

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0766

Appeal by Niall O’Horain care of O’Mahoney Pike of The Chapel, Mount Saint Anne’s, Milltown, Dublin and by Klasthule Developments Limited care of Hughes Planning and Development Consultants of 85 Merrion Square South, Dublin against the decision made on the 28th day of March, 2023 by Dún Laoghaire-Rathdown County Council to grant permission, subject to conditions, to Klasthule Developments Limited in accordance with plans and particulars lodged with the said Council.

Proposed Development: Planning permission is sought for development consisting of: (i) demolition of the existing commercial buildings on site, (ii) construction of a five-storey mixed use building, comprising of two number commercial units (cafe with outdoor dining area and workshop) at ground floor level and seven number apartments (six number two-bedroom apartments and one number three bedroom apartment), each with private balcony, at first to fourth floor level. The commercial unit is accessible via Glasthule Road and the apartments are accessible via an existing access laneway off Glasthule Road which leads to Glasthule Buildings and are served by two number car share spaces, 18 number bicycle spaces and a bin storage area. A separate bin storage area is provided for the commercial unit, and (iii) all ancillary site,

landscaping, lighting and engineering works necessary to facilitate the development all at 23 to 27, Glathule Road, Glathule, County Dublin, (with frontage to access laneway leading to Glathule Building) as revised by further public notices received by the planning authority on the 1st day of March, 2023.

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, to the relevant National Guidelines and the NC – Neighbourhood Centre zoning of the site, to the location of the site in an established urban area within walking distance of public transport and to the nature, form, scale, density and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential, visual or environmental amenities of the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board disagreed with its Inspector's recommended condition 2 (a) to omit the fourth (uppermost) floor on the basis that the applicant had demonstrated compliance with the performance-based criteria for increased height as set out in Appendix 5: Building Height Strategy of the Dún Laoghaire-Rathdown Development Plan 2022-2028 and, in addition, with the pattern of development in the area in terms of permitted and existing building heights.

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 received by the planning authority on the 1st day of March 2023, 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 development shall be amended as follows:

Omission of the remaining one number car parking space. The resultant space shall have a façade to harmonise with the surrounding facades and opes. The space may be used for extension of the café unit, bin store, bicycle store, or plant room or other appropriate alternative layout and uses. Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of residential and visual amenity.

3. This permission is for a cafe unit, a workshop unit and seven residential units in the form of seven number two-bedroom units.

Reason: In the interest of clarity.

4. The management and maintenance of the proposed development following completion shall be the responsibility of a legally constituted management company. Detailed proposals in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: To provide for the future maintenance of this development and in the interests of residential amenity.

5. (a) The hours of operation of the café unit shall be between the hours of 0800 to 2300 Mondays to Sundays inclusive.

(b) The hours of operation of the workshop unit shall be between the hours of 0800 to 1900 Mondays to Friday inclusive and 0800 to 1700 hours on Saturdays, and not at all on Sundays or Bank Holidays, unless otherwise agreed with the planning authority.

Reason: In order to safeguard the residential amenity of properties in the vicinity.

6. The non-amenity roof areas shall not be accessible except for maintenance purposes only.

Reason: In the interest of residential amenity.

7. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication 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.

8. Prior to commencement of development, the developer shall agree details of the external signage, associated with the two number commercial units, in writing with the planning authority.

Reason: In the interest of the amenities of the area/visual amenity.

9. Security shutters, if required, shall be located behind the windows and shall be of the lattice see-through type. Full details in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

10. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name 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 of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

11. Drainage arrangements, including the 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.

12. Prior to commencement of development the applicant or developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

13. The Landscape Plan prepared by Jane McCorkell Design, as submitted to the planning authority on the 12th day of October 2022, shall be carried out 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 residential and visual amenity.

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

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

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

16. 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.

17. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency'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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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 interest of sustainable waste management.

18. All necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

Reason: To protect the amenities of the area.

19. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site. Provision shall be made for broadband connectivity in the development.


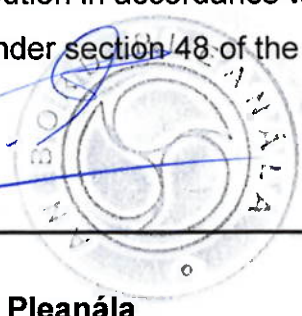
Reason: In the interest of orderly development and the visual amenities of the area.

20. 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.

21. 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.

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

Dated this ^{7th} day of ^{May} 2024.