



Planning and Development Acts 2000 to 2020

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D20A/0295

Appeal by Ceannabo Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin against the decision made on the 8th day of July, 2020 by Dún Laoghaire-Rathdown County Council to refuse a permission for the proposed development.

Proposed Development: (i) Demolition of existing two-storey office building (office use permitted under Register Reference 93A/1440; (ii) construction of a four-storey mixed-use development, comprising retail and residential use consisting of: (a) retail unit (77.55 square metres) at ground floor level; (b) one number one-bedroom apartment at ground floor level; (b) one number one-bedroom apartment at first floor level; (c) one number three bedroom duplex unit at first and second floor level; and (d) one number three bedroom duplex unit at second and third floor level. Each unit to be provided with private amenity space, comprising balcony or terrace (5.2 square metres to 19.8 square metres); (iii) the provision of two number car parking spaces to the rear of the site and the provision of internal bike store (9.3 square metres); and (iv) the development also includes landscaping, SuDS drainage and all ancillary works necessary to facilitate the development at 28 Dale Road, Stillorgan, County 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 policies and objectives of the Dún Laoghaire-Rathdown County Development Plan 2016–2022, the “NC” zoning objective for the site and the mixed use nature of the proposed development, the location of the site in an area well served by public transport, on an end of terrace site adjacent to a green open area, and the design, form, scale and layout of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would contribute to the variety of housing types available in the area and the efficient use of urban land, would not seriously injure the residential and visual amenities of the area, and would be acceptable in terms of traffic and pedestrian safety. 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 received by An Bord Pleanála on the 31st day of July, 2020, 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 proposed development shall be a maximum of three storeys in height and shall be carried out in accordance with Option B as submitted to An Bord Pleanála on the 31st day of July, 2020.

Reason: In the interest of clarity.

3. The proposed development shall be amended as follows:
 - (a) The floor to ceiling height of the ground floor apartment shall be a minimum of 2.7 metres.
 - (b) The two car parking spaces shall be omitted and the area shall be landscaped as an entrance courtyard.
 - (c) The bin store and bicycle store shall be moved from within the block, and shall be relocated to the west side of the open space to the rear.

- (d) The layout of the ground floor apartment shall be revised to provide a larger balcony area. The opening in the external wall to the balcony shall be maximised and the external balustrade shall be similar open design detail to the balustrades to the upper levels, in order to ensure adequate daylighting to the interior of apartment.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

4. 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.

5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interests of visual and residential amenity.

6. 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.

7. The developer shall enter into water and/or wastewater connection agreement with Irish Water, prior to commencement of development,

Reason: In the interest of public health.

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 noise management measures and off-site disposal of construction/demolition waste.

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

9. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 [residential] amenities of property in the vicinity.

10. 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.

Michelle Fagan
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board

Dated this day of 2020