

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

Dún Laoghaire-Rathdown County

Planning Register Reference Number: D16A/0298

An Bord Pleanála Reference Number: PL 06D.246950

APPEAL by Andrew and Delyth Parkes and others of 'Saint Michael's', Sydenham Villas, Dublin against the decision made on the 28th day of June 2016 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Targeted Investment Opportunities ICAV care of Stephen Little and Associates of 6 Upper Mount Street, Dublin in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Development consisting of 93 number dwellings located within the grounds of Herbert Hill (a protected structure) comprising of (i) 90 number apartments in a building ranging in height from four to seven storey consisting of 15 number one-bed units, 65 number two-bed units and 10 number three-bed units, including balconies or terraces, and solar panels on the roof; car parking on site is provided within a basement under the apartment building (95 number spaces) and on surface spaces at a variety of locations within the site (15 number spaces); 106 number bicycle parking spaces. The following already permitted elements of the development are not amended by this proposal: (ii) conversion of existing Herbert Hill House in to two number two bedroom two storey houses by internal and external modifications with a single storey extension of approximately 10 square metres to the side of one house, extending a new roof to link with the retained outbuildings; (iii) conversion of existing outbuildings and stores to provide general storage, bicycle parking and bin storage; (iv) internal and external modifications to the existing Gate Lodge including the provision of a single storey extension of approximately 16 square metres to provide a single storey one bedroom dwelling (circa 59 square metres in total); (v) site development and landscape works, including a sub-station and switch room (circa 25 square metres), provision of bin stores, relocation and re-use of garden walls, the refurbishment and relocation of existing gazebo, the

demolition of glasshouse (25 square metres), the widening of the entrance to 9.1 metres to allow for footpaths and carriageway involving the removal of existing piers, gates and wheel guards, the lowering of a length of wall to Sandyford Road to provide sightlines, and the provision of new stone splay walls and piers and (vi) vehicular access is provided via the existing access to Herbert Hill off Sandyford Road which is to be widened to 9.1 metres, all on a site of approximately 1.07 hectares within the grounds of Herbert Hill (a protected structure). The development being proposed in this instance amends the scheme previously permitted under planning register reference number D15A/0405/An Bord Pleanála appeal reference number PL06D.245456 by way of internal modifications to the apartment building to take account of 'Sustainable Urban Housing: Design Standards for New Apartments' Guidelines for Planning Authorities. This has resulted in an increase of six apartments within the permitted apartment building envelope and the consequential increase in car and bike parking spaces in the basement of the already permitted scheme, all at Herbert Hill, Sandyford Road, Dundrum, Dublin.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

It is considered that the internal modifications and external changes to the façades resulting from the proposed development comprising modifications to a permitted development of 87 number residential units to provide an additional six number units at this site,

- (a) would be in accordance with the provisions of the Sustainable Urban Housing Design Standards for New Apartments–Guidelines for Planning Authorities published by the Department of Environment, Community and Local Government in December 2015 and in accordance with the Dún Laoghaire-Rathdown County Development Plan 2016-2022,
- (b) would constitute a sustainable use of serviced lands close to community facilities and a high quality public transport route, and
- (c) would not adversely affect the residential amenities or architectural heritage of the area.

Accordingly, it is considered that, subject to compliance with the conditions set out below, the proposed development 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, 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. This permission relates solely to amendments to the development permitted under An Bord Pleanála appeal reference number PL06D.245456 and shall expire on the expiry date of that permission.

Reason: In the interest of clarity.

3. The conditions of the previous permission under An Bord Pleanála appeal reference number PL06D.245456 shall apply except where modified by the conditions herein.

Reason: In the interest of clarity.

4. 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.

5. 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.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

6. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.