

An  
Bord  
Pleanála

**Board Direction**  
**BD-016529-24**  
**ABP-317457-23**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 10/06/2024.

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 scale and nature of the application site and the pattern of development in the area, it is considered that, subject to compliance with the conditions set out below, the proposed development would be compatible with the provisions of the Dún Laoghaire-Rathdown Development Plan 2022-2028 including the residential zoning objective pertaining to the site, would not adversely affect the character of protected structures in the vicinity of the site and would be generally acceptable in terms of design, traffic safety and residential and visual amenity. The proposed development would, therefore, accord 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 received by the planning authority on the 12<sup>th</sup> day of May 2023, as further amended by the further plans and particulars received by An Bord Pleanála on the 28<sup>th</sup> day of June 2023 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. The timber entrance gates to Torquay Road shall be removed and the entrance shall remain open. The details of the entrance and the delineation of the three individual site boundaries shall be agreed with the Planning Authority prior to commencement of development.

**Reason:** In the interest of the traffic safety.

3. An acceptable naming / numbering for House 1 and 2, in both Irish and English, shall be submitted for the written agreement of the Planning Authority prior to the commencement of development or the erection of any advertising hoardings on site. In this regard, the use of house name(s) reflecting local place names or local history would be acceptable.

**Reason:** In the interest of orderly development.

4. Details of the materials, colours, textures of all external finishes to the proposed development shall be agreed in writing with the planning authority prior to commencement of the development.

**Reason:** In the interest of visual amenity.

5. The proposed dwellings House A and House B shall individually be used as single dwelling units only and shall not be sub-divided in any manner or individually used as two or more separate habitable units.

**Reason:** To prevent unauthorised development.

6. Prior to commencement of development, the developer shall enter into a waste / or wastewater connection agreement with Uisce Eireann.

**Reason:** In the interest of public health.

7. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

**Reason:** In the interests of public health and surface water management.

8. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

9. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

**Reason:** In the interest of sustainable waste management.

10. All service cables for the development, including electrical and telecommunications and communal television cables, 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 interest of visual amenity.

11. The four car parking spaces serving the residential units shall be provided with functional electric connections to allow for the provision of future 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.

**Reason:** In the interest of sustainable transportation.

12. Any alteration to the public road or footpath shall be in accordance with the requirements of the planning authority and where required, all repairs to the public road and services shall be carried out to the satisfaction of the planning authority at the developers' expense.

**Reason:** In the interest of clarity, public safety and amenity.

13. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between 0800 and 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 order to safeguard the residential amenities of property in the vicinity.

14. 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 acceptable to the planning authority, to secure the 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 security shall be as agreed with 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.

15. The developer shall pay to the planning authority a financial contribution of 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. The application of any indexation required by this condition 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.

**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.

16. The developer shall pay to the planning authority a financial contribution a financial contribution in respect of Luas Line B from Sandyford Depot to Cherrywood, namely Luas Line B1 in accordance with the terms of the Supplementary Development Construction Scheme made by the Planning Authority under section 49 of the Planning and Development Act 2000. The amount of the contribution 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 for determination. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be updated at the time of payment in accordance with changes in the Wholesale Price Index – Building and Construction (Capital Goods), published by the Central Statistics Office.

**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 1



While the Board shared the Inspectors view that House A would provide an appropriate design solution on the site, the Board considered that the additional 3m separation distance from the northern boundary proposed in the first party grounds of appeal would be appropriate and with the landscaping proposed would ensure that there would be no adverse effect on Tallon House. While noting the Inspectors view on the potential impact on moving House A closer to Ardenza, the Board noted the separation distance which would be provided between House A and the rear building line of Adrenza and noted the substantial changes made to the rear elevation with the recent alterations permitted under D19A/1026.

**Note 2**

The Board noted the Inspectors reference to the matter of the applicants having sufficient legal interest in respect of the site. The Board noted the ownership of the site and the consent provided by Savitchi Construction and also noted the correspondence from the applicant's legal representative in response to the further information request which the Board noted also includes Majala DAC and considered that this was sufficient to address the matter of legal interest and therefore a request under Section 132 was not necessary.


**Note 3**

The Board noted the Inspectors reference to matters relating to the access and considered that the subject application comprises alterations to the as granted entrance and the new access road which have been considered in the subject decision. Any matters relating to works outside of the scope of the application are considered to be matters for the Planning Authority.

**Note 4**

The Board noted that the Planning Reference included in section 3.3 of the Inspectors report was incorrect with the correct register reference D18A/1234 (ABP 303964-19)

**Board Member**

  
Una Crosse

**Date:** 10/06/2024