



An  
Bord  
Pleanála

**Board Direction**  
**BD-011744-23**  
**ABP-311106-21**

The submissions on this file and the Inspector's report were considered at Board meetings held on 10/09/2021, 13/12/2021 and 26/01/2023.

At the meeting of the 10/09/2021, the Board considered the remitted appeal and in accordance with the terms of the High Court order perfected on the 9<sup>th</sup> day of August 2021, decided to request further information from the applicant in accordance with the provisions of Section 132 of the Planning and Development Act 2000, as amended, and to invite further submissions/observations in relation to the appeal by way of a notice issued under section 131 of the Planning and Development Act 2000, as amended.

At the meeting of the 13/10/2021, the Board decided to defer consideration of the case and in accordance with the provisions of Section 131, to circulate the submission and revised drawings (including the revised surface water management design), received from the applicant in response to the Section 132 notice issued. The Board also requested an Addendum report from the Planning Inspector which addressed the revised designs and any submissions or observations received.

At the meeting of the 26/01/2023, the Board considered all of the information on the file including the Addendum report (dated 14<sup>th</sup> day of April 2022) prepared by the Planning Inspector and 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 provisions of the Dun Laoghaire-Rathdown County Development Plan 2022 – 2028 including zoning Objectives A and F, which provide for residential, and open space/ with ancillary active recreation amenities purposes for the site, relevant National Guidelines, the location of the site in an established urban area within walking of frequent 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 or visual amenities of the area and would not be prejudicial to public health. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

## Conditions

1.	<p>The development shall be carried out and completed in accordance with the plans and particulars lodged with the application on the 24<sup>th</sup> day of June 2019 and as amended by the further plans and particulars submitted on the 19<sup>th</sup> day of June 2020 and further amended by the further plans and particulars submitted on the 20<sup>th</sup> of October 2021 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.</p> <p><b>Reason:</b> In the interest of clarity.</p>
2.	<p>This permission is for 31 no. residential units in the form of four no. one bedroom apartments, twenty-three no. two bedroom apartments and four no. three bedroom apartments. The site layout, elevations and five storey height shall be in accordance with the documentation lodged on the 19<sup>th</sup> of June 2020 with the Planning Authority.</p> <p><b>Reason:</b> In the interest of clarity.</p>

3.	<p>Prior to the commencement of development, the developer shall provide, for the written agreement of the Planning Authority:</p> <ul style="list-style-type: none"> <li>a) The elevation facing Landscape Road shall be revised such that the central section of 'Fibre Cement Render' be replaced with a brick of a different colour/ texture to the other proposed brick.</li> <li>b) All balconies to provide for a minimum depth of 1.5 m.</li> <li>c) Full details of the proposed external design/ finishes in the form of samples and on-site mock-ups. These details shall include photomontages, colours, textures, and specifications. The ground floor shall be finished in brick in a similar colour to the existing houses in Ely Square and the upper floors to be a mix of brick, though of a lighter colour to that used on the ground floor.</li> <li>d) The apartment terrace/ balcony railings/ supports shall be painted/ coated metal and shall not be unpainted galvanised metal railings.</li> <li>e) Full details of the access gates between the site and the open space to the south/ 'Badger's Glen' shall be submitted for agreement. Details to include the design of the access, any pathways required and management details. The developer shall fully consider the issue of public access to this area in their submission to the Planning Authority.</li> </ul> <p><b>Reason:</b> In the interest of visual amenity.</p>
4.	<p>The internal road network serving the proposed development, including turning bays, parking areas, footpaths and kerbs, the junction with the existing street network and access/ layout of the underground car park shall be in accordance with the detailed standards of the Planning Authority for such works.</p> <p><b>Reason:</b> In the interest of amenity and of traffic and pedestrian safety.</p>
5.	<p>Proposals for a development name, unit 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 apartment unit numbers, shall be provided in</p>



	<p>accordance with the agreed scheme. 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.</p> <p><b>Reason:</b> In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.</p>
6.	<p>Water supply and drainage arrangements, including the disposal of surface water, shall comply with the requirements of the Planning Authority for such works and services.</p> <p><b>Reason:</b> In the interest of public health.</p>
7.	<p>The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water, prior to commencement of development.</p> <p><b>Reason:</b> In the interest of public health.</p>
8.	<p>a) 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.</p> <p>b) The access ladders to upper levels/ roof areas shall be incorporated into the design of the building and not be designed as an external addition to the buildings.</p>

	<p><b>Reason:</b> To protect the residential amenities of property in the vicinity and the visual amenities of the area.</p>
9.	<p>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.</p> <p><b>Reason:</b> In order to safeguard the amenities of property in the vicinity.</p>
10.	<p>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, a fully details Construction Traffic Management Plan, noise management measures and off-site disposal of construction/ demolition waste.</p> <p><b>Reason:</b> In the interests of public safety and residential amenity.</p>
11.	<p>(a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company</p> <p>(b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.</p>

	<p><b>Reason:</b> To provide for the satisfactory future maintenance of this development in the interest of residential amenity.</p>
12.	<p>All service cables associated with the proposed development (such as electrical, communal television, telephone and public lighting cables) shall be run underground within the site.</p> <p><b>Reason:</b> In the interest of orderly development and the visual amenities of the area.</p>
13.	<p>All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p> <p><b>Reason:</b> In the interest of sustainable transportation.</p>
14.	<p>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.</p> <p><b>Reason:</b> 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.</p>



15.	<p>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.</p> <p><b>Reason:</b> To ensure the satisfactory completion and maintenance of the development until taken in charge.</p>
16.	<p>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.</p> <p><b>Reason:</b> It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the</p>

Development Contribution Scheme made under section 48 of the Act be applied to the permission.
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Board Member

*Maria FitzGerald*

Date: 07/02/2023

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