



An
Bord
Pleanála

Board Direction
BD-004650-19
ABP-305267-19

The submissions on this file and the Inspector's report were considered at a Board meeting held on 03/12/2019.

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

Having regard to the following:

- (a) the location of the site on lands with a zoning objective for new residential development under the South Dublin County Development Plan 2016-2022 and within the boundary of the Kilcarbery Grange Masterplan 2017;
- (b) the nature, scale and design of the proposed development, which is consistent with the provisions of the South Dublin County Development Plan 2016-2022 and the Kilcarbery Grange Masterplan 2017;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual – a Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (e) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 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;
- (h) the availability in the area of a wide range of social and transport infrastructure;
- (i) submissions and observations received; and
- (j) the report of the Inspector.

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 within a zoned and serviced urban area, the Appropriate Assessment Screening Report submitted with the application, 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 conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

Environmental Impact Assessment

The Board completed an environmental impact assessment of the proposed development, taking into account:

- (a) The nature, scale and extent of the proposed development;
- (b) The environmental impact assessment report and associated documentation submitted in support of the planning application;
- (c) The submissions from the planning authority 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, adequately identifies and describes the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

The Board agreed with the examination, set out in the Inspector's report, of the information contained in the environmental impact assessment report and associated documentation submitted by the applicant and submissions made in the course of the planning application.

The Board considered and agreed with the Inspector's reasoned conclusions, that the main significant direct and indirect effects of the proposed development on the environment are, and would be mitigated, as follows:

- Traffic and transportation impacts, which will be mitigated by construction traffic management; a Mobility Management Plan and by the provision of pedestrian and cycle facilities.
- Water impacts, which will be mitigated by construction management measures, SUDS measures, surface water management and monitoring.
- Landscape and visual impacts, which will be mitigated the retention and enhancement of existing trees and hedgerows and new landscaping.
- Biodiversity impacts, which will be mitigated by tree and root protection during construction, an Invasive Species Management Plan; inspection and monitoring of potential bat roosts during construction; landscaping or replacement of native hedgerow with native, naturalised or indigenous species; implementation of a Habitat Management Plan; measures to avoid disturbance to animals during construction; lighting control measures and post construction monitoring.
- Land and soils impacts, which will be mitigated by reuse of material in the development and by construction management measures and waste management.

The Board completed an environmental impact assessment in relation to the proposed development and concluded that, subject to the implementation of the

mitigation measures set out in the environmental impact assessment report, and subject to compliance with the conditions set out below, the effects on the environment of the proposed development, by itself and in combination with other development in the vicinity, would be acceptable. In doing so, the Board adopted the report and conclusions of the Inspector.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this suburban location, would not seriously injure the residential or visual amenities of the area, would be acceptable in terms of urban design, height and quantum of development and would also 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, 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. Mitigation and monitoring measures outlined in the plans and particulars, including the environmental impact assessment, submitted with this application as set out in Chapter 17 of the EIAR “Summary of Mitigation Measures”, shall be

carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

3. The period during with the development hereby permitted may be carried out shall be 10 years from the date of this Order.

Reason: In the interests of proper planning and sustainable development.

4. The development shall be carried out on a phased basis, in accordance with a phasing scheme which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of any development.

Reason: To ensure the timely provision of services, for the benefit of the occupants of the proposed dwellings.

5. The proposed development shall be amended as follows:

(a) House units nos. 346 and 348 shall be amended to provide a dual frontage, presenting an active frontage onto the Old Nangor Road. Boundary treatment to the units onto the road shall be revised to allow more passive surveillance.

(b) House units nos. 46 and 89 shall be amended to provide a dual frontage, presenting active frontages to Old Nangor Road.

(c) The individual communal open spaces to the rear of apartment Block 7 and duplex Block 5 shall be amalgamated to provide a single communal space to serve all 45 units in both blocks, with associated communal open space, car and cycle parking, refuse storage area and boundary treatments.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to

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

Reason: In order to comply with national policy on childcare provision for residential development. In order to provide a satisfactory frontage to Old Nangor Road. in the interests of visual amenities. In order to provide a more rational and usable communal space for apartment Block 7 and duplex Block 5.

6. The following requirements in terms of traffic, transportation and mobility shall be incorporated, and where required revised drawings/reports showing compliance with these requirements shall be submitted to and agreed in writing with the planning authority prior to commencement of development:

(a) Details of:

- i. the layout of the site access from the Outer Ring Road R136 and
- ii. the management of through traffic throughout the proposed development in accordance with the principles of DMURS and the Transport Strategy for the Greater Dublin Area 2016-2035

shall be agreed with the planning authority and the National Transport Authority prior to the commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

(b) Raised tables shall be provided at the junction of roads 10 and 17, junction of roads 11 and 14, junction of roads 16 and 17, junction of roads 21 and 22, junction of roads 22 and 23 and junction of roads 4 and 8.

(c) The roads and traffic arrangements serving the site, including signage, shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.

- (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) All works to public roads/footpaths shall be completed to taking in charge standards and shall be to the satisfaction of the planning authority.
- (f) The roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, including carriageway widths and corner radii.
- (g) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.
- (h) Additional covered cycle parking shall be provided for the apartments and duplex units such that the development meets the standards for cycle parking set out in section 4.17 of the Guidelines for Planning Authorities on Sustainable Urban Housing: Design Standards for New Apartments, 2018.
- (i) All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future 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

- (j) The developer shall carry out a Stage 3 Road Safety Audit of the constructed development on completion of the works and submit to the planning authority for approval and shall carry out and cover all costs of all agreed recommendations contained in the audit.
- (k) 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.

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

Reason: In the interests of traffic, cyclist and pedestrian safety, sustainable transport and to protect residential amenity

7. The developer shall enter into water and/or waste water connection agreement(s) with Irish Water, prior to commencement of development.

Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services and all surface water shall be treated within the site.

Reason: In the interest of public health.

8. The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.

Reason: In the interest of residential and visual amenity.

9. 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.

10. Proposals for an estate/street name, unit 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 and street signs, and house/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 and to ensure the use of locally appropriate place names for new residential areas.

11. a. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority, those areas of the site that will be taken in charge by the planning authority.

b. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners' Management Company. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

12. Prior to the occupation of the development hereby permitted, the applicant shall prepare a Community Facility Strategy for the written agreement of the planning

authority. The Strategy shall set out how the community building hereby permitted will be managed. The applicant shall liaise with South Dublin County Council prior to the preparation of the Community Facility Strategy.

Reason: To ensure the appropriate provision of social and community infrastructure.

13. 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 house.

Reason: In the interests of amenity and public safety.

14. All service cables associated with the proposed development, such as electrical, communal television, telephone and public lighting cables, shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

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

15. 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.

16. 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.

17. Prior to the commencement of any works on site, the applicant shall ascertain and comply with all requirements of the Irish Aviation Authority in relation to this development.

Reason: In the interest of safety.

18. 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.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0800 to 1700 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

20. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

21. 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.

22. 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.

23. 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: 03/12/2019

Terry Prendergast