

An
Coimisiún
Pleanála

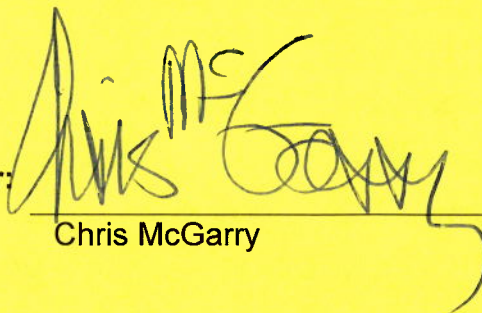
Direction
CD-020212-25
ABP-321950-25

The submissions on this file and the Inspector's report were considered at a meeting held on 11/07/2025.

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

Planning

Commissioner:



Chris McGarry

Date: 14/07/2025

DRAFT WORDING FOR ORDER

Reasons and Considerations

Having regard to the serviced site location, to the nature, scale and form of the proposed development, to the relevant provisions of the South Dublin County Development Plan 2022-2028 (noting the statutory procedure of material contravention as adopted by the elected members in this case in relation to zoning), to the relevant provisions of the National Planning Framework, First Revision (April 2025) supporting the provision of primary care centres, to the proximity of the subject site to public transport and to the pattern of development in the area including a substantial resident population, it is considered that subject to compliance with the

conditions set out below, the proposed development would not seriously injure the amenities of property in the vicinity, would be acceptable in terms of scale, mass and design and visual amenity, would be acceptable in terms of traffic and pedestrian safety, would be in accordance with the relevant provisions of the current development plan for the area, in terms of the provision of primary care centres and notwithstanding the specific material contravention by reference to zoning (the Commission notes and shares the conclusions of the planning authority and elected members on the matter of the suitability of this specific proposed development on these specific lands) and would otherwise constitute an appropriate form of community and healthcare development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

The proposed 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 received by the planning authority on the 22nd day of November 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 proposed 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 buildings and boundary treatments shall be as submitted with the application, unless otherwise agreed in writing with the planning authority.

Reason: In the interest of visual amenity.

3. Prior to commencement of development the following details shall be submitted to, and agreed in writing with, the planning authority:

- (a) Revised drawings showing a pedestrian /cycle link from the Primary Care Centre to the north-east boundary of the development.
- (b) The turning head for deliveries, set down and refuse trucks shall be sufficiently signed and marked for those purposes alone.

In the interest of clarity, parking provision shall be for 130 spaces, in accordance with the documents submitted to the planning authority at further information stage. All EV parking provisions shall also be in accordance with documents submitted.

Reason: In the interest of sustainable transport.

4. A minimum 10 metres setback distance from the nearby pond shall be maintained free from lights, seating or hardstanding.

Reason: In the interests of biodiversity and water quality.

5. Prior to the occupation of the development, a revised Mobility Management Plan (MMP) 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 and walking by staff employed in the development. 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.

6. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority, additional green infrastructure interventions to be provided in the development.

Reason: In the interest of green infrastructure and biodiversity.

7. A schedule of landscape maintenance shall be submitted to, and agreed in writing with, the planning authority prior to occupation of the development. The schedule shall cover a period of at least three years and shall include details of the arrangements for its implementation.

Reason: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

8. The disposal of surface water shall comply with the requirements of the planning authority for such works and services. Prior to 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: To prevent flooding and in the interest of sustainable drainage.

9. Prior to commencement of development, the developer shall enter into a connection agreement with Uisce Eireann to provide for a service connection to the public water supply and/or wastewater collection network.

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

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

Reason: In the interest of visual and residential amenity.

11. No advertisement or advertisement structure (other than those shown on the drawings submitted with the application) 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.

12. The developer shall engage a suitably qualified (licensed eligible) archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, dredging and/or the implementation of agreed preservation in-situ measures associated with the development.

Prior to the commencement of such works the archaeologist shall consult with and forward to the Local Authority archaeologist or the National Monuments Service (NMS) as appropriate a method statement for written agreement. The use of appropriate tools and/or machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary. Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the NMS, regarding appropriate mitigation for preservation in-situ or excavation.

The developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the National Monuments Service, shall be complied with by the developer. Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the National Monuments Service shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

Reason: To ensure the continued preservation, either in situ or by record, of places, caves, sites, features or other objects of archaeological interest.

13. 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 interest of sustainable transport and safety.

14. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following: collection and disposal of construction waste, surface water run-off from the site, water quality protection measures during construction, on-site road construction, and environmental management measures during construction including noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interest of environmental protection.

15. 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 or public holidays. Deviation from these times shall 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.

16. Prior to the commencement of development, the developer shall submit, for the written agreement of the planning authority, the proposed opening hours for the Primary Health Care Centre.

Reason: In the interest of residential amenity, the protection of the environment, and the proper planning and sustainable development of the area.

17. An operational 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 agreed waste facilities shall be maintained, and 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 and the amenities of properties in the vicinity.

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 Coimisiún 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.

Note:

The Commission noted the commentary of the inspector with regard to the requirement by condition, for a survey of the Garters Lane/Mill Lane junction (section 7.4 of the inspector's report refers). In this regard the Commission shared the inspector's opinion to the effect that, on the basis of the traffic impact assessment set out in the documentation submitted with the application, detail provided by reference to the most proximate junctions to the actual development show that these junctions will operate within capacity with the proposed development. This, allied to the relatively modest overall rate of parking on site (130 spaces) along with the proximity of the site to high quality public transport and the requirement by condition, for a revised Mobility Management Plan, together provide for a reasonable conclusion that the proposed development will not give rise to material adverse impacts in terms of traffic and transport on the wider roads and transport network. The Commission therefore agreed with the inspector that the imposition of condition no. 2 (d) as set out by the planning authority was not warranted. This conclusion was made regardless as to whether any such condition is implementable in its wording in any case.