



An
Bord
Pleanála

Board Direction
BD-007086-20
ABP-307596-20

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/12/2020.

The Board decided to grant permission, for the following reasons and considerations, and subject to the following conditions.

Reasons and Considerations

Having regard to the existing use on the site, to the pattern of development in the area, to the relevant provisions of the South Dublin County Development Plan 2014-2020, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area including the amenities of properties in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would constitute an appropriate land use at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board considered the totality of the documentation submitted with the application and appeal, including the submissions from third parties. The Board shared the view of the Inspector, that in terms of building height and general design that the development as submitted to the planning authority at Further Information stage is acceptable. However the Board also concluded that the overall design and siting of the building on site, including the presence of the café/bar use at ground floor level

and the provision of some surface parking including two disabled places facing onto Kennelsfort Road Lower, was acceptable at this location and would not constitute an inappropriate design response, nor constitute a substandard form of development which would seriously injure the amenities of the area. In this regard the Board concluded that the proposed development would be acceptable in terms of design, layout and land use.

With regard to vehicular access to the site and associated servicing including bin collection, the Board concluded that the form and layout of visitor parking within the site was acceptable and that managed collection of bins on-street would not be inappropriate at this urban location and would not lead to endangerment of public safety by reason of traffic hazard or obstruction of road users.

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 7th day of May 2020, 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. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The north-east elevation shall be finished in brick and render detail to match the rest of the development.

Reason: In the interest of visual amenity.

3. Prior to commencement of development, the developer shall submit and agree in writing with the planning authority, the following.

- (a) The north bound lane shall be amended so that the taper of the right turning lane on the northern carriageway going into the proposed development shall be moved 6 metres northwards, to allow the keep-clear pocket to line up with the exit.
- (b) Vehicle sensor traffic lights shall be installed to control traffic movements on the single lane carriageway to the rear of the development.

Reason: In the interest of traffic safety.

- 4. 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.

- 5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

- 6. 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 interest of public safety and amenity.

- 7. 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.

- 8. Site development and building works shall be carried out only between the hours of 0700 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 amenities of properties in the vicinity.

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 visual amenities of the area.

10. a) During the operational phase of the proposed development, the noise level arising from the development, as measured at the nearest noise sensitive location] or [at any point along the boundary of the site shall not exceed:-

(i) An Leq,1h value of 55 dB(A) during the period 0800 to 2200 hours from Monday to Saturday inclusive.

(ii) An Leq,15 min value of 45 dB(A) at any other time. The noise at such time shall not contain a tonal component.

At no time shall not result in an increase in noise level of more than 10 dB(A) above background levels at the boundary of the site.

(b) All sound measurement shall be carried out in accordance with ISO Recommendation 1996:2007: Acoustics - Description and Measurement of Environmental Noise.

Reason: To protect the amenities of property in the vicinity of the site

11. Measures for the control of odour emissions from the premises shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of public health and to protect the amenities of the area.

12. All landscaping/planting on site, including hard and soft landscaping, shall be in accordance with a detailed landscape plan to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. If any tree or plant dies or is otherwise lost within a period of five years, it shall be replaced with a tree or plant of the same species, variety and size within the planting season following such loss.

Reason: In the interest of visual amenity.

13. Prior to commencement of development the developer shall submit to, and agree in writing with, the planning authority an external lighting scheme for the proposed development.

Reason: In the interest of orderly development.

14. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground. 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.

15. 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 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

16. No signage, advertising structures/advertisements, security shutters, or other projecting elements, including flagpoles, shall be erected within the site unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

17. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, to ensure the satisfactory co coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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: In the interest of traffic safety and the proper planning and sustainable development of the area.

18. 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: 02/12/2020

Chris McGarry