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**Planning and Development Acts 2000 to 2019**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD19A/0287**

**Appeal** by Ronan O'Reilly of 4 Temple Woods, Greenhills Road, Dublin on behalf of the Temple Woods Residents Association against the decision made on the 6<sup>th</sup> day of November, 2019 by South Dublin County Council to grant subject to conditions a permission to Legendstand Limited care of Delphi Design Architects and Planners of Unit13, The Seapoint Building, 44/45 Clontarf Road, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Demolition of the rear and side extensions of the existing building but retaining the original front part of the building to accommodate a cafe (137square metres) at ground floor level of the existing building and a two-bed apartment overhead at first floor. The proposed development also provides for the construction of a three and four-storey building to the side and rear of the existing building, accommodating 18 apartments. The proposed residential accommodation consists of 19 apartments in total, comprised of 12 one-bed apartments and seven two-bed apartments. The proposed development will be a modification to an extant permission under planning register reference number SD16A/0157, with

access to the development via an existing/permitted vehicular entrance off the Greenhills Road. The proposed development includes all associated site development works, surface car parking, bicycle parking, open space and landscaping, pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1 square metres) underneath the public house which will be used as a plant room for the proposed apartment building, all on a site area of 0.24 hectares at The Cuckoo's Nest, Greenhills Road, Tallaght, 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 location of the site and the pattern of development in the vicinity, to the provisions of the South Dublin County Development Plan 2016-2022 including Specific Local Objective H17 SLO1, and to the Guidelines for Planning Authorities on Design Standards For New Apartments issued in March 2018 and the Guidelines for Planning Authorities on Urban Development and Building Height issued in December 2018 it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the character of the area or the amenities of property in the vicinity and would be acceptable in terms of traffic safety and the convenience of road users. 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, 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. This permission authorises the development of 16 apartments and a café.

**Reason:** In the interest of clarity

3. The proposed development shall be amended as follows: -
  - (a) Unit 11 shall be a one-bedroom or studio apartment and shall be provided with east facing windows.
  - (b) Units 04, 09 and 15 shall be omitted and the resulting space shall be incorporated into units 03, 05, 08, 10, 14 and 16 so that they meet the standards for four-person two-bedroom apartments set out in the 2018 Guidelines on the Design Standards for New Apartments.
  - (c) The open space in the south-western part of the site shall be provided as communal open space for the proposed apartments and the existing adjoining apartments with appropriate boundary treatments and access arrangements
  - (d) The on-street parking spaces at the eastern side of the application site at Temple Woods shall be retained in the course of the development with a suitable footpath alongside them
  - (e) The public footpath along the Greenhills Road shall be extended along the entire width of the site with a crossover at the same level and with the same surface treatment as the rest of the footpath to provide access to the parking area for the permitted development and that for the theatre in accordance with section 4.3.1 of the Design Manual for Urban Roads and Streets.

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 interest of residential amenity and traffic safety.

4. Details of the materials, colours and textures of all the external finishes and of boundary and surface treatments shall be as submitted with the application, unless have otherwise been agreed in writing with the planning authority prior to commencement of development.

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

5. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) shall be erected or displayed on the building or within the curtilage of the site in such a manner as to be visible from outside the building, unless authorised by a further grant of planning permission.

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

6. (a) 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.
- (b) Details of air handling and extraction for the permitted café and of any ducting or other equipment required in this regard shall be submitted to and agreed in writing with the planning authority prior to commencement of development.

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

7. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit and the café shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the waste shall be managed in accordance with the agreed plan.

**Reason:** In the interest of residential amenity, and to ensure the provision of adequate refuse storage.

8. 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.

9. 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 and surface water management.

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

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

11. 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:** n the interest of residential and visual amenity.

12. 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 the development.

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

13. 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. All existing over ground cables shall be relocated underground as part of the site development works.

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

14. Proposals for an estate name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate 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.

15. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive and between 0900 and 1300 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.



17. 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.

18. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be prepared in accordance with the “Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects”, published by the Department of the Environment, Heritage and Local Government in July 2006. The plan shall include details of waste to be generated during site clearance and construction phases, and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

19. 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.

20. 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, 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 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.

21. 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.

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

**Dated this            day of            2020.**