

An
Bord
Pleanála

Board Order
ABP-317253-23

Planning and Development Acts 2000 to 2022

Planning Authority: Dún Laoghaire-Rathdown County Council

Planning Register Reference Number: D22A/0421

Appeal by Dundrum Office Park Management Company CLG care of Armstrong Planning Limited of 12 Clarinda Park North, Dún Laoghaire, County Dublin and by others against the decision made on the 16th day of May, 2023 by Dún Laoghaire-Rathdown County Council to grant subject to conditions a permission to Eoin Sheehan care of IMG Planning Limited of 75 Fitzwilliam Lane, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of the construction 21 number apartments (eight number one bedroom; 11 number two bedroom; and two number three bedroom) in one number four and six storey block incorporating 42 number resident's cycle parking and waste storage at lower ground floor, a resident's terrace on the roof of the fourth floor, a green roof, and the installation of solar panels on the roof; the provision of landscaped communal open space incorporating internal access routes, children's play area, outdoor seating areas, five number visitor cycle parking spaces, an ESB substation and bin storage building and all other site works above and below the ground required to facilitate the development including the formation of a pedestrian gate onto the eastern boundary from the Dundrum Office Park and

ramp access and ancillary landscaping including tree planting, all on the site to the south of Dundrum Office Park, Dundrum, Dublin to the rear of 7, 8 and 9 Main Street, Dundrum, Dublin. Further public notices were received by the planning authority on the 19th day of April, 2023.

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

The proposed development complies with the provisions of the Dún Laoghaire-Rathdown County Development Plan 2022-2028 and the Dundrum Local Area Plan 2023. It is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual amenity and other amenities of the area, would not constitute overdevelopment of the subject site and would not adversely affect the character and special interest of the adjoining Dundrum Architectural Conservation Area. 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 19th day of April 2023, 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. (a) This permission is for the construction of 20 number apartments comprising six number one bedroom units, 11 number two bedroom units and three number three bedroom units in one number four and six storey block.
- (b) The location and detail of the proposed ESB substation as referred to in the public notices submitted with the application to be agreed with the planning authority.

Reason: In the interests of clarity and orderly development, and to protect residential amenities.

3. Details of the materials, colours and textures of all the external finishes of the proposed development shall be agreed in writing with the planning authority prior to commencement of development. In default of agreement, the matter(s) shall be referred to An Bord Pleanála for determination.

Reason: In the interest of visual amenity.

4. Proposals for a development name, unit numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The proposed name 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 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 and to ensure the use of locally appropriate placenames for new residential areas.
5. 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.
6. The developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann, prior to commencement of development.
Reason: In the interest of public health.
7. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between the hours of 0700 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.

8. The non-amenity roof areas shall not be accessible except for maintenance purposes only.

Reason: In the interest of residential amenity.

9. 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 amenities of property in the vicinity and the visual amenities of the area.

10. The Landscape Masterplan prepared by Cunnane Stratton Reynolds drawing number 21401_1_101, as submitted to the planning authority on the 16th day of June, 2022 and amended by the further plans and particulars on the 19th day of April, 2023 shall be carried out within the first planting season following substantial completion of external construction works. 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 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 interests of residential and visual amenity.

11. Prior to commencement of development, the developer shall submit a detailed Japanese Knotweed Management Plan for the written agreement of the planning authority.

Reason: To ensure that invasive species are dealt with in an appropriate manner.

12. Prior to commencement of development, the developer shall submit a final Operational Waste Management Plan for the written agreement of the planning authority.

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

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:
- (a) location of the site and materials compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of on-site car parking facilities for site workers during the course of construction,
 - (e) details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site,
 - (f) measures to obviate queuing of construction traffic on the adjoining road network,
 - (g) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
 - (h) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site development works,
 - (i) containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater,
 - (j) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and

- (k) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority.

Reason: In the interests of amenities, public health and safety.

14. The measures as set out in Section 4.5 of the Noise and Vibration Impact Assessment (Avoidance, Remedial and Reductive Measures) prepared by CLV Consulting and received as further information by the planning authority on the 19th day of April, 2023 shall be implemented in full. The following additional measures relating to noise and vibration shall be implemented:

- (a) During the construction phase all reasonable measures shall be taken to reduce potential impacts relating to noise nuisance and disturbance and vibrational impacts to an acceptable level. Noise levels shall be controlled and monitored to ensure that site construction activities do not have an adverse or unacceptable impact on local receptors, adjacent property, adjacent users and human health and on the wider receiving environment.
- (b) A programme of continuous noise and vibration monitoring shall be carried out for the duration of the development, along the site boundary/noise sensitive location(s) and by an appropriately qualified and experienced acoustic technician. Should any noise assessment identify the noise limits being exceeded, further investigation will be carried out and mitigation measures implemented to ensure compliance.

- (c) Any potential excessively noisy activities such as rock breaking/piling shall be limited to the hours of 0900-1700. They shall also be carried out with prior consultation between the community liaison officer and potentially affected residents as per Section 4.5 of the Noise and Vibration Impact Assessment.
- (d) A programme of dust monitoring shall be carried out by the developer at dust sensitive locations adjacent to the site boundaries and shall be made available to the planning authority.

Reason: In the interest of public health.

15. All service cables associated with the proposed development (such as electrical, television, telephone and public lighting cables) shall be run underground within the site. Provision shall be made for broadband connectivity to the proposed development.

Reason: In the interests of orderly development and the visual amenities of the area.

16. Public lighting shall be provided in accordance with a scheme, 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 unit.

Reason: In the interest of public safety.

17. 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.

18. 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 local authority of roads, footpaths, watermains, drains, public 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 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 An Bord Pleanála for determination.

Reason: To ensure the satisfactory completion and maintenance of the development until taken in charge.

19. 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.

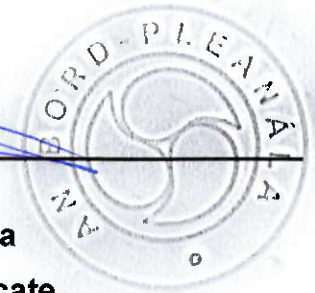
20. The developer shall pay a financial contribution to the planning authority as a special contribution under Section 48(2)(c) of the Planning and Development Act 2000, as amended, in lieu of the provision of public open space, to fund improvements to the existing open space at Rosemount Park, which benefits the proposed development. 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 may be agreed prior to the commencement of the development and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the terms of payment of this financial contribution shall be agreed in writing between the planning authority and the developer.

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



Liam Bergin

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



Dated this 18th day of June 2024.