



Planning and Development Acts 2000 to 2018

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D17A/1060

Appeal by Liam Dowdall care of Philip O'Reilly of 2-4 Merville Road, Stillorgan, County Dublin against the decision made on the 24th day of April, 2018 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to BHR Developments Limited care of McGill Planning Limited of 7 Fitzwilliam Street Upper, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Demolition of existing commercial building on site (circa 4,600 square metres gross floor area). Construction of an office development totalling circa 36,617 square metres within three number buildings ranging in height from five to six storeys (with enclosed roof plan). Including ground floor café (circa 172 square metres) at Block 1. A total of 346 number car parking spaces at basement, 188 number long-stay and 183 number short stay bicycle spaces and 14 number motorcycle spaces. Bin storage areas and shower/changing facilities. 3 number substations (total 117.9 square metres). Provision of landscaping/open space/circulation routes including a new Pocket Park. Modifications alongside Burton Hall Road including redesign of the existing site access and provision of an additional left

turning lane onto Leopardstown Road. All associated site development, services provision and landscaping works on a site of circa 1.768 hectares at the former FAAC site, Leopardstown Road and Burton Hall Road, Sandyford, 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

Having regard to the provisions of the Sandyford Urban Framework Plan which forms part of the Dún Laoghaire-Rathdown County Development Plan 2016-2022 (Sandyford Urban Framework Plan - Appendix 15 of the County Development Plan) and its zoning for Office Based Employment Uses, to the location of the site in the established Sandyford Business Estate (formerly Sandyford Industrial Estate) and to the nature, form, scale 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 or of property in the vicinity, would respect the existing character of the area and would be acceptable in terms of pedestrian and traffic safety and convenience. The proposed development would, therefore, 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, as amended by the further plans and particulars submitted on the 29th day of March, 2018 and by the further plans and particulars received by An Bord Pleanála on the 19th day of June, 2018, 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 development, the developer shall submit to, and agree in writing with, the planning authority revised drawings to show the following changes to Building 2:
- (a) Omission of the ppc aluminium feature located on the roof of Building 2.
 - (b) Lengthen the height of the metal frame curtain wall by a minimum of 650 millimetres.
 - (c) Provide a continuous unbroken expressed metal structural facade to the Burton Hall Road and Leopardstown Road/interchange elevations.
 - (d) Introduce more vertical primary structural elements to strengthen the vertical emphasis and omit/reduce the visual emphasis of the horizontal channel located between the third and fourth floors.
 - (e) Both the vertical and horizontal structural elements to be consistent in colour.
 - (f) Incorporate expressed flange and web detailing to primary vertical structural.

Reason: In the interest of visual amenity and to emphasise Building 2 as a building of notable design and to provide a more vertical emphasis.

3. (a) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following details:
 - (i) The proposed set down area shall be relocated further north.
 - (ii) The detailed design of the hard and soft landscape areas.
 - (iii) Boundaries to the pocket park.
- (b) Prior to the occupation of any office accommodation, the proposed pocket park shall be completed and available for public use.

Reason: To ensure that designs, materials and specifications shall meet with the requirements of the planning authority and in the interest of the proper planning and sustainable development of the area.

4. (a) Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following details:
- (i) Proposed alterations to the traffic lights at Leopardstown Road/ Burton Hall Link Road junction.
 - (ii) Proposed alterations to the street lighting on Burton Hall Link Road.
 - (iii) Provision of electric vehicle charging points for a minimum number of car parking spaces in accordance with Section 8.2.4.12 of the Dún Laoghaire-Rathdown County Development Plan 2016-2022.
- (b) All cycle parking facilities and access routes shall be designed and constructed in accordance with Dún Laoghaire-Rathdown County Council Cycling Policy July, 2017 'Standards for Cycle Parking and associated Cycling Facilities for New Developments'.
- (c) The developer shall ensure that, prior to undertaking works to be carried out on the public road (including on footpaths), they shall obtain a Road Opening Licence from the Road Maintenance and the Roads Control Sections of the planning authority.

Reason: In the interests of public safety and the proper planning and sustainable development of the area.

5.
 - (a) The developer shall carry out at their own expense the recommendations and measures as accepted and noted in the submitted Quality Audit (dated March, 2018) prepared by DBFL, unless otherwise agreed in writing with the planning authority.
 - (b) A Stage 2 detailed design Quality Audit shall be carried out prior to commencement of construction.
 - (c) Post construction/prior to occupation, a Stage 3 Road Safety Audit and a post completion Quality Audit shall be carried out at the developer's expense in accordance with the Design Manual for Urban Roads and Streets (DMURS) and Transport Infrastructure Ireland standards.
 - (d) All measures recommended by the Auditor shall be undertaken, unless the planning authority approves a departure in writing. A feedback report shall also be submitted providing a response to each of the items.

Reason: In the interest of the proper planning and sustainable development of the area.

6. All works carried out on the public road (including on footpaths) shall be at the developer's expense to the satisfaction of the planning authority.

Reason: In the interest of the proper planning and sustainable development of the area.

7. Prior to commencement of development or any construction works on site, the developer shall agree in writing the following plans and detailed design of the boundary interface with the Luas Line with Transport Infrastructure Ireland and submit the following details of the agreed design for the subsequent agreement of the planning authority:
- (a) Construction Management Plan.
 - (b) Geotechnical Design Report in accordance with IS EN 1997-1a. The report shall detail both temporary and permanent works as they affect the raised Luas alignment and be independently certified to category 3 level.
 - (c) Demolition and Construction Method Statement.
 - (d) The Method Statement shall identify all interfaces to the Luas alignment and contain a risk assessment for works associated with the interfaces including mitigation measures for unacceptably high risks.
 - (e) The method statement shall demonstrate resolution of all issues outlined above when viewed in the context of the existing operational Luas infrastructure.
 - (f) An agreed schedule of settlement and vibration monitoring, covered by legal agreement during the works which must be carried out in accordance with Transport Infrastructure Ireland's 'Code of Engineering Practice for Works on, near or adjacent the Luas light rail system'.

- (g) Lighting design for the scheme which shall not create glare onto the Luas alignment.
- (h) Interfaces with proposed new infrastructure and treatments at ground level.

Reason: In the interest of the proper planning and sustainable development of the area and to ensure no adverse impact on Luas operations and safety.

- 8. (a) Details of the proposed signage for the café unit shall be submitted to, and agreed in writing with, the planning authority prior to the occupation of the unit.
- (b) No advertising sign or structure shall be erected, except those which are exempted development, without a prior grant of planning permission.

Reason: In the interest of visual amenity.

- 9. The scheme shall comply with the recommendations set out in the Lighting Report prepared by Homan O'Brien Consulting Engineers and submitted to An Bord Pleanála on the 19th day of June, 2018.

Reason: In the interest of residential amenity.

10. (a) Water supply and 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) Prior to commencement of construction, the developer shall submit to, and agree in writing with, the planning authority details of the proposed Green Roof and details of the maintenance of the roof.

Reason: In the interest of public health.

11. Details of the materials, colours and textures of all the external finishes to 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.

12. 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.

13. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July, 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

Reason: In the interest of sustainable waste management.

14. Site development and building works shall be carried out between the hours of 0700 to 1800 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

15. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

Reason: In the interest of visual amenity.

16. 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 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 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.

17. The developer shall pay to the planning authority a financial contribution in respect of Luas Line B1 – Sandyford to Cherrywood in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 of the Planning and Development Act 2000, as amended. 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 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2018.