

An Bord Pleanála



PLANNING AND DEVELOPMENT ACTS 2000 TO 2016

South Dublin County

Planning Register Reference Number: SD16A/0059

An Bord Pleanála Reference Number: PL 06S.247693

APPEAL by Capami Limited care of Fenton Associates of Unit 13, The Seaport Building, 44-45 Clontarf Road, Dublin against the decision made on the 9th day of November, 2016 by South Dublin Council to grant subject to conditions a permission in accordance with plans and particulars lodged with the said Council.

PROPOSED DEVELOPMENT: Erection of a playing pitch, including associated site works, on a site area of 1.97 hectares, located on Oldcourt Lane, south of Oldcourt Road, Oldcourt, Ballycullen, Dublin. Access to pitches will be via an existing lane off Oldcourt.

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 provisions of the South Dublin County Development Plan 2016-2022, the Ballycullen/Oldcourt Local Area Plan 2014, the amenity use of the proposed playing pitch, and to the site context and location, the Board considered that the proposed development, subject to compliance with the conditions set out below, would provide an important addition to the local amenities, especially to the proposed adjoining permitted and planned residential developments and the proposed school, would be with the provisions of the Local Area Plan and, therefore, would be in accordance with the proper planning and sustainable development of the area.

In deciding not to accept the Inspector's recommendation to refuse permission, the Board had regard to the Inspector's concerns regarding the lack of integration with contiguous lands and regarding the location of the playing pitch in overall context of the Local Area Plan. However, it considered that having regard to the identification of the site as an appropriate location for amenities in the Local Area Plan the proposed development would provide an important local amenity and would 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, as amended by the further plans and particulars submitted on the 13th day of September, 2016, 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. No development shall take place until the developer submits revised proposals as follows which shall be agreed in writing with the planning authority:

- (a) the developer shall submit revised proposals which provide for an east-west pedestrian/cycling link at the north east corner of the playing pitch to connect with the adjoining school site. A revised site layout plan shall be submitted which clearly indicates this link, and
- (b) if this access is to be gated, this gate shall be open at least 30 minutes before school begins and at least 30 mins after school ends, and shall remain open on all days the school is open.

Reason: To ensure that connectivity is retained between community provision and educational provision and to allow for the co-use of the playing pitch by the school.

3. No development shall take place until the developer submits revised proposals which shall be agreed in writing with the planning authority which provide the following and shall be implemented thereafter:

- (a) an additional pedestrian link shall be provided to connect directly with the access street network;
- (b) all the proposed pedestrian links shall be splayed where they connect to the street network;
- (c) all pedestrian/cyclist links shall be widened to be a minimum of four metres in width; and
- (d) the cycle/pedestrian pathway shall be relocated to align with the most northerly-north easterly boundary of the site outlined in red.

All pedestrian and cycle links shall be kept open and free from development, including barriers, and the site shall not be fenced off or cordoned off in any regard. Access to the playing pitch shall not be barred at any time and 24-hour access shall be provided at all times.

Reason: In the interests of providing future connectivity into the Dublin Mountains and to ensure that the playing pitch form part of the overall open space provision for the Ballycullen-Oldcourt lands.

4. A minimum of 20 number bicycle parking facilities shall be provided.

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

5. No development shall take place under this permission until the developer has submitted:

- (i)
 - (a) longitudinal drawings and cross sectional drawings, which indicate clearly the volume of cut and fill, which shall be kept to a minimum to provide for the permitted development;
 - (b) calculations of volume of land to be cut and filled and sustainable proposals to relocate this waste material;
 - (c) details and drawings which clearly indicate how it is proposed to fill the site with inert waste to provide for the level car parking area and the level playing pitch (having regard to the severe drop in ground level ranging between three to four metres) and how this area will be secured in place (noting that retaining walls are not acceptable on these highly vulnerable and visible lands). Revised proposals, which do not include retaining walls or structures shall be submitted;
 - (d) cross-sectional drawing of the pitch running north-south at three points along the pitch as part of the landscape plans, to include the carpark, the pitch and south of the pitch; and
 - (e) the hedgerow H2 mix shall be revised, by omitting several species. This shall be agreed in writing with the planning authority;
- (ii) A detailed landscape plan with full works specification shall be submitted to, and agreed in writing with the planning authority. This plan shall include grading, topsoiling, seeding, paths, drainage, boundary treatment, planting and street trees planting. These works shall be in accordance with the requirements of the planning authority. The agreed scheme shall be implemented in the first planting season and maintained in perpetuity.

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

6. The playing pitch shall be made available for the use of all field sports and shall not be used exclusively for one particular sport.

Reason: In the interests of inclusivity and the proper planning and sustainable development of the area.

7.
 - (a) The water supply and drainage infrastructure, shall comply with the requirements of the planning authority.
 - (b) There shall be complete separation of the foul and surface drainage systems, both in respect of installation and use.
 - (c) All works for this development shall comply with the following requirements of the planning authority.

Reason: In the interests of public health and in order to ensure adequate water supply and drainage provision.

8. Prior to the commencement of development, the developer shall submit revised proposals for the written agreement of the planning authority which shall incorporate SUDS measures that mitigate the impact of the surface water generated on the site. All surface water shall be held back on the site for slow release off the site.

Reason: To mitigate the potential for flooding downstream of the site and in the interest of the proper planning and sustainable development of the area.

9.
 - (a) All items for taking in charge shall be done to a taking in charge standard.
 - (b) Prior to the commencement of development, the developer shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

- (c) Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from the planning authority.

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

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 house.

Reason: In the interests of amenity and public safety.

11. 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 hours of working, noise management measures and off-site disposal of construction/demolition waste.

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

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

Dated this day of 2017.