

An
Bord
Pleanála

Board Order
ABP-311151-21

Planning and Development Acts 2000 to 2021

Planning Authority: Dún Laoghaire Rathdown County Council

Planning Register Reference Number: D20A/0746

Appeal by Deerfield Properties Limited care of Kieran O'Malley and Company Limited, Town Planning Consultants of Priory Office Park, Stillorgan Road, Blackrock, Dublin against the decision made on the 21st day of July, 2021 by Dún Laoghaire-Rathdown County Council to refuse permission for the proposed development.

Proposed Development: Construction of 43 number residential dwellings units (four number one bedroom, 33 number two bedrooms and six number three bedrooms) in three apartment blocks, Block A1, Block A2 and Block B as follows: Blocks A1 and A2 (three storeys, circa 394.8 square metres total floor area each) comprise four number apartments each (i.e. two number three bedroom duplex units (115.6 square metres) and two number one bedroom apartments (54.2 square metres)) and Block B five-storeys over undercroft car park (858 square metres), circa 2,909 square metres total floor area) comprises 33 number two bedroom apartments (ranging in size from 70.15 square metres to 88.60 square metres) and two number three bedroom apartments (100.49 square metres and 101.65 square metres). Access is at the existing access at Harold's Grange Road (authorised pursuant to

Register Reference Number D11A/0191). The proposed development also consists of 52 number car parking spaces comprising 31 number surface car parking spaces including two number disabled spaces and 21 number undercroft car parking spaces, 106 number cycle parking spaces and two number motorcycle parking spaces, bin stores, internal roads and footpaths, landscaping and boundary treatment works, site services and all ancillary and associated site development works on a 0.555 hectares site at 'Grange Hill', Harold's Grange Road, Rathfarnham, Dublin as amended by the revised public notices received by the planning authority on the 25th day of June, 2021 which included the following: The demolition of a bungalow and store and the construction of 39 number residential dwelling units (eight number one bedroom, 27 number two bedrooms and four number three bedrooms) in three apartment blocks ranging from three-storeys (Blocks A1 and A2) to four-storeys over undercroft car park (Block B). Access is at the existing access at Harold's Grange Road (authorised pursuant to Register Reference Number D11A/0191). The proposed development also includes 53 number car parking spaces comprising 26 number surface car parking spaces including two number disabled spaces and 27 number undercroft car parking spaces, 70 number bicycle parking spaces and three number motorcycle spaces, bin stores, ESB sub-station, internal roads and footpaths, landscaping and boundary treatment works, site services and all ancillary and associated site development works.

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.

Reasons and Considerations

Having regard to national planning policy which seeks to ensure more compact and sustainable development patterns in urban areas, the zoning A for the site with the objective to provide residential development and improve residential amenity while protecting the existing residential amenities in the Dún Laoghaire-Rathdown County Development Plan 2022-2028, the planning history of the site, under which residential development was previously deemed acceptable at this location, the pattern of residential development adjoining the site, and the nature and scale 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 and would be acceptable in terms of pedestrian and traffic 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 submitted on the 9th day of April 2021 and the 25th day of June 2021 and by the further plans and particulars received by An Bord Pleanála on the 17th day of August 2021, 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 number of residential dwelling units permitted by this permission is 39 number.

Reason: In the interest of clarity.

3. Details of the alignment/construction of proposed Blocks A1 and A2, including the ramp and stair access to each block, and the proposed footpath and cycle path adjoining the northern site boundary at Harold's Grange Road shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To facilitate future planned upgrade works to the public road.

4. (a) The developer shall comply, at their own expense, with the submitted Quality Audit recommendations as accepted by the design team in the submitted Audit Feedback Forms for the development. The developer shall liaise with the planning authority, or any other required third party, as necessary to carry out the Road Safety Audit and Quality Audit recommendations and actions.
- (b) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which shall include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit), shall be carried out for the development in accordance with the Design Manual for Urban Roads and Streets (DMURS) guidance and TII standards. The Quality Audit team shall be approved by the planning authority (Transportation Planning Section) and all measures recommended by the Auditor shall be undertaken unless the planning authority approves any departure in writing. A feedback report shall also be submitted providing a response to each of the items.

Reason: In the interest of traffic, pedestrian and cyclist safety.

5. The internal road network and vehicular circulation network serving the proposed development, including turning bays, junctions, parking areas, footpaths, and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works and design standards outlined in DMURS. Drawings and particulars 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 interest of amenity and of traffic and pedestrian safety.

6. Proposals for a name and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name.

Reason: In the interest of urban legibility.

7. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of sustainable transportation.

8. A total of 50% of the visitor cycle parking spaces which are proposed to the rear of Block B shall be covered in accordance with the requirements of Dún Laoghaire-Rathdown County Council's Standards for Cycle Parking and associated Cycling Facilities for New Developments (January 2018).

Reason: To ensure a satisfactory standard of development.

9. All of the proposed car parking spaces shall be for occupants of the development and shall be sold off with the relevant units and not sold separately or let independently from the residential development.

Reason: In the interest of orderly development.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any apartment.

Reason: In the interests of amenity and public safety.

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. Prior to the commencement of development, the developer shall submit to, and agree in writing with, the planning authority a plan containing details of the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and the ongoing operation of these facilities.

Reason: To provide for the appropriate management of waste in the interest of protecting the environment.

13. 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.

14. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

15. 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. This scheme shall include the following:

- (a) A plan to scale of not less than 1:500 showing:
- (i) The species, variety, number, size and locations of all proposed trees and shrubs.
 - (ii) Details of screen planting.
 - (iii) Details of roadside/street planting.
 - (iv) Hard landscaping works, specifying surfacing materials, furniture, and finished levels.

- (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
- (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of residential and visual amenity.

16. (a) An accurate tree survey of the site, which shall be carried out by an arborist or landscape architect, shall be submitted to the planning authority prior to commencement of development. The survey shall show the location of each tree on the site, together with the species, height, girth, crown spread and condition of each tree, distinguishing between those which it is proposed to be felled and those which it is proposed to be retained.
- (b) Measures for the protection of those trees which it is proposed to be retained shall be submitted to, and agreed in writing with, the planning authority before any trees are felled.
- (c) Details of the proposed retaining wall adjoining the landscaped buffer at the southern site boundary shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development.

Reason: To facilitate the identification and subsequent protection of trees to be retained on the site, in the interest of visual amenity.

17. 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 visual amenities of the area.

18. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

19. Water supply and drainage arrangements, including the 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.

20. Prior to commencement of development, the developer shall enter into water and/or waste-water connection agreement(s) with Irish Water.

Reason: In the interest of public health.

21. 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.

22. 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.

23. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

24. 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.

25. The developer shall pay to the planning authority a financial contribution as a special contribution under section 48(2)(c) of the Planning and Development Act 2000 in respect of a pedestrian crossing and any associated traffic calming measures which may be required on Harold's Grange Road. The amount of the contribution 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 for determination. 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.

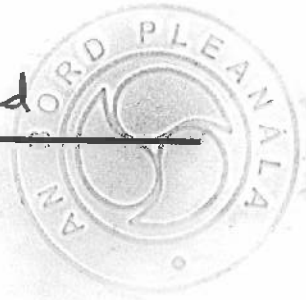
Reason: It is considered reasonable that the developer should contribute towards the specific exceptional costs which are incurred by the planning authority which are not covered in the Development Contribution Scheme, and which will benefit the proposed development.

Dr. Maria Fitzgerald

Maria FitzGerald

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board**



Dated this *24th* day of *January* 2023