

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0468

Appeal by The Links Childcare Limited care of Virtus of 5th Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin against the decision made on the 22nd day of August, 2022 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: The proposed development will comprise (a) change of use, renovation and internal reordering of Glandore House to provide a Creche use (790 square metres in total); (b) repair and refurbishment of the existing fabric including: - removals of modern internal additions allowing reinstatement of the original layout of the house, - repair and renewal of façade stonework including replacement of decayed stone elements with new stone/reconstituted stone, - repair of slating and partial renewal with new stone slates, - repair/renewal of dormers and rooflights, - local repairs to internal and external joinery, - local repair of internal plasterwork; (c) alterations to the existing fabric include: - removal of an existing chimney breast and stack at ground and first floor level with the existing roof to be made good in this area, - the removal of an existing chimney breast at ground floor level, - the removal of two number ground floor windows and wall section below to accommodate new link to the proposed

extension, - the removal of the existing (non original) courtyard entrance and section of roof and its replacement with a proposed new lobby; (d) construction of a single storey side extension to the north west elevation (108 square metres) and extension to the existing entrance lobby (4 square metres); (e) alterations to widen the existing vehicular entrance from Glandore Park including the removal of part of the existing (non-original) wall and construction of replacement wall to match existing; (f) creation of a new vehicular exit onto Glandore Park; (g) provision of bicycle parking (28 number, including two number cargo bicycle spaces), car parking and set down spaces (11 number) and (h) the development will also include for all associated and ancillary site development works, internal access road, including drainage, services and hard and soft landscaping (including boundary treatments and planting), outdoor open space and play area, bin storage, and all other ancillary works on a site of circa 0.18 hectares at Glandore House, Glandore Park, Dun Laoghaire, County Dublin (a protected structure).

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.



Reasons and Considerations

Having regard to the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Architectural Heritage Protection Guidelines for Planning Authorities, 2011, the location of the site and the pattern of development in the area, the scale and nature of the proposed development and the capacity of the protected structure on the site, Glandore House, to absorb the nature of the development proposed which it is considered constitutes minimal interventions and acceptable extensions, 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, would not adversely affect the character or setting of the protected structure 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 had regard to the access and egress arrangements proposed on the site which provides for one-way traffic entering and exiting the site by way of the existing entrance and a proposed new entrance and which the Board considered would mitigate the likelihood of conflicting traffic movements arising and attendant traffic hazard and obstruction of road users. Furthermore, and in conjunction with the aforementioned access and egress arrangements, in respect of the intensification of use resulting from the proposed development, the Board had regard to the specific peak times associated with such a childcare use and considered that the analysis provided by the appellant in the application and clarified in the appeal documentation received are a reasonable basis upon which to base the likely impact arising. The Board noted that the planning authority in disagreeing with the appellants estimates in Table 3.1 of the report submitted with the

application did not provide any substantive reason for not agreeing with same and the Board considered that the information provided which was supplemented in the grounds of appeal provided a reasonable basis for the Board to make its decision.

In respect of the concerns expressed by the Inspector and the planning authority in relation to the level of car parking proposed, the Board considered that the appellant had sought to address the concerns arising regarding the potential for overspill parking within the cul-de-sac by providing set down spaces for the drop off and collections periods associated with the childcare use and the Board concurred with this approach subject to those spaces being clearly demarcated for such set down use. The Board considered, for this reason, that the proposal would not, contravene Section 12.4.5.2 of the Dún Laoghaire-Rathdown County Development Plan 2022-2028. In respect of staff parking, the Board considered that this matter could be satisfactorily addressed by a condition seeking the preparation, submission and agreement of a mobility management plan.

In relation to the Inspectors second recommended reason for refusal, the Board did not agree with the Inspector that the works proposed to the structure would result in a detrimental and irreversible impact on the essential qualities of this structure, thereby materially affecting its character. On this matter, the Board shared the view of the Conservation Officer in Dún Laoghaire-Rathdown County Council that the proposal appears respectful to the architectural interest of the building and that no built heritage objections had been identified. The Board also agreed with the Conservation Officer that it is in the best interest of the building to have a use that is compatible with the character and significance of the building in order to safeguard its future. The Board noted that the Inspector was particularly concerned about the loss of original fixtures and features, including a chimney stack, fireplace and terrace together with the overall cumulative impact of the works proposed to this surviving historic building and its remaining curtilage would, the Inspector

considered, have a serious and detrimental impact on its character, the legibility of the original design intent and its surviving authenticity in a manner. On this matter, the Board shared the view of the Conservation Officer that while there is some loss of original fabric including the chimney stack that on balance the scope of works are considered acceptable and are largely positive.

The Board did not agree with the concern raised by the Inspector in relation to the design and layout of the vehicular access, car parking areas and extensive hardstand proposed around the key facades of this building and the impact of same on the protected structure as the Board noted that the spaces indicated to the front of the building are proposed as set down spaces for drop off and collection with limited use and as indicated above should be demarcated as such. The Board noted the views of the Conservation Officer in relation to the inappropriate surface treatment proposed within this area and agreed that any materials proposed for the area to the front of the structure should be agreed with the planning authority prior to commencement and should be appropriate to the context of the structure. The Board considered that, subject to the conditions set out below, the development as proposed would accord with Policy Objective HER8 of the Dún Laoghaire-Rathdown County Development Plan, 2022-2028, the Architectural Heritage Protection Guidelines for Planning Authorities, 2011 and the proper planning and sustainable development of the area.

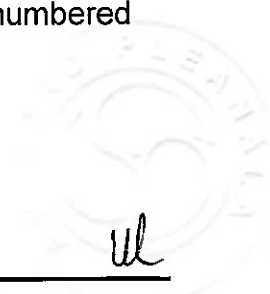


Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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. (a) A conservation architect with proven and appropriate expertise shall be employed to design, manage, monitor and implement the works to the protected structure and to ensure adequate protection of the retained and historic fabric during the works. In this regard, all permitted works shall be designed to cause minimum interference to the retained building and facades structure and/or fabric.
- (b) All works to the protected structure shall be carried out in accordance with best conservation practice and the Architectural Heritage Protection Guidelines for Planning Authorities (2011) and Advice Series issued by the Department of the Arts, Heritage and the Gaeltacht. Any repair works shall retain the maximum amount of surviving historic fabric in situ. Items to be removed for repair off-site shall be recorded prior to removal, catalogued and numbered to allow for authentic re-instatement.



Reason: To ensure that the integrity and historic fabric of the protected structure is maintained and that the proposed repair works are carried out in accordance with best conservation practice with no unauthorised or unnecessary damage or loss of historic building fabric.

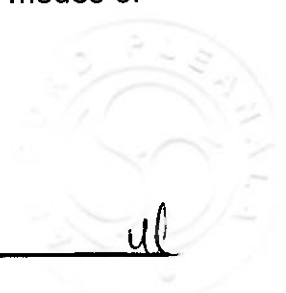
3. Details, including samples, of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development and shall include:

- (a) details of paving to the front of the structure,
- (b) the demarcation proposed to define and control the set down area, and
- (c) signage associated with the proposed development.

Reason: In the interests of visual amenity and streetscape.

4. Prior to the opening/occupation of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of parking. The mobility strategy shall be prepared and implemented by the developer for the overall development.

Reason: In the interest of encouraging the use of sustainable modes of transport, traffic and pedestrian safety.



5. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.

Reason: In the interest of public health.

6. Water supply and drainage arrangements, including the disposal of surface water from the site, shall be in accordance with the detailed requirements of the planning authority.

Reason: In the interest of public health.

7. The developer shall control odour emissions from the premises in accordance with measures including extract duct details, which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

8. The proposed childcare facility shall not operate outside the period of 0700 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays.

Reason: In the interest of residential amenity.



9. A minimum of 10% of all car parking spaces shall be provided with functioning EV charging stations/ points, and ducting shall be provided for all remaining car parking spaces, including in-curtilage spaces, facilitating the installation of EV charging points/stations at a later date. Where proposals relating to the installation of EV ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the development. The car parking spaces for sole use of the car sharing club shall also be provided with functioning EV charging stations/points.

Reason: To provide for and/or future proof the development such as would facilitate the use of Electric Vehicles.

10. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 amenities of property in the vicinity.



11. The construction of 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. The plan shall provide a demolition management plan, together with details of intended construction practice for the development, including a detailed traffic management plan and noise management measures.

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

12. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness, these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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



13. 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 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.

14. 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 to be retained 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 on the site or the replacement of any such trees 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 on the site.



15. 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.



Una Crosse

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

Dated this *2nd* day of *February* 2024.

