

Cairn Homes Properties Limited
45 Mespil Road
Dublin 4
D04 W2F1

Date : 11-Jun-2024

Reg. Ref. : SDZ22A/0017/C24
Proposal : Construction of 157 dwellings within the Clonburris South-West Development Area of the Clonburris Strategic Development Zone (SDZ) Planning Scheme 2019 consisting of, 81 houses comprising of 4 two bedroom houses, 65 three bedroom houses and 12 four bedroom houses (all two storey with associated private open space and car parking; 76 apartment units consisting of 26 one bedroom and 50 two bedroom units within Block 1 (4 storeys); Vehicular access will be provided from the permitted street under SDZ21A/0022 and the permitted Clonburris Southern Link Street (SDZ20A/0021) and R113 (Fonthill Road) to the east; All ancillary site development works including footpaths, landscaping boundary treatments, public and private open space areas, car parking (170 spaces) and bicycle parking (170 spaces), single storey ESB sub-stations, bin and bicycle stores and all ancillary site development/construction works all on wider lands bounded generally by the Dublin-Cork railway line to the north, undeveloped lands and Grand Canal to the south and undeveloped lands and the Fonthill Road (R113) to the east, in accordance with the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015.

Condition 24:

Regulation of Institutional Investment in Housing - Houses and/or duplex unit-type development.

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that

restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

Location : Within the townland of Cappagh, Clonburris, Dublin 22
Applicant : Cairn Homes Properties Limited
Application Type: Compliance with Conditions

Dear Sir/Madam,

I refer to your submission received on 16-Apr-2024 to comply with Condition No 24 of Grant of Permission No. SDZ22A/0017, in connection with the above.

In this regard I wish to inform you that the submission received is deemed **partially** compliant.

Comments:

“Compliance submission:

Submission received on the 16/04/24 from Cairn Homes Limited.

Documents provided by Applicant:

The Applicant has provided the following information to demonstrate compliance with Condition No. 24.

- Cover Letter prepared by Cairn Homes
- Two Hard Copies and an electronic copy of Agreement pursuant to Section 47
- Drawing: COM-06-1 and COM-06-02

Assessment/Planners Response:

The applicant has submitted a Section 47 agreement to the Local Authority using SDCC's agreed template. However, as the hard copies submitted were not sealed, the submission is deemed to be in **Partial Compliance** with the requirements of Condition 24. SDCC requires the submission of 2 no. hard copies of the Section 47 Agreement, signed with the applicant/developer's seal as part of this condition.

Therefore, the submitted details are not considered to be fully acceptable.

Conclusion

The submission is considered to **Partially Comply** with Condition 24. “

Yours faithfully,

M.C.

for Senior Planner