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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: Dún Laoghaire Rathdown County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 24<sup>th</sup> day of April 2019 by Viscount Securities care of John Spain Associates, 39 Fitzwilliam Place, Dublin 2.

#### **Proposed Development:**

A planning permission for a strategic housing development at Clay Farm, Ballyogan Road, Dublin 18. The application site relates to the westernmost part of Phase 1C of the under construction / permitted Phase 1 Clay Farm development (An Bord Pleanála Reference: PL06D.246601 / Dún Laoghaire Rathdown County Council Register Reference: D15A/0247). The application site has an overall area of circa 0.94 hectares.

The proposed development relates to the provision of 192 number apartments in two number blocks. Block G contains a total of 125 number apartments and ranges in height from four to six storeys over basement car park. Block E7 contains a total of 67 number apartments and ranges in height from five to six storeys over basement car park.

Apartment Block G consists of

- 20 number studio apartments,
- 30 number one-bed apartments and
- 75 number two-bed apartments,

and includes ancillary internal communal amenity areas.

Apartment Block E7 consists of

- 34 number one-bed apartments and
- 33 number two-bed apartments.

Each block contains communal open space at ground and roof / terrace level.

Block G contains 80 number car parking spaces at basement level, 23 number surface car parking spaces, 213 number bicycle spaces at basement level and 30 number bicycle spaces at surface level. Block E7 contains 43 number car parking spaces at basement level, 110 number bicycle spaces at basement level and 16 number bicycle spaces at surface level. The basements also contain ancillary bin storage and plant areas. One number Electricity Supply Board substation is also proposed.

The alignment of the east / west access road and the proposed vehicular access from the Phase 1C lands to Clay Farm Loop Road at Castle Court / Elmfield to the north west is maintained within the subject site as per the parent permission (An Bord Pleanála Reference: PL06D.246601 / Dún Laoghaire Rathdown County Council Register Reference: D15A/0247). Vehicular access to the development will be via the Ballyogan Road / Clay Farm Loop Road entrance to the east until such time as the vehicular connection to the Clay Farm Loop Road at Castle Court / Elmfield is made available. A potential road connection to the lands to the north west is provided to the north of Block G.

The proposal includes associated foul and surface water drainage (which will connect to the infrastructure in the permitted / constructed development), hard and soft landscaping, boundary proposals and all associated works. A temporary construction access from the Ballyogan Road and a construction compound are also proposed.

The proposed apartment blocks will replace and supersede the 56 number apartments (Block G - 32 number apartments and Block E7 - 24 number apartments) and 10 number houses permitted on this part of the site as part of the Clay Farm Phase 1 development under An Bord Pleanála Reference: PL06D.246601 / Dún Laoghaire Rathdown County Council Register Reference: D15A/0247.

## **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**

In coming to its decision, the Board had regard to the following:

- (a) the zoning objective for residential development in the Dún Laoghaire-Rathdown County Development Plan 2016-2022;
- (b) the policies and objectives in the Dun Laoghaire Rathdown County Development Plan 2016-2022;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;

- (g) the Planning System and Flood Risk Management Guidelines for Planning Authorities (including the associated Technical Appendices) issued by the Department of Environment, Heritage and Local Government, 2009;
- (h) the nature, scale and design of the proposed development;
- (i) the availability in the area of a wide range of social and transport infrastructure;
- (j) the pattern of existing and permitted development in the area;
- (k) the submissions and observations received, and
- (l) the report of the Inspector.

The Board considered, subject to compliance with the conditions set out below that 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, would be acceptable in terms of traffic and pedestrian safety and convenience, and would not give rise to flooding in the area. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development within a zoned and serviced urban area, the Information for Screening for Appropriate Assessment document submitted with the application, the Inspector's report, and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

## **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report submitted by the applicant, identifies and describes adequately the direct, indirect, secondary, and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

## **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. Apart from any departures specifically authorised by this permission, the development shall be carried out and completed in accordance with the terms and conditions of the planning permission granted on the 29th day of August 2016 under appeal reference number PL06D.246601, planning register reference number Reg Ref D15A//0247, and any agreements entered into thereunder.

**Reason:** In the interest of clarity and to ensure that the overall development is carried out in accordance with the previous permission.

3. Prior to commencement of development, a revised site layout plan shall be submitted to the planning authority for a written agreement on the following:
  - (a) The removal of 10 number car parking spaces along the south east of Block G, to be replaced with landscaping and integration of a footpath.
  - (b) The increase in width of the proposed pedestrian walkway to the north, onto the Ballyogan Road to four metres, and integration of a cycle way.
  - (c) The provision of 26 number additional cycle parking spaces and inclusion of a designated cycle route to the basements north of Block G and Block E7.
  - (d) The provision of an access road between Block G and Block E7 up to and including the boundary to the north-west with the removal of any “ransom strip”.
  - (e) The submission of details of the flood defence ramp and handrails at the top of the basement car parks at Block G and Block E7.
  - (f) Final details of pumping station within the basements.

Revised details shall be submitted to and agreed in writing with the planning authority prior to the commencement of works.

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

4. The internal road network and proposed construction access serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, underground car park and cycle parking bays shall be in accordance with the detailed standards of the planning authority for such works.

**Reason:** In the interest of amenity and of traffic and pedestrian safety.

5. Prior to the opening of the development, the proposals laid out in the Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. Details of the implementation and management shall be agreed with the planning authority and shall include the provision monitoring and reporting associated with the policies set out in the strategy.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority prior to commencement of development. This scheme shall include the following:
  - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) all planting shall be semi-mature and native and the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings shall be included;
  - (c) details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes;
  - (e) full details of the proposed green roofs including construction and post-construction maintenance and specification;
  - (f) the submission of a revised Tree Survey, Protection and Removal Plan

and accompanying landscape drawings confirming the removal of four trees (T721, T722, T723, T724) and proposing a tree planting scheme with semi-mature native species.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and completed prior to the occupation of any residential units.

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

7. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development. 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.

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

8. Where the public open space is not taken in charge, the proposed open spaces shall operate as public parks in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times.

**Reason:** In the interest of residential amenity and to secure the integrity of the proposed development including the public park.

9. Site development and building works shall be carried only out between 0800 to 1900 hours 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 order to safeguard the amenities of property in the vicinity



10. Prior to commencement of development, proposals for an apartment naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority. Thereafter, all estate and street signs, and apartment 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 place names for new residential areas.

11. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

**Reason:** To protect the residential amenity of property in the vicinity and the visual amenity of the area.

13. Prior to commencement of development, the developer 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.

14. 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 planning authority of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning 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 the Board for determination.

**Reason:** To ensure the satisfactory completion of the development.

15. 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.

16. The developer shall pay to the planning authority a financial contribution for the extension 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 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 Supplementary Development Contribution Scheme made under section 49 of

the Act be applied to the permission

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**Paul Hyde**

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

**Dated this          day of                          2019**