



An
Bord
Pleanála

Board Order
PL 06S.249294

Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0121

Appeal by June Hanlon and others care of 7 Oldcourt Cottages, Oldcourt Road, Dublin and by Capami Limited care of Fenton Associates of Unit 13, The Seapoint Building, 44-45 Clontarf Road, Dublin against the decision made on the 28th day of August, 2017 by South Dublin County Council to grant subject to conditions a permission to the said Capami Limited in accordance with plans and particulars lodged with the said Council:

Proposed Development: Residential development consisting of 133 number dwellings and a crèche. Access to the development will be via an adjoining residential development known as Dodderbrook (permitted under register reference SD14A/0180) which is accessed from Oldcourt Road. The development is in accordance with the Ballycullen Oldcourt Local Area Plan 2014 being amended. The proposed development is comprised of three number four-bed two-storey detached houses, 90 number three and four-bed two-storey semi-detached houses, 27 number three-bed two-storey terraced houses and six number three-bed duplexes with three number two/three-bed duplex apartments in a three-storey building and four number two-bed apartments over two floors and a two-storey crèche (423 square metres). The proposed development also includes for all associated site development and infrastructural works, surface water with attenuation, piped and wired services, car parking, open spaces and landscaping, all on a site area of 4.64

hectares (11.4 acres), located south of Oldcourt Cottages and north of the ESB wires in the townland of Bohernabreena, Oldcourt, Ballycullen, 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 provisions of the South Dublin County Development Plan 2016-2022 and the Ballycullen-Oldcourt Local Area Plan 2014, the location of the site and the pattern of existing development in the area, the zoning of the site, the nature, scale and design of the proposed development and the availability in the area of infrastructure, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of the area or of property in the vicinity and would be acceptable in terms of traffic and pedestrian safety. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

The Board carried out a screening exercise in relation to the potential impacts of the proposed development on European sites, and having regard to the submissions on file generally, and to the Inspector's assessment, which is noted, concluded that the proposed development, either individually or in combination with other plans or projects would not be likely to have a significant effect on any European site.

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 18th day of April 2017 and on the 31st day of July 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. Details of the materials, colours and textures of all the external finishes to the proposed development shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

3. The internal road and circulation network serving the proposed development including parking areas, footpaths and kerbs shall comply with the detailed standards of the planning authority for such road works.

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

4. Footpaths shall be dished at road junctions in accordance with the requirements of the planning authority.

Reason: In the interest of pedestrian safety.

5. 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.

Reason: In the interests of visual and residential amenity.

6. A comprehensive boundary treatment and landscaping scheme shall be submitted to, and agreed in writing with, the planning authority, prior to commencement of development. This scheme shall include the following: -
 - (a) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
 - (b) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (c) details of proposed boundary treatments at the perimeter of the site, and internally within the site including heights, materials and finishes.
 - (d) details relating to the protection of existing trees as required by the planning authority.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme and shall include a timescale for implementation.

Reason: In the interest of visual amenity.

7. (a) Water supply and drainage arrangements, including the attenuation and disposal of surface water and the sizing of attenuation ponds, shall comply with the requirements of the planning authority for such works and services.
- (b) Prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997, the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall submit the as-constructed watermain layout of the adjacent Phase 1, Dodderbrook (SD14A/0180) development to which this application is proposed to be connected to Irish Water.

Reason: In the interests of public health and orderly development.

8. Site development and building works shall be carried out only between the hours of 0800 and 1900 from Mondays to Fridays inclusive, between the hours of 0800 and 1400 on Saturdays and not at all on Sundays, Bank or Public Holidays. Deviation from these times will 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.

9. 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.

10. Public lighting shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name of the development shall be erected until the developer has obtained the planning authority’s written agreement to the proposed name.

Reason: In the interest of urban legibility and to ensure the use of locally appropriate place names for new residential areas.

12. The public/communal open spaces shall be developed for, and devoted to, public use. They shall be kept free of any development and shall not be incorporated into house plots.

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

13. A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of storage, separation and collection of the waste shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To provide for the appropriate management of waste and in particular recyclable materials in the interest of protecting the environment.

14. The finished floor levels of the proposed residential units shall be a minimum of 500 millimetres above the known flood level for the site.

Reason: In the interests of public health and orderly development.

15. No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and/or other energy supply, public lighting and roads) for each dwelling unit has been completed thereto and are operational.

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

16. A detailed phasing programme for the proposed development that fully accords with the requirements of the planning authority shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This phasing programme shall demonstrate full compliance with Development Plan policies and objectives in this regard and the provision of Ballycullen/Oldcourt Local Area Plan 2014 (as amended 2017).

Reason: To provide for the orderly and sustainable development of the site and compliance with the current Development Plan for the area.

17. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the “Recommendations for Site Development Works for Housing Areas” issued by the Department of the Environment and Local Government in November 1998. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

Reason: To ensure that the development is carried out and completed to an acceptable standard of construction.

18. 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.

19. 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.

20. 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.

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 2018