



An
Bord
Pleanála

Board Direction
BD-002790-19
ABP-303306-18

The submissions on this file and the Inspector's report were considered at a Board meeting held on 09/04/2019.

The Board decided to grant permission generally in accordance with the Inspector's recommendation, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

In coming to its decision, the Board had regard to the following:

- a) the policies and objectives in the South Dublin County Development Plan 2016-2022;
- b) Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- c) the provisions of the Urban Design Manual – A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May, 2009,
- d) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in March, 2018,
- e) the Urban Development and Building Height Guidelines issued by the Department of the Environment, Community and Local Government in December 2018

- f) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March, 2013.
- g) The nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure including the Luas;
- h) pattern of existing and permitted development in the area, and
- i) submissions and observations received,

The Board considered that, subject to compliance with the conditions set out below that 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.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European Sites, taking into account the nature, scale and location of the proposed development (being a redevelopment of land within a zoned and serviced urban area), the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment:

The Board completed in compliance with Section 172 of the Planning and Development Act 2000, an environmental impact assessment of the proposed development, taking into account:

- (a) the nature, scale, location and extent of the proposed development at Belgard House, Belgard Square and the former Uniphar factory, at the junction of Belgard Road and Belgard Square North, Tallaght, Dublin 24,
- (b) the Environmental Impact Assessment Report and associated documentation submitted with the application,
- (c) the submissions from the planning authority, the observers and the prescribed bodies in the course of the application and
- (d) the Inspector's report.

The Board considered that the Environmental Impact Assessment Report, supported by the documentation submitted by the applicant, identifies and describes adequately the direct, indirect and cumulative effects of the proposed development on the environment. The Board is satisfied that the information contained in the Environmental Impact Assessment Report complies with the provisions of EU Directive 2014/52/EU amending Directive 2011/92/EU.

Reasoned Conclusions on the Significant Effects.

The Board considered that the main significant direct and indirect effects of the proposed development on the environment are, and will be mitigated as follows:

- Significant direct positive effects with regard to population and material assets due to the increase in the housing stock that it would make available in Dublin.
- A significant direct effect on land and the landscape by the change in the use and appearance from a series of brownfield sites to a primarily residential development. Given the location of the site within the built up metropolitan area of Dublin and the public need for housing there, this effect would not have a significant negative impact on the environment.

- Potential effects on the road network during the construction phase will be mitigated by appropriate construction site management measures as outlined in the EIAR and the Construction Methodology and Phasing Management Plan.
- Potential effects on the road network during the operational phase will be mitigated by the low provision of car parking spaces, reducing trip generation, and the provision of a car park management plan and Mobility Management Plan.
- Potential effects arising from noise and vibration during construction which will be mitigated by appropriate management measures.
- Potential effects on air during construction which will be mitigated by a dust management plan including a monitoring programme.

The Board is satisfied that this reasoned conclusion is up to date at the time of taking this decision.

Conclusions on Proper Planning and Sustainable Development:

It is considered that, subject to compliance with the conditions set out below the proposed development would:

- secure the redevelopment of underutilised urban land in a prime town centre location strategically positioned beside a hospital, third level institute, and public transport connection,
- would be consistent with national and local policy measures and guidance which seeks to secure more compact and higher density development in town centre areas,
- would be consistent with the overall aims of the South Dublin County Development Plan 2016-2022,

- would integrate satisfactorily with the surrounding existing development and with the established character of the town centre,
- would make a positive contribution to the urban character of the area,
- would not seriously injure the amenities of development in the area
- would be acceptable in terms of public and private transport and pedestrian safety and convenience.

The Board concluded that 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.

In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

Reason: In the interest of clarity.

2. The mitigation and monitoring measures outlined in section 15 of the

Environmental Impact Assessment Report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: To protect the environment.

3. The period during which the development hereby permitted may be carried out shall be seven years from the date of this order.

Reason: Having regard to the nature of the development, the Board considers it appropriate to specify a period of validity of this permission in excess of five years.

4. The proposed development shall be amended as follows:

(a) The bicycle parking structures proposed within the courtyards Blocks A1/A2 and A2/A3 shall be omitted and revised landscaping plans for the treatment of these open spaces shall be submitted.

(b) Windows to the proposed community/function/amenity spaces at the ground floor of Blocks A shall not be obscured by any means.

(c) A plan for the management of the community/function rooms and the facilitation of the use of these spaces by non-residents shall be submitted.

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.

5. Block B2 of the proposed development hereby permitted shall only be occupied as student accommodation, including use as visitor or tourist accommodation outside academic term times, in accordance with the definition of student accommodation provided under section 13(d) of the Planning and Development (Housing) and Residential Tenancies Act 2016, and shall not be used for any other purpose without a prior grant of planning permission for change of use

Reason: In the interest of residential amenity and to limit the scope of the proposed development to that for which the application was made.

6. The use of the proposed retail/commercial units shall be restricted to uses which fall within Class 1, Class 2 and Class 10 of Part 4 of Schedule 2 of the Planning and Development Regulations, 2001 as amended and shall exclude use as abetting office, take-away or stand-alone off-licence. Any other use shall require a separate grant of permission.

Reason: In the interest of proper planning and orderly development.

7. The live work units shall be retained as single entities and shall not be subdivided without a prior grant of planning permission.

Reason: In the interest of proper planning and orderly development.

8. Details and samples of the materials, colours and textures of all the external finishes to the proposed development including pavement finishes shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

9. Roads & Pedestrian/Cycle Requirements

Prior to the commencement of development, or unless otherwise stated, the following details shall be submitted for the written agreement of the Planning Authority:

(a) The developer liaise with NTA in respect of works required in respect of the Bus Connects project prior to the commencement of development.

(b) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths.

(c) Design and signal timings of all signalised pedestrian crossings shall be agreed prior to commencement of development.

(d) Details of the proposed toucan crossing on Belgard Road to the north of the

Belgard Road/Belgard Square /IT Tallaght roundabout which will provide access from the development to IT Tallaght shall be agreed.

(e) A taking in charge plan shall be agreed and the areas to be taken in charge shall be undertaken to a taking in charge standard,

(f) minimum of 10% of car parking spaces to be provided within the development shall make provision for the charging of electric vehicles

(g) Mobility Management Plan to be submitted within six months of opening of the proposed development

(h) A management plan for the proposed car parking spaces shall be agreed prior to the occupation of the development.

(i) The proposed pedestrian and cycle network shall comply with the requirements of the National Cycle Manual.

(j) Public Lighting Plan shall be submitted to and agreed in writing prior to commencement of development.

(k) Details of materials and surfaces for roads and pathways and all items to be taken in charge shall be submitted to and agreed in writing prior to commencement of development.

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

10. 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.

11. The developer shall facilitate the preservation, recording and protection of archaeological materials or features that may exist within the site. In this regard, the developer shall -

(a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical

investigations) relating to the proposed development,

(b) employ a suitably-qualified archaeologist who shall monitor all site investigations and other excavation works, and

(c) provide arrangements, acceptable to the planning authority, for the recording and for the removal of any archaeological material which the authority considers appropriate to remove.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the site and to secure the preservation and protection of any remains that may exist within the site.

12. 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.

13. (a) All foul sewage and soiled water shall be discharged to the public foul sewer.

(b) Only clean, uncontaminated storm water shall be discharged to the surface water drainage system.

Reason: In the interest of public health.

14. Prior to commencement of development, the developer shall submit: (a) evidence of the agreement from the Irish Aviation Authority to the crane operations proposed for the site and aviation lights proposed during the construction phase. (b) engagement with Tallaght Hospital to ensure operators of the Helipad facility are aware of proposal and that safety of aircraft operations into and out of facility are not adversely impacted (c) engagement with the Property Services Section of Department of Defence to ensure that there is no impact to safety of aircraft operations at Casement Aerodrome during and post

construction.

Reason: In the interest of public safety.

15. 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.

16. Site development and building works shall be carried out only between the hours of 0800 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.

17. 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.

Reason: In the interest of sustainable waste management.

18. A plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials 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: To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

19. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan and Programme of Works, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

20. A detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site.

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

21. 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

22. 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.

Board Member

Date: 10/04/2019

Paul Hyde