



Planning and Development Acts 2000 to 2017

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0212

Appeal by Tallaght Community Council care of Gerard Slockil of 52 Bancroft Park, Tallaght, Dublin and by Others against the decision made on the 15th day of February, 2018 by South Dublin County Council to grant subject to conditions a permission to Prymont Property Development Limited care of C and W O'Brien Architects of 1 Sarsfield Quay, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Mixed residential and commercial development (total gross floor area of 19,564.2 square metres) providing a total of 126 apartments in three blocks, two commercial units, community room, creche and gym along with a landscaped courtyard with bicycle store with 88 bicycle spaces and underground car park accessed from Second Avenue providing 152 parking spaces (144 plus eight wheelchair users), refuse stores, attenuation tank and plant areas. Block A, fronting Second Avenue, comprises a total of 49 apartments (one studio, 17 one-bed and 31 two-bed) all with private balcony spaces in a building with a maximum height of five storeys. Ground floor level of Block A includes a gym of 258.10 square metres. Block B, fronting Cookstown Way, comprises a total of 49 apartments (four studio,

18 one-bed, 23 two-bed and four three-bed) all with private balcony spaces, in a building partially five storeys rising to seven storeys. Ground floor level of Block B includes two commercial units (176.67 square metres and 463.85 square metres), a crèche of 215.22 square metres and a community room of 38.18 square metres. Block C, located in the south-west corner of the site, comprises a total of 29 apartments (11 one-bed, eight two-bed and 10 three-bed) all with private balcony spaces, in a building partially five storeys rising to seven storeys. Ground floor level of Block C includes an ESB substation and switchroom. The development also includes the demolition of an existing industrial unit and all associated site development works, all at Unit 5A-C, Second Avenue, Cookstown Industrial Estate, Tallaght, Dublin. **The proposed development was revised by further notices received by the planning authority on the 19th day of January, 2018.** The significant further information comprises amendments to the development proposal, including, inter alia, (i) reduction in the number of apartments from 126 number to 107 number (comprising five number studio units, 30 number one-bed units, 56 number two-bed units, 16 number three-bed units); (ii) reduction in height of the apartment buildings from part five, part seven storeys to five storeys only; and (iii) reconfiguration of ground floor Block B to increase the total number of retail units provided in the development from two number to three number.

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 nature and scale of the proposed development, to the zoning of the site and its location within a Regeneration Area in the South Dublin County Development Plan 2016-2022 and the proximity of public transport facilities it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or residential amenities of the area, would be acceptable in terms of traffic safety and convenience and would be in accordance with the provisions of the South Dublin County Development Plan 2016-2022. 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 submitted on the 19th day January 2018, 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 buildings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of the visual amenities of the area.

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. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of amenities of the area and visual amenity.

5. The proposed childcare facility shall not operate outside the period of 0800 to 1900 hours Monday to Friday inclusive except public holidays, and shall not operate on Saturdays, Sundays or public holidays. Prior to the operation of the crèche the operator shall submit to, and agree in writing with, the planning authority details of the proposed signage for the crèche.

Reason: In the interest of residential and visual amenity.

6. The number of children to be accommodated within the childcare facility shall not exceed 41 at any time on any day.

Reason: To limit the development in the interest of residential amenity.

7. The proposed gym shall not operate outside the period of 0700 to 2200 hours Monday to Friday inclusive except public holidays, and not operate outside the period of 0800 to 2200 hours on Saturdays, Sundays or public holidays. Prior to the operation of the gym the operator shall submit to, and agree in writing with, the planning authority details of the proposed signage for the gym.

Reason: In the interest of residential and visual amenity.

8. 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 street furniture, including bollards, lighting fixtures and seating;
- (d) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

- 9. The internal noise levels, when measured at the windows of the proposed development, shall not exceed:
 - (a) 35 dB(A) LAeq during the period 0700 to 2200 hours, and
 - (b) 30 dB(A) LAeq at any other time.

A scheme of noise mitigation measures, in order to achieve these levels, shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The agreed measures shall be implemented before the proposed dwellings are made available for occupation.

Reason: In the interest of residential amenity.

10. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements, including facilities for the recharging of electric vehicles.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

11. The parking facilities, hereby permitted, shall be reserved solely to serve the proposed development and shall provide for the following:

- (a) At least one clearly identified car parking space shall be assigned permanently to each residential unit and shall be reserved solely for that purpose.
- (b) A total of eight number car parking spaces shall be reserved for persons with impaired mobility. The layout and design of such designated spaces shall be in accordance with the guidance set out in the document “Building for Everyone - a Universal Design Approach” published by the National Disability Authority.
- (c) Revised proposals for the location of bicycle parking shall be submitted to and agreed in writing with the planning authority prior to the commencement of development.

Reason: To ensure that adequate parking spaces are permanently available to serve the proposed residential units and other commercial uses within the development and also to prevent inappropriate commuter parking.

12. No additional development shall take place above roof parapet level, including lift motor enclosures, air handling equipment, storage tanks, ducts or other external plant, telecommunication aerials, antennas or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the residential amenities of property in the vicinity and the visual amenities of the area.

13. Prior to commencement of development, the developer shall liaise with the Irish Aviation Authority with regard to the potential requirement for an aviation warning beacon.

Reason: In the interests of public safety.

14. Proposals for an estate/street name, house/apartment/unit 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/apartment/unit numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) 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(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

Reason: In the interest of urban legibility.

15. Comprehensive details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The agreed lighting system shall be fully implemented and operational, before the proposed development is made available for occupation.

Reason: In the interest of public safety and visual amenity.

16. Site development and building works shall be carried out only between the hours of 0800 to 1900. Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and 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.

17. The management and maintenance of the proposed development, following completion, shall be the responsibility of a legally constituted management company, which shall be established by the developer. A management scheme, providing adequate measures for the future maintenance of the development; including the external fabric of the buildings, internal common areas (residential and commercial), open spaces, landscaping, roads, paths, parking areas, public lighting, waste storage facilities and sanitary services, shall be submitted to and agreed in writing with the planning authority, before any of the residential or commercial units are made available for occupation.

Reason: To provide for the future maintenance of this development in the interest of residential amenity and orderly development.

18. 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.

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. 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.

21. 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 of roads, footpaths, watermains, drains, public open space and other services required in connection with the development, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory completion 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 the Board for determination.

Reason: To ensure the satisfactory completion of the development.

22. 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.

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

Dated this day of 2018.