



An
Bord
Pleanála

Board Direction
PL06D.248343

The submissions on this file and the Inspector's report were considered at a Board meeting held on September 15th 2017.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the residential zoning of the site in the Dún Laoghaire–Rathdown County Development Plan 2016 – 2022 and having regard to the pattern of development in the area, the planning history on the site and the revised proposals submitted with the appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of properties in the vicinity, would not adversely affect the setting of a protected structure and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission because it was considered that the proposed development would constitute a material contravention of the development plan. However, having regard to the pattern of development in the area, the Board considered that, by virtue of Section 37(2)(b)(iv) of the Planning and Development Act, 2000, it was not constrained in granting permission for the proposed development.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, as modified by drawings and documents lodged with the appeal on the 18th day of April, 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. This permission relates solely to amendments to the development permitted under PL06D.245456 and shall expire on the expiry date of that permission.

Reason : In the interest of clarity.

3. The conditions of the previous permission PL06D.245456 shall apply except where modified by the conditions herein.

Reason : In the interest of clarity.

4. 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.

5. 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.

6. The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 – Sandyford to Cherrywood 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.

Board Member

Date: 15.09.17

Paul Hyde