



An
Bord
Pleanála

Board Direction

BD-017358-24

ABP-313252-22

The submissions on this file and the Inspector's report were considered at a Board meeting held on 28/08/2024.

The Board decided to make a split decision, to

(1) grant permission for

- i. the demolition of the non-original fabric of Chesterfield House (210 sq.m GFA) and change of use of the remaining structure from office and caretaker residence to residential use;
- ii. change of use of the existing 'Summer House' (59.3 sq.m GFA) to caretaker's maintenance and storage, including alterations and internal modifications;
- iii. the demolition of 3 no. derelict sheds (combined 113 sq.m GFA) and decommissioned water tank;
- iv. the construction of 11 no. residential units comprising;
 - a) 3 no. Build to Sell apartments (1 no. 2-bed and 2 no. 3-bed units) contained within a re-constructed Chesterfield House, all with private amenity space: and,
 - b) 8 no. Build to Sell, two and a half-storey, 4-bedroom semi-detached houses to the north of Chesterfield House, all with private amenity space

at Chesterfield, Cross Avenue, Blackrock, Co. Dublin

for the reasons and considerations marked (1) under and subject to the conditions set out below.

1. Reasons and Considerations

Having regard to the location of the development, the residential zoning objective, the policy framework provided by the Dun Laoghaire Rathdown County Development Plan 2022-2028 including objectives for infill development and for the consolidation of the main urban areas of Dun Laoghaire Rathdown it is considered that the proposed development, subject to condition, would provide a reasonable level of accommodation on site, would not have an adverse impact on existing residential amenities of the area, and would constitute an acceptable form of development at this zoned and service site and, as such, would be consistent with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse planning permission for 3 no. Build to Sell apartments and 8 no. Build to Sell, two and a half-storey, 4-bedroom semi-detached house, the Board did not accept the rationale of the Inspector that the over proliferation of BTR units applied to these 11 units, as these 11 units were not BTR units. The Board considered that a development of 3 no. Build to Sell apartments and 8 no. Build to Sell, 4-bedroom semi-detached house at this location was in keeping with the good planning and 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 to An Bord Pleanála, 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 commencement of the development, the developer shall enter into water and/or wastewater connection agreements with Uisce Éireann.

Reason: In the interest of public health.

3. Surface water drainage arrangements shall comply with the requirements of the planning authority for such services and works.

Reason: In the interest of public health.

4. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 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.

Reason: In the interests of residential amenity.

5. Landscaping Plan for the site shall be submitted to the planning authority and agreed with same prior to the occupation of any of the housing units.

Reason: In the interest of the environment and the visual amenities of the area.

6. 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 and to ensure the use of locally appropriate placenames for new residential areas.

7. Details of the external finishes of the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

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

Reason: In the interest of visual and residential amenity.

9. 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 noise management measures and off-site disposal of construction/demolition waste.

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

10. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

11. 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 of roads, footpaths, watermains, drains, 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 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.

Reason: To ensure the satisfactory completion of the development.

12. 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.

13 (a) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house unit or duplex for use by individual purchasers and/or to those

eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the developer or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

Reason: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

14. 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. 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 the Board to determine the proper application of the terms of the Scheme.

Reason: It is a requirement of the Planning and Development Act 2000 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.

and

- (2) refuse permission for for the below proposed development based on the reasons and considerations marked (2) set out below.
- i. the construction of 355 no. residential units comprising;
 - ii. 355 no. Build to Rent apartments across 6 no. blocks in the southern portion of the site ranging in height from 3-storeys to 8-storeys over basement incorporating 26 no. studio, 138 no. 1-bed, 163 no. 2-bed and 28 no. 3-bed units, all with private amenity space;
 - iii. the construction of a childcare facility at ground floor level in Block No. 2 with a gross floor area of 532 sq.m, with associated outdoor play area of 201 sq.m and 2 no. designated staff car-parking spaces located at basement level;
 - iv. the provision of a build to rent residents' services and amenities hub (combined 906 sq.m) located at basement level to accommodate a range of uses including a gym, aerobics room, residents' lounge, café, co-working area, chef's kitchen, 2 no. meeting rooms, and multipurpose/media/presentation space;
 - v. the provision of build to rent residential support facilities (with a combined gross floor area of 429.3 sq.m) comprising concierge, parcel room, bin stores, cleaner's rooms, and caretaker's maintenance and storage (former 'Summer House');
 - vi. the provision of 5,260 sq.m of public open space and 11,260 sq.m of communal open space;
 - vii. the construction of 1 no. bin and bike store with a combined gross floor area of 27.8 sq.m to serve Chesterfield House and 4 no. bike stores with a cumulative gross floor area of 119 sq.m in the southern part of the site;
 - viii. the provision of 644 no. bicycle parking spaces (540 no. long stay, 90 no. visitor and 14 no. for use by the childcare facility);
 - ix. the provision of a total of 290 no. car parking spaces comprising 22 no. surface level and 268 no. basement level car parking spaces. Car parking on site will include 56 no. EV spaces, 12 no. universal access spaces, 8 no. visitor spaces,

2 no. car-sharing spaces and 2 no. car parking spaces designated for the childcare facility.

- x. 11 no. motor-cycle parking spaces at basement level;
- xi. 2 no. pedestrian access paths and access gates for potential future access (subject to agreement) at the boundary with Clonfadda to the south and Cherbury to the west;
- xii. access will be via the existing access on Cross Avenue and improvement works are proposed to this entrance including the construction of an ornate patterned steel panel (30m x 3.7m) incorporating signage (2.6m x 0.3m) to the east of the existing entrance and signage (2.2m x 1.5m) on the existing wall to the west; works to the public footpath in the form of a raised table pedestrian crossing, waste layby area, drop-off and set down spaces, improvements to and realignment of the existing internal vehicular access road from the Cross Avenue entrance to provide for a road of 5.5m in width and 2m wide footpath;
- xiii. realignment and enlargement of the existing on-site ornamental pond to facilitate surface water attenuation;
- xiv. installation of infrastructure along Cross Avenue to facilitate connections to the municipal potable water supply at the junction of Cross Avenue and Booterstown Avenue and the surface water sewer at the junction of Cross Avenue and Mount Merrion Avenue;
- xv. the construction of 2 no. single-storey ESB sub-stations with a combined gross floor area of 51 sq.m;
- xvi. all ancillary site development works including plant, waste storage areas, landscaping, green roofs, boundary treatment, outdoor lighting, and solar PV panels.
- xvii. The proposed development also consists of the carrying out of works to Chesterfield House which contains a protected structure, 'Original Drawing Room' (RPS no. 171). Importantly, the protected structure will be retained within the proposed re-constructed Chesterfield House

at Chesterfield, Cross Avenue, Blackrock, Co. Dublin

2. Reasons and Considerations

Having regard to the relative proximity of ABP 311190-21 (244 no. BTR units) ca. 220m to the northeast of the site which is currently under construction and also accessing directly onto Cross Avenue, the cumulative impacts of a further 358 BTR units as proposed in one area would result in the over proliferation of BTR at this location and would be contrary to section 4.3.2.3 and Policy Objective PHP27 as it relates to 'sustainable residential communities' and Policy Objective PHP28 as it relates to 'over proliferation' of Build-to-Rent development of the Dun Laoghaire Rathdown County Development Plan 2022-2028 and would, therefore, be contrary to the proper planning and sustainable development of the area.

Note: The Board agreed with the Inspector that development would represent an over-proliferation of BTR in this area and consider this matter could not be addressed by way of condition in this instance owing to the specific application being made for BTR and the specific criteria and standards applied to BTR developments which are not reflected in BTS developments.

The Board considered however that a residential development of this size in this serviced residential development site would in principle be consistent with the relevant objectives of the Dun Laoghaire Rathdown Development Plan 2022-2028 and national planning policy regarding new apartments development subject to a tenure mix reflective of the current Development Plan, and building height, which seek to provide for increased density and height in accordance with the Compact Settlement Guidelines and the National Planning Framework.

Board Member:



Peter Mullan

Date: 03/09/2024

