



An  
Bord  
Pleanála

**Board Order**  
**PL 06S.248162**

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**Planning and Development Acts 2000 to 2017**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD16A/0457**

**Appeal** by William Neville and Sons Construction care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin against the decision made on the 23<sup>rd</sup> day of February, 2017 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** Modifications to the internal layout of the existing unoccupied ground floor crèche to provide a new reduced sized crèche with an associated outdoor play area to the rear, modification of the internal layout of the remaining ground floor area and change of use from permitted crèche use to residential use to accommodate four number one bedroom, one number two bedroom and one number three bedroom ground floor residential apartment units and associated open space provision, modifications to the southern elevation to include replacement of an existing door opening with an infill wall at ground floor and modifications to the eastern elevation to include by replacement of an existing window opening with new entrance doors, all located within the curtilage of a Protected Structure being the existing rag store, entrance gates, chimney, tail race, mill ponds of Swiftbrook Mill, all at Swiftbrook, Saggart, County Dublin.

## **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 planning history of the site, its zoning for residential development in the South Dublin County Development Plan 2016-2022 and the benefit of achieving an active use at ground floor level, it is considered that, subject to compliance with the conditions set out below, the proposed development would be in accordance with the zoning of the site, would not seriously injure the amenity of properties in the vicinity and would provide a viable use for a vacant unit. 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, as amended by the further plans and particulars received by An Bord Pleanála with the appeal documentation on the 14<sup>th</sup> day of March, 2017, 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. Apartment Number 5 shall be omitted from the proposed development and its floor area shall be incorporated into the proposed reduced crèche area. Prior to commencement of development, the developer shall submit to the planning authority for written agreement details of the revised internal configuration of the crèche incorporating the floor area of Apartment Number 5.

**Reason:** To achieve a crèche of adequate size to serve future needs of the area.

3. Prior to the operation of the crèche, details of the proposed signage for the crèche shall be submitted to, and agreed in writing with, the planning authority.

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

4. The areas of public open space shown on the lodged plans shall be reserved for such use and shall be soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. This work shall be completed before any of the dwellings are made available for occupation.

**Reason:** In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

5. 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 ongoing operation of these facilities shall be submitted to, and agreed in writing with, the planning authority prior to 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.

6. Site development and building works shall be carried out between the hours of 08.00 to 18.00 Mondays to Fridays inclusive, between 10.00 to 16.00 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.

