

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

South Dublin County

Planning Register Reference Number: SD16A/0297

An Bord Pleanála Reference Number: PL 06S.247507

APPEAL by Greenacre Residential Limited care of BMA Planning of 128 Lower Baggot Street, Dublin against the decision made on the 5th day of October, 2016 by South Dublin County Council to refuse permission for the proposed development.

PROPOSED DEVELOPMENT: Revisions/modifications to the permitted residential development (planning register reference number SD15A/0095) involving the replacement of 12 number three bed dwellings with 24 number apartments (six number two bed units and 18 number one bed units) within the northern section of the site (0.4 hectares) resulting in a development with a total of 236 residential units in lieu of 224 units previously permitted. The 24 apartments will be provided within a three-storey block with external deck access. Permission is also sought for a revised landscaping layout, surface car parking (25 spaces), private terraces/balconies, bin and bicycle and all associated site and development works necessary to accommodate the revised development, all on a site (7.9 hectares) at Cooldown Commons, Fortunestown Lane, Dublin. (Residential development known as “Cuil Duin” currently under construction.) The development will be accessed from the permitted internal access roads linking Citywest Avenue (part of) and Fortunestown Lane as previously permitted under planning register reference number SD15A/0095.

DECISION

GRANT permission for the above proposed development in accordance with the plans and particulars lodged with the said council, 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 nature scale and design of the proposed development, to the residential zoning objective for the area, to the extant permission on the site and to the pattern of development in the area, it is considered that, subject to compliance with the conditions set below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would result in an acceptable standard of residential accommodation. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board noted that the planning authority had decided to refuse permission because it was considered that the proposed development would constitute a material contravention of the Fortunestown Local Area Plan, 2012. However, having regard to the extent permission on the site and the pattern of development in the area, the Board considered that, by virtue of Section 37(2)(b)(iv) of the Planning and Development Act, 2000, it was not constrained in granting permission for the proposed development.

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 developer shall comply with all conditions attached to planning register reference number SD14A/0121 save where the proposal has been modified by this permission. This permission shall cease to have effect on the date which planning register reference number SD14A/0121 expires.

Reason: To clarify the scope of the permission.

3. 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.

4. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:

- (a) Contoured drawings to scale of not less than 1:500 showing –
 - (i) a survey of all existing trees and hedging plants on the site and to the perimeter, their variety, size, age and condition, together with proposals for their conservation or removal;
 - (ii) a continuous hedge of indigenous species (for example, holly, hawthorn, beech or field maple) planted for the full length of the western boundary;

- (iii) any hard landscaping works, including car parking layout, enclosed areas, lighting and outdoor seating, specifying surfacing materials;
 - (iv) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment;
 - (v) Proposals for the protection of all existing and new planting for the duration of construction works on site, together with proposals for adequate protection of new planting from damage until established;
 - (vi) A timescale for implementation including details of phasing, which shall provide for the planting to be completed before the building is first made available for occupation.
- (b) Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

Reason: In order to screen the development and assimilate it into the surrounding rural landscape, in the interest of visual amenity.

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

Dated this day of 2017.