



An  
Bord  
Pleanála

**Board Direction**  
**BD-019588-25**  
**ABP-321523-24**

The submissions on this file and the Inspector's report were considered at a Board meeting held on 02/05/2025.

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

(The Board noted the Inspector's recommendation concerning a financial contribution in lieu of public open space [para. 7.7.6 of the Inspector's Report], however, the Board, having regard to the public/street realm improvements being delivered as part of the proposal, the quantum and quality of open space provision at ground level, and also noting that the planning authority did not use its discretion to apply such a condition, decided not to seek a financial contribution in lieu of public open space provision in this instance.)

### **Reasons and Considerations**

Having regard to (i) the zoning objective of the subject site and its location within a District Centre in the Dublin City and Suburbs, (ii) national and regional objectives which support compact growth, (iii) Section 28 Ministerial Guidelines including the guidelines on Sustainable Residential Development and Compact Settlements 2024, Sustainable Urban Housing Design Standards for New Apartments 2023 and Urban Development and Building Heights Guidelines 2018 (iv) South Dublin County Development Plan 2022-2028, including the Building Heights and Density Guide, 2022 (Appendix 10), (v) the nature, scale and design 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 residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of road and traffic safety and in terms of car parking and viability of existing retail, the proposal would not have an adverse effect on the Palmerstown Shopping Centre. 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. The proposed development shall be amended as follows:
  - a) The proposed metallic brise soleil panels fixed to the balconies of apartments nos. 08, 20 and 32 shall be reduced to 1.6m in height.
  - b) The bedroom windows serving apartments nos. 08, 20 and 32 shall be reduced in size/area, which shall include the raising of the cill height to be consistent with the cill height of the windows serving bedroom no. 1 of apartment nos. 09, 21 and 33.
  - c) Roof material to the outdoor seating areas to the west and north elevations, associated with public house, shall be modified to provide non-transparent glazing or other treatment agreeable to the planning authority, to avoid undue loss of privacy to apartment balconies overhead.
  - d) Additional boundary treatment, 2m high, shall be provided to the eastern boundary of the site where it interfaces with the northwest boundary of the



rear gardens of No. 12, 13 and 14 Oakcourt Grove, to avoid undue loss of privacy to these adjoining residential properties.

- e) Staff comfort facilities, including toilets, shall be independently provided for each of the 3 no. commercial units.

Revised drawings showing compliance with the above requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To protect the amenities of the area, to obviate overlooking and the sense of undue overlooking of adjacent residential properties and provide for an appropriate standard of residential accommodation for future occupiers of the development.

- 3. Prior to the occupation of each commercial unit (Gastropub and 2 no. retail units), the applicant shall submit to, and agree in writing with, the planning authority, details of the proposed hours of operation for each individual unit.

**Reason:** To protect the amenities of the area

- 4. Prior to the commencement of development, the applicant shall submit to, and agree in writing with, the planning authority, the following:

- a) Final design details for the upgrade to the pedestrian crossing on Kennelsfort Road.
- b) A detailed carpark layout and management plan. The management plan shall indicate how car parking within the red line on the western side of Kennelsfort Road will be managed. The plan shall include how the car parking spaces will be delineated from the adjacent car parking spaces. It shall demonstrate how these car parking spaces are designated for the development and remain available for the residents/users of the development.
- c) Road signage/markings shall be to the requirements of the planning authority for such works.
- d) The residential portion of the car park should have a minimum of 5 no. EV charging points.



- e) The car park shall not be closed off/barriered from the remainder of the car park without a prior grant of planning permission.

**Reason:** In the interest of pedestrian and vehicular safety, and sustainable transport.

5. Prior to commencement of development, final details of the materials, colours and textures of all the external finishes to the building shall be submitted to the planning authority for written agreement.

**Reason:** In the interest of visual amenity and to ensure an appropriate high standard of development.

6. Proposals for a naming / 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 dwelling 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 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.

7. Proposals for the public house and retail units in terms of identification, numbering scheme, shopfront design and shopfront signage shall be submitted to, and agreed in writing with the planning authority prior to commencement of development. The signage shall be lit by external illumination only. Thereafter, all such names, numbering and signage shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

8. Provision shall be made for 1 no. loading bay within the site adjacent to Wheatfield Road, to be laid out parallel to the street. Details of this provision,

including swept manoeuvring paths, bay dimensions etc, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To ensure a satisfactory layout for commercial vehicles, in the interest of traffic safety.

9.

(a) Public lighting shall be provided in accordance with a scheme which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and shall take account of trees within the drawing 'Landscape – Ground Floor'. Such lighting shall be provided prior to the making available for occupation of any residential unit.

(b) The external lighting scheme shall be designed to minimise potential glare and light spillage and shall be positioned and/or cowled away from residential properties, public roads and any bat roosts or areas with bat activity. No lighting column shall be located within the eventual canopy spread of any proposed street tree or other tree as the case may be.

**Reason:** In the interest of amenity, ecological protection and public safety.

10. The developer shall control odour emissions from the premises in accordance with measures, including extract duct details, which 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.

11.

(a) Operational stage noise generation affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits whichever is



lesser (as measured from the facade of the nearest Noise sensitive locations). a) Daytime (0700-1900) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval \*EPA NG4) b) Evening (1900- 2300)- 50 dB LAr, T c) Night-time (2300- 0700)- 45 dB LAr, T. As measured from the facade of the nearest noise sensitive location. Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

- (b) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.
- (c) No amplified music or other specific entertainment noise emissions shall be permitted within the 'outdoor seating areas' associated with the public house and the retail unit / Spar shop.
- (d) Sufficient sound insulation to the ceiling / floor that separates the gastropub and first floor apartments shall be provided, to avoid undue loss of amenity by reason of noise, to the apartments at first floor level.

**Reason:** To protect the amenities of residential properties in the vicinity of the site.

12. The applicant shall submit to the planning authority (Waste Regulation) for written agreement a site-specific operational waste management plan to ensure management of all waste within the curtilage of the development during its operational phases (i.e. post-construction). The plan shall include details of the capacity of the bin storage areas, ventilation, waste segregation and collection, and monitoring and security of bin collection areas.

**Reason:** In the interests of public health, residential amenities and sustainable development.

13. The scheme shall be landscaped in accordance with the landscape plans submitted 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 substantial completion of the external construction works. All planting shall be adequately protected from damage



until established. Any trees, plants or shrubs which die or are removed within three years of planting shall be replaced in the first planting season thereafter. Unless otherwise agreed in writing with the planning authority.

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

14. Prior to the commencement of any works on site, the developer, shall:

- i) Submit details of a Green Space Factor (GSF) calculation for the written agreement of the planning authority (Public Realm), detailing how they have achieved the appropriate minimum Green Space Factor (GSF) scoring established by their land use zoning as per the County Development Plan 2022-2028.
- ii) Appoint a suitably qualified Landscape Architect as a Landscape Consultant for the duration of the construction and advise the planning authority (Public Realm) of same in writing prior to commencement. A Practical Completion Certificate, signed by the Landscape Architect, shall be provided to the planning authority upon the satisfactory completion of all landscape works

**Reason:** In the interest of compliance with development plan policies and the proper planning and sustainable development of the area.

15. The attenuation and disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to the commencement of development, the developer shall submit details for the disposal of surface water from the site for the written agreement of the planning authority.

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

16. Prior to the commencement of development, the developer shall enter into Connection Agreements with Uisce Éireann (Irish Water) to provide for service connections to the public water supply and wastewater collection networks.

**Reason:** In the interest of public health and to ensure adequate water and wastewater facilities.



17. 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 the commencement of development. This plan shall provide details of intended construction practice for the development, traffic management measures, consultation measures with local residents, schools and businesses in relation to traffic disruption during construction works, noise management measures and off-site disposal of construction/demolition waste, including disposal of asbestos.

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

18. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA'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 the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the 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 proper planning and sustainable development.

19. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday 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 property in the vicinity.



20. 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.

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

21. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

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

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.

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.

**Board Member**

  
Tom Rabbette

**Date:** 06/05/2025