



Planning and Development Acts 2000 to 2019

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D18A/1239

Appeal by Crosswaithe Developments Limited care of Downey Planning of 1 Westland Square, Pearse Street, Dublin against the decision made on the 21st day of February, 2019 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Alterations to previously approved planning register reference number D16A/0090/An Bord Pleanála appeal reference number PL 06D.246537 and D17A/1022, to replace 20 number permitted dwelling units towards the rear of the site with 24 number two-storey, three-bed dwellinghouses (109 square metres), one number two-storey, three-bed dwellinghouse (120 square metres) and provision of Block B which will provide for four number one-bed ground floor units (55.9 square metres) and four number two-bed, two-storey duplex units (103.1 square metres). Works to include the provision of an electricity substation, the realignment of the internal access road, alterations to all hard and soft landscaping associated with the new dwelling units and all associated site works, at lands at and adjoining the Golden Ball Public House, Enniskerry Road, 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 relevant provisions of the Dún Laoghaire-Rathdown County Development Plan 2016-2022, the planning history of the 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 not seriously injure the residential or visual amenities of the area, would not give rise to traffic hazard and would, otherwise, be in accordance with the provisions of the development plan. 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 to An Bord Pleanála on the 20th day of March 2019, 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 terms and conditions of the parent and amending permissions granted for the development (planning register reference numbers D16A/0090/An Bord Pleanála appeal reference number PL 06D.246537, D17A/1022 and D18A/1133) shall be complied with, unless they are modified by the terms and conditions of this permission. This permission shall expire on the date of expiry of planning register reference number D16A/0090/An Bord Pleanála appeal reference number PL 06D.246537.

Reason: In the interest of clarity.

3. Prior to commencement of development, the developer shall to submit to, and agree in writing with, the planning authority, final details of the landscaping proposals at the western boundary of the site, including the positioning of all proposed and/or replacement trees, ensuring that no such trees impede the alignment of the local access roads at the western boundary.

Reason: In the interest of proper planning and sustainable development, including landscape and visual amenity.

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. 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.

6. The developer shall pay to the planning authority a financial contribution in respect of the extension of Glenamuck District Distributor Road Scheme and Surface Water Attenuation Ponds Scheme, 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.

Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.