



An  
Bord  
Pleanála

**Board Direction**  
**BD-017040-24**  
**ABP-319568-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 18/07/2024.

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**

The Board had regard to the following:

- (a) the location of the site in an area where residential/mixed use development is permitted under zoning Objective 'LC' – 'To protect, improve and provide for the future development of Local Centres';
- (b) the policies and objectives of the South Dublin County Development Plan 2022-2028 including the identification of the site as a Housing Capacity Site (Figure 9);
- (c) the nature, scale and design of the proposed development and the availability in the area of infrastructure;
- (d) the pattern of existing and permitted development in the area;
- (e) the provisions of Housing for All, A New Housing Plan for Ireland, 2021;
- (f) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage, 2024;

- (g) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (h) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government 2023;
- (i) 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 2019;
- (j) the Planning System and Flood Risk Management' (including the associated 'Technical Appendices') 2009;
- (k) the provisions of the Climate Action Plan 2023 and 2024;
- (l) the policies and objectives set out in the National Planning Framework;
- (m) the policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly;
- (n) the grounds of appeal and observations received;
- (o) the report of the Planning Inspector; and
- (p) the submission from the planning authority,

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the distances to the nearest European Sites and the hydrological pathway considerations, submissions and observations on file, the information submitted as part of the subject application Appropriate Assessment Screening Report and application documentation, and the Planning Inspector's report. In completing the screening exercise, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development,

plans and projects 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.

### **Environmental Impact Assessment Screening**

The Board completed an Environmental Impact Assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Report submitted by the applicant, which contains information set out in Schedule 7A to the Planning and Development Regulations 2001, as amended, identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- the nature and scale of the proposed development, which is below the threshold in respect of classes 10(b)(i), 10(b)(iv), 14 and 15 of Part 2 to Schedule 5 of the Planning and Development Regulations 2001, as amended;
- the location of the proposed apartments on lands zoned within the South Dublin County Development Plan 2022-2028 and the results of the Strategic Environmental Assessment of the same development plan;
- the nature of the existing site and the pattern of development in the surrounding area;
- the availability of mains water and wastewater services to serve the proposed development;
- the location of the development outside of any sensitive location specified in Article 299(C)(1)(a)(v) of the Planning and Development Regulations 2001, as amended;
- the guidance set out in the 'Environmental Impact Assessment (EIA) Guidance for Consent Authorities regarding Sub-threshold Development', issued by the

Department of the Environment, Heritage and Local Government (2003);

- the criteria set out in Schedule 7 of the Planning and Development Regulations 2001, as amended; and
- the features and measures proposed as part of the project, which are envisaged to avoid or prevent what might otherwise be significant effects on the environment, including measures identified in the project Outline Construction Environmental Management Plan, the Construction Waste Management Plan, Site Specific Flood Risk Assessment, Ecological Impact Assessment and accompanying Invasive Species Report, Bat Survey and Bird Survey, Archaeological Impact Assessment, Landscaping Report and the Engineering Services Report,

it is considered that the proposed development would not be likely to have significant effects on the environment and that the preparation and submission of an Environmental Impact Assessment Report would not, therefore, be required.

### **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 quantum and density of development in this suburban/brownfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design, height and scale of development, would not detrimentally impact on the built heritage of the area, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants, subject to the completion of the recently commended Poodle Flood Alleviation Scheme would not be at risk of flooding, or increase the risk of flooding to other lands and would be capable of being adequately served by wastewater and water supply networks. The Board considered that the proposed development would be compliant with the provisions of the South Dublin County Development Plan



2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board concurred with the assessment of the Inspector that the site was a 'City-Suburban/Urban Extension' under the Sustainable and Compact Settlement Guidelines 2024 (Table 3.1). The Board considered the density of the development (as reduced to 78 dwellings in total by condition) was appropriate in the context of the standalone nature of the site (with zoned amenity lands of the Dodder Valley to the north and west, and road frontage to the east and south), the proximity of the site to the Dodder greenway, the comprehensive re-development of the site, the Housing Capacity Site designation in the current development plan, and strategic national and regional planning policy objectives to achieve compact growth in cities through appropriate consolidation and intensification of development.

### **Conditions**

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application received by the planning authority on the 2<sup>nd</sup> day of February 2024, 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. The development hereby permitted contains 78 dwelling units only.

**Reason:** In the interest of clarity.

3. The proposed development shall be amended as follows:
- (a) Block B01 shall have a maximum height of four storeys. This shall be achieved by the omission of 10 number units on level 3 as identified on drawing number 20022A-OMP-ZZ-03-DR-A-1003 units B01.0301 - B01.0310.
  - (b) Block B02 shall have a maximum height of four storeys. This shall be achieved by the omission of 11 number units on level 3 identified on drawing number 20022A-OMP-ZZ-03-DR-A-1003 – units B02.0301- B02.0311.
  - (c) The proposed ground floor studio unit in B02.G101 in Block B02 shall be omitted, and the area amalgamated with the medical consultancy to provide a total commercial floor area of 120 square metres.
  - (d) The proposed red brick finish to the internal podium facing elevation of Block B02 shall be replaced with the buff-coloured brick.
  - (e) Opaque glazing or other window obscuring design interventions are not permitted to the ground floor commercial unit of Block 2 (medical consultancy). Interaction between the unit and the street level is to be achieved.
  - (f) Wardrobe space shall not be counted towards a unit's overall storage provision. This does not provide dedicated space for the storage of other household items and is not accepted to make up a shortfall in storage provision. The layouts of unit types A2N, A2A1, A3A1, A3A2, A2L1, A2L2, A2D1 and A2J shall be revised to ensure that a minimum of 75% of a unit's storage is accessed from living or circulation areas, and not bedroom wardrobe storage.
  - (g) Revised proposals to enhance the useability of the private amenity space of Unit Type A1F (Drawing number 20022A-OMP-ZZ-04-DR-A-1004).
  - (h) Redesign of Unit Type A2D2 to provide a window to the second bedroom. The revised layout shall ensure no overlooking of the adjoining balcony

serving B02 0212 to serve the current layout would look into the balcony of an adjoining unit.

- (i) Provision of an appropriate privacy strip serving Unit B01.G207.
- (j) Amendment to fenestration serving Unit B01.0106 so that the window does not look into the private amenity space of Unit B01.0107.
- (k) Inclusion of an appropriate privacy strip between the windows of Unit B01.0203 and the communal amenity space.
- (l) A safe and easy route from the bicycle storage to Block B02 shall be provided and indicated on drawings. A direct, stepped, access from the bicycle storage to the car park should ideally be provided to maximise the accessibility and convenience of the bike.

The revised plans and particulars 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 the visual amenity of the streetscape and in the interests of residential amenity, proper planning and sustainable development.

4. Mitigation and monitoring measures outlined in the plans and particulars submitted with this application, 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.

5. A schedule of all materials to be used in the external treatment of the development to include a variety of high-quality finishes, such as brick and stone, roofing materials, windows and doors 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 the interest of visual amenity and to ensure an appropriate high standard of development.

6. Details of signage, waste management and hours of operation of the non-residential units shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

7. Prior to the commencement of development, the developer shall engage directly with the South Dublin County Childcare Committee (SDCCC) in relation to the detailed floor plans for the creche. Details of the layout following consultation shall be agreed in writing with the planning authority and thereafter the development shall be carried out in accordance with the agreed details.

**Reason:** In the interest of the proper planning and sustainable development of the area.

8. Prior to the commencement of development, the developer shall submit the following for the written agreement of the planning authority:
  - (a) Details of steps to be taken to control odours from the Café/food business outlet causing a nuisance to the apartments overhead;
  - (b) an Acoustic Assessment to demonstrate the control of the extract ventilation system such that the cumulative effect of all plant items does not pose a nuisance to occupiers of the apartments;
  - (c) details of steps to be taken to minimise noise nuisance from the operation of the proposed food business/ outlet on the first floor apartment units;
  - (d) details of any proposals in relation to acoustic insulation of the apartment units.



- (e) details of a noise abatement policy and measures required to be taken to minimise noise nuisance from delivery vehicles in relation to existing residential units in the immediate vicinity of the food business; and,
- (f) an Acoustics Assessment/Noise Impact Assessment to provide noise goals and noise control recommendations to ensure that the Child Care facility within a residential setting does not generate unacceptable noise levels such as to adversely impact upon the amenity of adjoining properties close to the site.

**Reason:** In the interest of public health and safety and to manage nuisance arising from noise.

9. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of/installation of the lighting. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

**Reason:** In the interest of public safety and visual amenity.

10. The construction of the development shall be managed in accordance with a Construction Environmental Management Plan (CEMP), 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:

- (a) the location of the site and materials compound(s) including area(s) identified for the storage of construction refuse;
- (b) the location of areas for construction site offices and staff facilities;
- (c) the details of site security fencing and hoardings;

- (d) the details of on-site car parking facilities for site workers during the course of construction;
- (e) the details of the timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site;
- (f) measures to obviate queuing of construction traffic on the adjoining road network;
- (g) the details of lighting during construction works;
- (h) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or footpath during the course of site works;
- (j) the provision of parking for existing properties during the construction period;
- (k) the details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (l) the containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (m) the off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil; and
- (n) the means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

A record of daily checks that the works are being undertaken in accordance with the CEMP shall be kept for inspection by the planning authority.

**Reason:** In the interests of amenities, public health and safety.

11. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the Environmental Protection Agency's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021), including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

12. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays and between 0800 and 1400 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.

13. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

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



14. Drainage arrangements including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority.

**Reason:** In the interest of public health and surface water management.

15. (a) The communal open spaces, including hard and soft landscaping, car parking areas and access ways, and all areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.
- (b) Details of the management company contract, and drawings/particulars describing the parts of the development for which the company would have responsibility, shall be submitted to, and agreed in writing with, the planning authority before any of the residential units are made available for occupation.

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

16. (a) 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 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

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

17. The boundary planting and public open spaces shall be landscaped in accordance with the landscape scheme submitted to the planning authority with

the application, unless otherwise agreed in writing with the planning authority. The landscape scheme shall be implemented fully in the first planting season following completion of the development, and any trees or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. This work shall be completed before any of the dwellings are made available for occupation. Access to green roof areas shall be strictly prohibited unless for maintenance purposes.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

18. Prior to the occupation of the residential units, a Mobility Management Strategy shall be submitted to and agreed in writing with the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking. The mobility strategy shall be prepared and implemented by the management company for all units within the development.

**Reason:** In the interest of encouraging the use of sustainable modes of transport.

19. No advertisement or advertisement structure 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.

20. Proposals for a naming and numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all signs, and apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names 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 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.

21. All service cables associated with the proposed development such as electrical, telecommunications and communal television shall be located Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

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

22. Prior to commencement of development, the developer 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 plan of the area.

23. 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.

24. 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 Contribution Scheme made under section 48 of the Act be applied to the permission.

**Board Member**

  
Eamonn James Kelly

**Date:** 18/07/2024