



An
Bord
Pleanála

Inspector's Report ABP-300210-17

Development

Renovation and extension of existing building, to accommodate 4 no own door apartments, access and all associated site works.

Location

69 Rock Road, Blackrock, Co Dublin

Planning Authority

Dun Laoghaire Rathdown County Council

Planning Authority Reg. Ref.

D17A/0194

Applicant(s)

David Espey

Type of Application

Permission

Planning Authority Decision

Grant with Conditions

Type of Appeal

Third Party

Appellant(s)

Lena O'Neill

Observer(s)

n/a

Date of Site Inspection

17th & 25th September 2018

Inspector

Mary Crowley

Contents

1.0 Site Location and Description	4
2.0 Proposed Development	4
3.0 Planning Authority Decision	5
3.1. Decisions	5
3.2. Planning Authority Reports	6
3.3. Prescribed Bodies	8
3.4. Third Party Observations	8
4.0 Planning History.....	9
5.0 Policy Context.....	9
5.1. Development Plan.....	9
5.2. Natural Heritage Designations	11
6.0 The Appeal	11
6.1. Grounds of Appeal	11
6.2. Applicant Response	12
6.3. Planning Authority Response.....	13
6.4. Observations	13
6.5. Further Responses.....	14
7.0 Assessment.....	14
8.0 Principle / Policy Considerations.....	14
9.0 Impact to No 67	15
10.0 Traffic Impact	17
11.0 Other Issues.....	18
12.0 Recommendation	19
13.0 Reasons and Considerations	19

14.0 Conditions 19

1.0 Site Location and Description

- 1.1. The appeal site with a stated area of 0.0435 ha is located opposite Blackrock College and Blackrock Clinic in an area which contains a mix of commercial and residential uses situated between Rock Road to the front and Blackrock Park to the rear. To the north of the appeal site is the intercity / DART rail line and Dublin Bay. There is a modern three storey apartment building on the adjacent site to the north-west. To the south-east there is a pair of two storey semi-detached buildings.
- 1.2. The appeal site comprises a detached two storey building, which would historically appear to have been in part commercial and part residential use. The building has a distinctive façade with brick and decorative detailing together with a shop front fascia above the front door and the main front window. To the rear of the appeal site is a long yard that is accessed by means of a gated vehicular entrance located between the appeal site and the adjoining property at No 67 Rock Road. It was noted on day of site inspection that the outbuildings have been demolished (site photos refer).
- 1.3. A set of photographs of the site and its environs taken during the course of both my site inspections is attached. I also refer the Board to the photos available to view throughout the appeal file.

2.0 Proposed Development

- 2.1. The application submitted to DLRCC on **7th March 2017** sought permission for four own-door two bedroom apartments, two to the rear of the existing building and two accommodated by the renovation and extension of the existing building while retaining all external features to the gable ends, the street frontage and roof line, including replacement windows and new pedestrian access door to match existing and four additional off street car parking spaces.
- 2.2. Further information was submitted on **21st September 2017** and may be summarised as follows:
 - Drawings indicating the existing and proposed front elevations and showing the retention and repairs of existing brick work to the front façade; the treatment of the timber element to that part of the extension that will be visible from the street; the proposed treatment of the north elevation

- Drawing demonstrating how the pitched glazing element is compatible with the second floor accommodation. Submitted that the existing eaves will be retained and no part of the new roof will over sail the adjoining property
- Revised second floor plan shows the extension set back 2.35m from the boundary with No 67 Rock Road
- The louvre fenestration has been omitted to the rear façade of apartment no 2 adjacent to the boundary with No 67. Submitted that the vertical timber louvre detail will not allow any views to the rear garden of No 67 but will permit a glimpsed view of the sea from the kitchen apartment No 2 only.
- Cross section showing the balcony walls at 1800mm high to avoid overlooking into the rear garden of No 67 and the court yard at lower ground floor level to apartment No 3.
- Internal storage and external storage in compliance with the Sustainable Urban Housing: Design Standards for New Apartment Guidelines for Planning Authorities
- Revised plans indicating waste facilities, omission of the car parking space to the front of the building, Sheffield bike stand accommodating six cycle spaces
- Submitted that home charge points for electrically operated vehicles can be accommodated on the north boundary wall
- Engineering drawings indicating the ability of cars to access and egress the site as agreed with DLRCC Transportation Planning Section
- Outline Construction Management Plan
- Revised public notices indicating that significant further information had been submitted

3.0 Planning Authority Decision

3.1. Decisions

3.1.1. DLRCC issued notification of decision to grant permission on the 18th October 2017 subject to 16 conditions summarised as follows:

- 1) Compliance with plans lodged

- 2) Amendments to external treatment
- 3) Each permitted apartment unit shall be used as a single dwelling unit
- 4) Surface water
- 5) Provision of cycle parking and electric car parking charging points
- 6) Timber gates at the vehicular entrance shall not be automatic electronic gates
- 7) No car parking space shall be provided or delineated on the footpath to the front of the proposed development
- 8) Street naming and house numbering scheme shall be agreed
- 9) Only works indicated for demolition on the plans lodged shall be removed
- 10) The Applicant/Contractor shall comply with all the proposed arrangements within the submitted 'Outline Construction Management Plan'
- 11) Restricted hours for site development and building works
- 12) Development Contribution in the amount of €885.32 in respect of the provision of Surface Water Public Infrastructure and Facilities benefiting development in the area
- 13) Development Contribution in the amount of €20,274.20 in respect of the provision of Roads Public Infrastructure and Facilities benefiting development in the area
- 14) Development Contribution in the amount of €13,160.48 in respect of the provision of the Community & Parks Public Infrastructure, Facilities and Amenities benefiting development in the area
- 15) This development shall not be carried out without prior agreement relating to the payment of development contributions.
- 16) Insurance Company Bond in the sum of € 31,500, OR lodgement with the Council of a Cash Sum of €19,000

3.2. Planning Authority Reports

3.2.1. Planning Reports

3.2.2. The **Case Planner** in their first report requested the following further information as summarised. Further information was requested on 27th April 2017.

- Full representation of the existing development layout of adjacent sites with the Rock Road and the public park to the rear also shown.
- Revised street front contextual elevation, which indicates clearly all existing detailing together with details of any proposed new treatments or finishes
- Details on the treatment of the existing north elevation of the existing building together with how it is proposed to integrate the existing gable elevation with the new extension successfully
- Cross section drawings to demonstrate clearly how the proposed layout and design of the pitched roof and pitched glazing element will integrate with the second floor level accommodation
- Revised plans for the second floor element of the extension with a minimum setback distance of 2m from the party boundary with No.67 Rock Road.
- Proposed elevational treatments for the south facing elevation of the extension with the use of timber cladding or other materials to soften the visual impact
- Omission of the rear louvre fenestration element proposed at first floor level for apartment No.2 in favour of a high level glazing element
- A minimum of 2 cross section drawings through the rear of the site
- Revised rear contextual elevation drawing.
- Modifications to the rear balcony to apartment No.4 to avoid any overlooking of the adjacent private rear garden area.
- Apartment storage space in accordance with the document: Design Standards for New Apartments, Guidelines for Planning Authorities, 2015.
- Waste Management Plan
- Omission of the car parking space (No.1) on the footpath to the front
- Detailed layout drawing showing the individual movements for each vehicle using a Computer Aided Design (CAD) software

- Detailed plan layout indicating the proposed shared parking area (3.0m x 5.5m)
- 'Right-of-Way' signage within the proposed shared driveway area
- Cycle parking spaces
- Off-streetcar parking spaces capable of accommodating future electric charging points
- Detailed Construction Management Plan

3.2.3. The **Case Planner** in their second report and having considered the further information recommended that permission be granted subject to conditions. The notification of decision to grant permission issued by Dun Laoghaire Rathdown County council reflects this recommendation.

3.2.4. Other Technical Reports

- **Drainage Planning** – No objection
- **Transportation Planning** – In their first report requested further information in relation to car parking, vehicular movements, shared parking area, right of way, cycle parking, electric car charging points, Construction Management Plan and Traffic Management Plan. In their second report and having considered the further information have no stated objection subject to conditions as outlined in their report.

3.3. Prescribed Bodies

3.3.1. Transport Infrastructure Ireland (x2) – No observations.

3.4. Third Party Observations

3.4.1. There are two observations recorded on the planning file from Lina O'Neill, No 67 Rock Road; owner of the adjoining property to the south east. The first observation was submitted in response to the planning application and the second was in response to the further information.

3.4.2. The issues raised relate to inadequate open space, over development, scheme is out of character with the area, inadequate drawings, overbearing impact, structural

impact, overlooking, creation of a terrace, no consultation with regard to the re-routing of gas and rainwater services located on the gable of No 67 and overshadowing,

4.0 Planning History

4.1. There is no evidence of any previous appeal on this site. There was, however, a previous planning application that may be summarised as follows:

Reg Ref D05A/1117 – DLRCC **refused** permission for the demolition of the existing two storey house with established commercial use and the construction of a mixed use development which includes 5 two bedroom apartments, 1 three bedroom apartment and a 60 sqm ground floor commercial / retail unit in a 4 storey building (with the 4th storey recessed) fronting onto Rock Road reducing to three storeys to the rear at 69, Rock Road, Blackrock, Co. Dublin for 5 reasons summarised as follows:

- 1) Visual impact by reason of height, scale, desing and bulk
- 2) Loss of amenity and privacy to adjoining properties by reason of inadequate separation distances
- 3) Overdevelopment of the site
- 4) No off street car parking provided
- 5) Demolition of existing building is unacceptable

5.0 Policy Context

5.1. Development Plan

5.1.1. The operative plan for the area is the **Dun Laoghaire Rathdown County Council 2016 – 2022**. The site is zoned **Objective NC** which seeks *to protect, provide for and or improve mixed use neighbourhood centre facilities*. Land uses that are considered to be “permitted in principle” in Zone NC include the following:

“Assisted Living Accommodation, Open Space, Public Services, Residential, Residential Institution”

5.1.2. Policies relevant to this scheme are set out as follows:

5.1.3. **Policy RES 3** - It is Council policy to promote higher residential densities provided that proposals ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development. In promoting more compact, good quality, higher density forms of residential development it is Council policy to have regard to the policies and objectives contained in the following Guidelines:

- 'Sustainable Residential Development in Urban Areas' (DoEHLG 2009).
- 'Urban Design Manual - A Best Practice Guide' (DoEHLG 2009).
- 'Quality Housing for Sustainable Communities' (DoEHLG 2007).
- 'Irish Design Manual for Urban Roads and Streets' (DTTaS and DoECLG, 2013).
- 'National Climate Change Adaptation Framework - Building Resilience to Climate Change' (DoECLG, 2013).

5.1.4. The Plan also states that, as a general rule, the minimum default density for new residential developments in the County shall be 35 units per hectare. It is acknowledged that this density may not be appropriate in all instances, but will serve as a general guidance rule, particularly in relation to 'greenfield' sites or larger 'A' zoned areas. Further Section 2.1.3.3 states that in relation to proximity to public transport:

Where a site is located within circa 1 kilometre pedestrian catchment of a rail station, Luas line, BRT, Priority 1 Quality Bus Corridor and / or 500 metres of a Bus Priority Route and / or 1 kilometre of a Town or District Centre, higher densities at a minimum of 50 units per hectare will be encouraged.

5.1.5. **Policy RES4** - It is Council policy to improve and conserve housing stock of the County, to densify existing built-up areas, having due regard to the amenities of existing established residential communities and to retain and improve residential amenities in established residential communities.

5.1.6. **Policy RES7** - It is Council policy to encourage the establishment of sustainable residential communities by ensuring that a wide variety of housing and apartment types, sizes and tenures is provided within the County in accordance with the provisions of the Interim Housing Strategy.

- 5.1.7. **Policy OSR5: Public Open Space Standards** - It is Council policy to promote public open space standards generally in accordance with overarching Government guidance documents 'Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities' (2009) and the accompanying 'Urban Design Manual - A Best Practice Guide'.
- 5.1.8. **Public/Communal Open Space –Quality** - Where any open space is to be provided on foot of a planning permission, the space in question should be well overlooked and designed and located to sympathetically complement the layout of the development and should be visible from, and accessible to, the maximum number of dwellings.

5.2. **Natural Heritage Designations**

- 5.2.1. The site is not located within a designated Natura 2000 site, however it is proximate to South Dublin Bay SAC (Site Code 000210) and South Dublin Bay and River Tolka Estuary SPA (Site Code 004024).

6.0 **The Appeal**

6.1. **Grounds of Appeal**

- 6.1.1. The third party appeal has been prepared and submitted by Edward Brady & Associates on behalf of the appellant Lena O'Neill, No 67 Rock Road, who has lived at this adjoining property to the appeal site for more than 55 years. The issues raised may be summarised as follows:
- The creation of a terrace with the appellant's property is unacceptable and will devalue the appellant's property.
 - Services i.e. gas and rainwater for No 67 are located on the gable wall and if this proposal is accepted these services will need to be relocated. Further the creation of a terrace will require flashings / valley between the buildings to protect them from dampness and also there may be alterations to existing foundations etc at the appellants house may. No discussions have taken place on these matters.

- Condition No 2 seeks to protect potential overlooking of the appellants rear garden. However it does not mention or include the near window louvres proposed at 1st floor level which will cause easy overlooking of the small conservatory to the rear of the appellants property together with close overlooking of their rear garden. This part of the design is totally unnecessary and light could be achieved by way of roof lights together with the front elevation louvered glazing.
- Accepted that the development of the appeal site should proceed. However a development of possibly 2 or 3 dwellings considered more appropriate for the scale and size of the site.
- The omission of the proposed dwelling attaching to No 67 would create an opportunity for a substantial family house in the existing building and this would create a greater mix of dwellings in keeping with the objectives of the Development Plan and the necessary supply of family homes.

6.2. Applicant Response

6.2.1. The first party response to the appeal has been prepared and submitted by Box Urban on behalf of the applicant David Espey and may be summarised as follows:

- **Disturbance** – A preliminary construction management plans was included as part of the application indicating that all works will be carried out to comply with health and safety legislation and to limit the duration of working hours permitted. The disturbance to neighbouring residence will be limited and not out of the ordinary for this scale of development.
- **Attaching to No 67** – The proposal involves part of one floor of the scheme abutting the gable wall of No 67 as such it does not rely on No 67 for support closure or insulation.
- **Impact to No 67** - The services encroaching on the property of No 69 will be re-routed. The gas main will be relocated and the gutter carrying the rain water runoff from the roof will be raised so as to maintain the same route from the valley to the rear garden in No 67. This is possible as that part of the proposal abutting has a roof which is a lower level than the valley gutter on No 67. This will all be completed by agreement with the adjoining owners.

The proposed building will be treated so as not to cause any water ingress into No 67. Submitted that the foundations of No 67 should not be affected by the proposal.

- **Property Values** - The proposal will have a positive impact on the property value of No 67 and enhance the neighbourhood as a whole.
- **Overlooking** – Considerable consideration in the design of the proposal has been given to maintaining the privacy of the rear garden of No 67 and its amenity. The additional information sought by the planning authority was to minimise the possibility of overlooking. The location and extent of glazing behind the louvres at first floor level is not indicated correctly on the drawing submitted with the appeal. An extract is provided from Drg No 1312/02/02A indicating the extent of glazing proposed. Submitted that this arrangement will not afford any overlooking to No 67 as the louvres restrict views in that direction. The window has been designed to allow a glimpse of the views to the north from the kitchen space of apartment No 2.
- **Appropriate Development** – Development of the site is restrained by its context, specifically by the nature and form of the neighbouring buildings. The open space provided in is in excess of that required. Further the floor area is well in excess of those required by Government guidelines. Less development than that proposed would constitute underdevelopment of this brownfield site.

6.3. **Planning Authority Response**

- 6.3.1. DLRCC states that the reasoning on which the Planning Authority's decision was based is set out in the planning report and has been forwarded to the Board. It is not proposed to respond in detail to the grounds of appeal as the Planning Authority considers that the comprehensive planning report deals fully with all the issues raised and justifies its decision.

6.4. **Observations**

- 6.4.1. There are no observations recorded on the appeal file.

6.5. Further Responses

6.5.1. There are no further responses recorded on the appeal file.

7.0 Assessment

7.1. This assessment is based on the plans and particulars submitted to DLRCC on 7th March 2017 as amended by further information submitted to DLRCC on the 21st September 2017.

7.2. Having regard to the information presented by the parties to the appeal and in the course of the planning application and my inspection of the appeal site, I consider the key planning issues relating to the assessment of the appeal can be considered under the following general headings:

- Principle / Policy Considerations
- Impact to No 67
- Traffic Impact
- Other Issues

8.0 Principle / Policy Considerations

8.1. The operative plan for the area is the Dun Laoghaire Rathdown County Council 2016 – 2022. Under the provision of this Development Plan the site is zoned Objective NC which seeks *to protect, provide for and or improve mixed use neighbourhood centre facilities* and where residential development is permitted in principle subject to compliance, with the relevant policies, standards and requirements set out in plan.

8.2. With regard to density it is generally accepted in the interests of sustainability and the efficient use of infrastructural investment that higher densities are to be encouraged in serviced urban areas. It is a clear and overriding objective of the National Planning Framework Plan (2018) to promote compact growth in serviced urban areas. Further Policy RES4 of the DLRCC Development Plan states that it is Council policy *to densify existing built-up areas*. In this regard 4 no residential units on a site area of 0.0435ha gives a density of 91 ha per acre. Given the location of

the site proximate to Blackrock District Centre and the QBC on the Rock Road, Dart Stations at both Booterstown and Blackrock the high density proposed is acceptable.

- 8.3. Having regard to the Desing Standards for New Apartments Guidelines I am generally satisfied that the scheme as amended complies with the standards therein. While the scheme does not provided for communal open space within the site, I agree with the DLRCC Case Planner, that having regard to the infill nature of the site and its proximity to public amenities that on balance it is not considered necessary in this instance to require the provision of public open space within the development.
- 8.4. In order to provide own door access to Apartment No 1 it is proposed to open a second door in the façade of the existing building onto Rock road. I consider this intervention together with the front elevation drawings (as amended) indicating the retention and repair of existing brickwork to be acceptable. With regard to the design and scale of the rear extension to accommodate Apartment No 3 & 4 I am satisfied that the overall building height, form and layout responds to the sites topographical constraints and context and will not detract from the visual amenities of the wider area. Accordingly there is no objection to the layout and design of the development proposed (as amended). Specific concerns in relation to impact to residential amenity on the adjoining property at No 67 are discussed below.

9.0 Impact to No 67

- 9.1. The pertinent issue to be considered in this appeal is the impact of the proposed scheme on the adjoining property at No 67 rock road to the south east. The owner of No 67 in their appeal set out specific concern in relation to the creation of a terrace with the appellant's property, the relocation of services i.e. gas and rainwater that are on the gable wall facing the appeal site and potential overlooking of the appellants rear garden.
- 9.2. I have considered the plans and details of the scheme as amended and I do not consider that this scheme will result in the creation of a terrace. I refer to Drg No 1312/02/02A Plans & Sections submitted by way of further information. It is evident that all of the above proposed scheme is retained within the red line boundary of the site and therefore no unreasonable impact will arise to the adjoining property at No 67. With regard to the requirement for the relocation of services i.e. gas and

rainwater that are on the gable wall of No 67 I accept the applicants proposal that these will be relocated and the gutter carrying the rain water runoff from the roof will be raised so as to maintain the same route from the valley to the rear garden in No 67. Ideally these works should be completed by agreement with both parties. In this regard I would draw attention to Section 34(13) of the Planning Act that states that a person is not be entitled solely by reason of a permission to carry out any development. Therefore, should planning permission be granted and should the appellants or any other party consider that the planning permission granted by the Board cannot be implemented because of landownership or title issue, then Section 34 (13) of the Planning and Development Act 2000 is relevant.

- 9.3. There is no doubt but that this is a large scheme relative to No 67. As noted on day of site inspection (site photos refer) the overarching policy of densification together with the zoning objective for the area which seeks to *provide for and or improve mixed use neighbourhood centre facilities* (Objective NC refers) has given rise to the development of piecemeal schemes and large rear extensions on the adjoining sites with the result that was once a small residential terrace is slowly being eroded in favour of high density mixed use.
- 9.4. With regard to the appellant specific concern in relation to potential overlooking of the their property particularly from Apartment No 2 I refer to Policy RES 3 where it states that higher residential densities, such as this scheme, should *ensure a balance between the reasonable protection of existing residential amenities and the established character of areas, with the need to provide for sustainable residential development*. While densification is to be encouraged it is also a clear policy that it should not be to the detriment of existing residential amenities.
- 9.5. In dealing with the issue of overlooking I refer to the amended plans submitted by way of further information. I also refer to Condition No 2 of the notification that set out the following:

(a) A timber louvre finish shall be applied to the rear elevation of Apartment 1 and Apartment 2 at second floor level, as indicated on Drawing 1312/02/12 and Drawing 1312/02/13 submitted by way of Further Information on 21/09/17.

(b) The portion of rear facing walls of Apartment 1 and Apartment 2 at second floor level behind the louvre finish required under Item(a) above shall be of solid masonry construction rather than glazing to alleviate potential overlooking of the rear garden areas of adjacent residential properties.

Reason: *In the interest of visual and residential amenity.*

9.6. I have considered the plans and details available with the appeal file together with my site inspection and on balance I agree with the Case Planner that the modifications to the rear elevation of Apartment No 2 at first floor level immediately adjacent to the shared boundary with No 67 are acceptable. I am therefore satisfied that subject to the application of the above condition that the proposed scheme would not significantly detract from the residential amenity of No 67 by reason of overlooking.

10.0 Traffic Impact

10.1. The quantum and location of proposed off street car parking to serve the scheme (as amended) is acceptable. Further, I am satisfied given the location of the appeal site that the proposed entrance would not conflict with traffic or pedestrian movements in the immediate area subject to conditions as recommended by DLRCC Transportation Section. Overall I consider the proposal to be acceptable and I am satisfied that the proposed development will not result in the creation of a traffic hazard.

10.2. I note that Condition No 5 of the notification seeks details of cycle parking and future electric charging points. Should the Board be minded to grant permission it is recommended that a similar condition be attached.

10.3. I also note that Condition No 6 of the notification states that the proposed new timber gates at the vehicular entrance to the proposed new development shall be manual gates only and shall not be automatic electronic gates in the interest of traffic safety. I refer to Section 8.2.4.9(i) of the Development Plan where it states that *automatic electronic gates into residential developments are not favoured, and should be omitted.* I agree with the Plannign Authority's approach and recommend that should the Board be minded to grant permission that a similar condition be attached.

11.0 Other Issues

- 11.1. **Appropriate Assessment** - Having regard to the nature and scale of the proposed development, within an established urban area, and its distance to the nearest European site, no Appropriate Assessment issues arise and it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site.
- 11.2. **EIA Screening** – Having regard to the nature and scale of the proposed development comprising the renovation and extension of existing building, to accommodate 4 no own door apartments in a serviced urban area, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environment impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.
- 11.3. **Development Contributions** – Dun-laoghaire Rathdown County Council has adopted a Development Contribution scheme under Section 48 of the Planning and Development Act 2000 (as amended) and is in place since 14th December 2015. The proposed development does not fall under the exemptions listed in the scheme and it is therefore recommended that should the Board be minded to grant permission that a suitably worded condition be attached requiring the payment of a Section 48 Development Contribution in accordance with the Planning and Development Act 2000 (as amended).
- 11.4. **Devaluation of Property Values** – I note that concern is raised by the appellant regarding the depreciation in adjoining residential property values. The proposal before the Board is for a residential development on lands zoned for residential use where such developments is considered a permissible use and where it is reasonable to expect developments of this kind would normally be located. The units proposed (as amended) in terms of design, scale, layout and location are not considered to be a bad neighbour in this context and I do not therefore consider that to permit this development would lead to a significant devaluation of property values in the vicinity. Accordingly, I am satisfied that this matter is not material to the consideration of this appeal in this instance.
- 11.5. **Part V** – I refer to Part V of the Planning and Development Act 2000 (as amended) whereby a development of 9 or fewer houses or a development of houses on land of

less than 0.1 hectare can be exempted from Part V. I am satisfied that the scheme before the Board is exempt from Part V.

12.0 Recommendation

12.1. Having considered the contents of the application (as amended), the provision of the Development Plan, the grounds of appeal and the responses thereto, my site inspections and my assessment of the planning issues, I recommend that permission be **GRANTED** for the reasons and considerations set out below.

13.0 Reasons and Considerations

13.1. Having regard to the residential zoning of the site in the Dun Laoghaire Rathdown County Council 2016 – 2022, the Sustainable Residential Development in Urban Areas Guidelines for Planning Authorities (2009), the location of the site and the pattern of development in the area, 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 of property in the vicinity and would be acceptable in terms of traffic safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

14.0 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 21st September 2017 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. Prior to the commencement of development on site the Applicant shall submit for written agreement of the Planning Authority (Transportation Planning) revised plans indicating:

a) An appropriate number of cycle parking spaces for the proposed development within the proposed shared driveway area that will not conflict with turning manoeuvres for future cars. The cycle parking area shall be secure and correctly designed in accordance with the Dun Laoghaire Rathdown County Council Cycling Policy (July 2017)

b) That the proposed off-street car parking spaces are constructed so as to be capable of accommodating future electric charging points as required. The following weblink is recommended <http://www.esb.ie/electric-cars/index.jsp>.

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

3. a) The proposed new timber gates at the vehicular entrance to the proposed new development shall be manual gates only and shall not be automatic electronic gates

b) No car parking space shall be provided or delineated on the footpath to the front of the proposed development.

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

4. Details of the materials, colours and textures of all the external finishes and boundary treatments to the proposed dwellings and crèche shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

5. 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.

6. 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.

Reason: In the interests of amenity and public safety.

7. 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 interests of visual and residential amenity.

8. 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.

9. 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 within each house plot 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.

10. 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 hours of working, noise management measures and offsite disposal of construction/demolition waste.

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

11. The site and construction works required to implement the development shall only be carried out between 0800 hours and 1800 hours, Monday to Friday and between 0900 hours and 1400 hours on Saturday and not at all on Sundays, Bank Holidays or Public Holidays.

Reason: To safeguard the amenities of adjoining residential properties.

12. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 determined by An Bord Pleanála.

Reason: To ensure the satisfactory completion of the development.

13. 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.

Mary Crowley

Senior Planning Inspector

24th October 2018