

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2015

South Dublin County

Planning Register Reference Number: SD16A/0117

An Bord Pleanála Reference Number: PL 06S.246817

APPEAL by Karim Al Srag and Anna Skora care of planning-appeals.ie of 1 Knockview Gardens, Main Street, Augher, County Tyrone and by Frank Kiernan care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 2nd day of June, 2016 by South Dublin County Council to grant subject to conditions a permission to the said Frank Kiernan in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Demolition of a derelict, football club clubhouse (129 square metres), the construction of 49 number two-storey dwellings comprising 26 number three-bedroom, semi-detached dwellings, five number three-bedroom, detached dwellings, two number two-bedroom, semi-detached dwellings and 16 number three-bedroom, terrace dwellings (all with roof mounted solar collector panels), new vehicular access points, internal roads and footpaths, a new public open space area, boundary treatments, hard and soft landscaping treatments, a total of 95 number car parking spaces (59 number off-curtilage spaces and 36 number in-curtilage spaces) and associated site development works above and below ground, all on this 1.48 hectare site on lands known as Aylmer Heath, Newcastle, County Dublin. The site is split into two land parcels. The larger parcel of land is bounded to the north-east by agricultural land and to the east, south-east and north-west by existing residential development. The smaller parcel of land is bounded to the north, east and west by existing residential development and to the south-west by Main Street. The proposed development represents the completion of the Aylmer Heath residential development previously permitted

under planning register reference number SD04A/0936, which was subsequently amended under planning register reference number SD07A/0049.

DECISION

GRANT permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations under and subject to the conditions set out below.

MATTERS CONSIDERED

In making its decision, the Board had regard to those matters to which, by virtue of the Planning and Development Acts and Regulations made thereunder, it was required to have regard. Such matters included any submissions and observations received by it in accordance with statutory provisions.

REASONS AND CONSIDERATIONS

Having regard to the land use zoning objective for the area in the Newcastle Local Area Plan 2012, to the planning history of the site, to the pattern of existing residential development in the area and to the design and layout 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 or of property in the vicinity and would be acceptable in terms of traffic safety and convenience. 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 development hereby permitted shall be limited to 48 residential units only. The house on plot 5 as indicated on the Proposed Site Plan shall be omitted from the development. A new planning application for a bungalow dwelling (that is, one storey) shall be submitted to the planning authority for this site.

Revised drawings 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 residential amenities of the occupants of the dwellings to the south on Aylmer Avenue.

3. The proposed development shall be amended as follows:
 - (a) The first floor rear elevation of the proposed house type C on plot 2 shall be recessed by two metres.
 - (b) The first floor side windows to the proposed house type B3 on plot 6 shall be permanently glazed with obscured glass.

Revised drawings 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 residential amenities of the area.

4. The areas of public open space shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. This work and the children's play area shall be completed before any of the dwellings are made available for occupation.

Reason: To ensure the satisfactory development of public open space areas and their continued use for this purpose.

5. (a) Details of the materials, colours and textures of all external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All pitched roofs shall be dark-grey or blue-black in colour with ridge tiles in the same colour as the roofs.
- (b) The boundary treatment between individual back gardens of dwellings shall be of substantial and durable construction and shall be two metres in height. Walls, if constructed, shall be of plain concrete blockwork, shall be capped and rendered on both sides.

Reason: In the interests of residential and visual amenity.

6. Water supply and drainage arrangements, including the attenuation and 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.

7. 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. 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.

8. The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths, kerbs, traffic calming measures and footpath dishing shall comply with the detailed standards of the planning authority for such works.

Reason: In the interests of amenity and traffic and pedestrian safety.

9. Parking for the proposed development shall be provided in accordance with a detailed parking layout which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All car parking spaces shall have minimum dimensions of 2.5 by 5 metres.

Reason: In the interest of orderly development.

10. Public lighting shall be provided in accordance with a scheme, 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 dwelling.

Reason: In the interests of amenity and public safety.

11. Prior to commencement of development, proposals for an estate/street name and house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

12. During the construction phase, the developer shall provide details to the planning authority for written agreement of the proposed on-site parking and site compound arrangements. No overspill car parking shall be permitted onto the adjoining local road network at Aylmer Avenue.

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

13. Site development and building works shall be carried out between the hours of 0800 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 residential amenities of property in the vicinity.

14. 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 on-going operation of these facilities shall be submitted to and agreed in writing with the planning authority prior to the 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.

15. 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 traffic management measures.

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

16. 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.

17. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority the following:
 - (a) A revised Landscaping Plan to include the enlarged public open space area, street planting in tandem with the on-street parking areas, removal of evergreen trees and shrubs from existing hedgerows and replacement with indigenous species, signage for the Green Link, children’s play area and all hard and soft landscaping.
 - (b) All landscaping shall be carried out and completed in the first planting season following completion of the proposed development.

Reason: In the interests of residential and visual amenity.

18. 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.

19. 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.

20. Having regard to the phasing limits for the occupation as identified in Phase 2 of the Newcastle Local Area Plan, 2012, the developer shall pay to the planning authority a financial contribution in respect of the enhancement and extension of Saint Finian's Community Centre 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 Newcastle Local Area Plan, 2012. The contribution shall be paid prior to the 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 payment terms 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 in accordance with the Newcastle Local Area Plan.

Reason: To comply with the phasing requirements of Newcastle Local Area Plan, 2012. The rationale for such phasing requirements is to ensure community space is provided to serve new housing development and the existing population needs of Newcastle.

21. 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.

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this day of 2016.