



An
Bord
Pleanála

Board Direction
PL06D.249248

The submissions on this file and the Inspector's report were considered at a Board meeting held on May 2nd 2018.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- the policies and objectives in the Dun Laoghaire-Rathdown County Development Plan 2016 – 2022
- the nature, scale and design of the proposed development and
- the availability in the area of a wide range of social and transport infrastructure including LUAS and QBC connections;
- the pattern of existing and permitted development in the area;
- the submissions and observations received, and
- the report of the Inspector.

It is considered that, subject to compliance with the conditions set out below that the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would respect the character of St. Joseph's House, a Protected Structure, (RPS ref. no. 1548) and would also respect the character of the wider area and would be acceptable in terms of traffic and pedestrian safety and convenience and also provide greater permeability and connectivity in the area. 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 concurred with the analysis of the Planning Authority and was satisfied that sufficient separation distance was established between the proposed apartment Blocks A and B from the Protected Structure and Leopardstown Lawn respectively to protected visual and residential amenity and that the character and setting of the Protected Structure was adequately protected. Furthermore, the Board agreed with the Planning authority that the height of the proposed blocks A and B was justified in the context of the Building Height Strategy contained in the in the DLRD CDP and was also in accordance with Ministerial Guidelines. It was therefore considered that the proposed development would not injure the residential or visual amenities of the area and would be in accordance with 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 as amended by the further plans and particulars submitted on the 28th day of July 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 Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes 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.

- 3 As per PA Condition 3 Ramps
- 4 As per PA Condition 4 Protected Structure.
- 5 As per PA Condition 5 Relocation of pedestrian accesses.
- 6 STD Naming/numbering Condition.
- 7 Waste Management Plan Condition

8 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.

9 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. In addition, prior to commencement of development mitigation measures against the risk of flooding shall be agreed with the Planning Authority including measures to address egress of occupants from the building in the case of flooding of surrounding land.

Reason: In the interest of public health.

10 (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

- 11 Tree Bond
- 12 As per PA Condition 13.
- 13 As per PA C 16 + 17
- 14 As per PA C23
- 15 As per PA C26.
- 16 CMP 1
- 17 STD Lighting Condition
- 18 As per PA C.32. Ecological Report
- 19 As per PA C.35. Management Company
- 20 Part V
- 21 Bond

22 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.

23 The developer shall pay to the planning authority a financial contribution in respect of the extension of Luas Line B1 from the Sandyford Depot 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.

Note: The Board decided to omit condition 2 and was satisfied that the proposed Block D adequately respected the residential amenities of the adjoining property in terms of separation distance and design and was in accordance with the proper planning and sustainable development of the area.

Section: Please circulate copy of the Direction with the Order.

Board Member

Date: 02.05.18

Paul Hyde