



An
Bord
Pleanála

Board Direction
BD-005681-20
ABP-305629-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 30/04/2020.

The Board decided, by a majority of 2:1, to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the zoning objective for the site, the pattern of development in the area and the nature and design of the proposed development, it is considered that the proposed development, subject to compliance with the conditions set out below, would be a compatible use in the area, would be consistent with the zoning objective for the site and as such would be in accordance with the proper planning and development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board did not agree that it is considered that the residential component of the proposed development would be incompatible with the nature of contiguous uses, or would fail to promote the objectives of the zoning of the site to provide for economic development and employment where residential use is open for consideration, or undermine the primary function of the existing industrial estate / business park. Nor did it consider that the proposed development would seriously injure the residential amenities of future occupants and/or result in incompatible uses side by side within the industrial estate. The proposed development would not, therefore, be contrary to the policies and objectives of the Dún Laoghaire Rathdown County Development

Plan, 2016-2022 and to the proper planning and sustainable development of the area

Conditions

1. Planpartic
2. a) Appropriate noise abatement measures shall be provided to ensure that the sound pressure levels at the proposed apartments and the public areas around them do not exceed 55 dB LAR, T in daytime, 50 dB LAR, T in the evening time and 45 dB LAEQ, T at night time, as defined by the EPA.
b) No residential unit shall be occupied prior to the installation of the acoustic screen/barrier, in accordance with details submitted to An Bord Pleanála on the 13th day of November 2019 , and other such measures have been completed and verified to be effective in achieving the required maximum sound pressure levels, and
c) The thereby permitted acoustic screen/barrier and other such measures shall be maintained at all times to ensure that the maximum sound pressure levels are not exceeded.

Reason: In the interest of residential amenity

3. BTR1
4. BTR2
5. PA c4
6. PA c5
7. PA c6
8. PA c7
9. PA c8

10. The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. The carparking spaces associated with the BTR development shall be assigned permanently for the residential development and shall be reserved solely for that purpose. These residential spaces shall

not be utilised for any other purpose, including for use in association with any other uses of the development hereby permitted, unless the subject of a separate grant of planning permission.

Reason: To ensure that adequate parking facilities are permanently available to serve the proposed residential units.

11. PA c 11

12. A minimum of 10% of all car parking spaces for both the build to rent and office elements of the development shall be provided with functioning EV charging stations/points and ducting shall be provided for all remaining car parking spaces, facilitating the installation of EV charging points/stations at a later date. Proposals providing for this requirement shall be submitted and agreed in writing with the Planning Authority prior to the occupation of the development.

Reason – In the interest of sustainable transport

13. PA c17

14. PAc18

15. PA c 19

16. PA c 21

17. PA c 22

18. PA c 23

19. PA c 24

20. PA c 25

21. PA c 26

22. PA c 27

23. PA c 28

24. PA c 29

25. RoofPlant

26. Public lighting shall be provided in accordance with a scheme details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development/installation of lighting. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

27. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, and the underground car park shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS.

Reason: In the interest of amenity and of traffic and pedestrian safety.

28. Proposals for a development name, office/commercial unit identification and apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all such names and numbering shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

29. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

30. (a) Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

(b) PA c 9a

(c) PA c9 b

Reason: In the interests of public health.

31. Standard IW

32. Part V

33. CDW

34. Urban Waste

35. CEMP1

36. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Saturdays inclusive, 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 [residential] amenities of property in the vicinity.

37. 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 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.

38. Security 1

39. S48 unspecified

Board Member

Date: 08/05/2020

Terry Prendergast