2019 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Red Rock BPRKH Limited care of RW Nowlan and Associates of 37 Lower Baggot Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of all existing buildings including a habitable house and outbuildings and the construction of an infill development of 16 number detached, semi-detached, terraced duplex dwellings and apartments with provision of 29 number car parking spaces and including all associated site development works necessary to facilitate the development at 'Knocknagarm House', Park Court, Glenageary, County Dublin. (As amended by the further public notice received by the planning authority on the 7th day of January, 2019).

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 policies and objectives set out in the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (b) the Project Ireland 2040 - National Planning Framework,
- (c) the Design Manual for Urban Roads and Streets (DMURS),
- (d) the Sustainable Urban Residential Development Guidelines issued by the Department of the Environment, Heritage and Local Government in 2009,

- (e) the Urban Design Manual – A Best Practice Guide issued by the Department of the Environment, Heritage and Local Government in 2009,
- (f) the Quality Housing for Sustainable Communities Guidelines issued by the Department of the Environment, Heritage and Local Government in 2007,
- (g) the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of Housing, Planning and Local Government in March, 2018,
- (h) the planning history of the site,
- (i) the nature, scale and design of the proposed development,
- (j) the submissions and observations received, and
- (k) the report of the Inspector,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development, would be acceptable in terms of quality and quantity of open space and would be acceptable in terms of pedestrian and traffic safety. 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 layout was of a satisfactory design and density and considered it to be compliant with the Design Manual for Urban Roads and Streets, 2013 (DMURS) and the Sustainable Urban Residential Development Guidelines issued by the Department of the Environment, Heritage and Local Government in 2009, and that the amount of pen space proposed was acceptable.

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 non the 7th day of January, 2019, 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. Each proposed house and duplex/apartment unit shall be used as a single dwelling unit and shall not be subdivided in any manner or used as two or more separate habitable units.

Reason: To prevent unauthorised development.

3. Existing materials from demolished structures shall, where possible, be reused and recycled.

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

4. The disposal of surface water shall be in accordance with the requirements of the planning authority as follows:
 - (a) The grade of some of the surface water pipes, as shown on the drawings submitted to the planning authority on the 7th day of January, 2019 is near zero (with differences in invert levels that are just a few millimetres, impractical in construction). Before construction, these pipes shall be designed to achieve a minimum grade.
 - (b) Prior to connection to the public sewer system, the applicant shall submit details to the planning authority for written agreement, showing that the attenuation system, including the flow limiting device, has been installed according to the planning application plans and conditions, and set to the maximum permitted discharge limit. The submission shall also include photo documentation of the installation process, and certification from the attenuation system manufacturer/installer that the system has been satisfactorily installed. Concurrently, the applicant shall contact the planning authority's Water Services Section to arrange an inspection from a Technician or Engineer.

Reason: In the interest of public health.

5. All planting, seeding and other landscaping works shown on the submitted plans shall be carried out and the applicant shall retain the professional services of a qualified Landscape Architect, as her/her Landscape Consultant, throughout the course of the development works. The applicant shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall prepare, sign and submit a Practical Completion Certificate (PCC) to the planning authority (Parks and Landscape Services), as verification that approved landscape plans and specification have been fully implemented.

Reason: To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specifications.

6. The development access/priority junction shall be designated as a Stop Junction with stop sign and stop lines as originally shown on the Development Access and Internal Road Layout plan (drawing number SRC-143-100) submitted to the planning authority on the 11th day of October, 2018.

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

7. All works to be carried out on the public road (including on footpaths and verges) at the entrance to the proposed development shall be carried out at the applicant's own expense to meet the planning authority's 'Taking-in-Charge' requirements and all to the satisfaction of the planning authority. The applicant shall also ensure that prior to undertaking works on the public road (including on footpaths and verges) that they shall obtain a Road Opening Licence from the Road Maintenance and the Roads Control Sections.

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

8. 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 public 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 maintenance of this development in the interest of residential amenity.

9. Site development and building works shall be carried out only between the hours of 0800 to 1900 Mondays to Fridays inclusive, 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.

10. 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 applicant to facilitate the provision of broadband infrastructure within the proposed development. Any existing over ground cables shall be relocated underground as part of the site development works.

Reason: In the interest of visual and residential amenity.

11. Proposals for an estate/street name, house/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 estate and street signs, and house/apartment 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 and to ensure the use of locally appropriate placenames for new residential areas.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunications aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. 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.

14. 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 management measures and off-site disposal of construction/demolition waste.

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

15. All of the parking spaces serving the development shall be provided with electric vehicle charging points. Details of how it is proposed to comply with these requirements, including details of design of, and signage for, the electrical charging points shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

16. All areas indicated for Taking in Charge as proposed on the Site Plan – Public Open Space – Taking in Charge Areas drawing number 0540 Revision P- 3 submitted to the planning authority on the 7th day of January, 2019 shall be completed to the planning authority's Taking in Charge standards, as set out in the 'Council's Development Works Guidance Document'.

Reason: In the interest of orderly development.

17. 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.

18. 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.

Terry Ó Niadh
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.