



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD17A/0357

Appeal by Blackthorn Hill Rathcoole Management Company CLG care of Falcondale Properties of 25A Main Street, Newbridge, County Kildare and by others against the decision made on the 9th day of April, 2018 by South Dublin County Council to grant subject to conditions a permission to Brian and Theresa Prendergast care of Virtus of 5th Floor, The Glass House, Coke Lane, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council

Proposed Development: The demolition of two existing dwellings and the construction of a residential development of 22 units comprising two number three-bed units with study, 18 number four-bed units and two number four-bed units with study. The units will be two storeys in height including second floor accommodation in roof space with dormer windows and rooflights. The units will comprise of a mix of terraced, semi-detached and detached units. The proposed development includes associated public open space, landscaping including boundary treatment, underground services and utilities and road, footpath and cycle infrastructure on the site. 44 surface car parking spaces will be provided for the development, in a combination of in-curtilage and

grouped parking. The proposed development includes amendments to the existing roadway at Saint Anne's Terrace and amendments and upgrades to Green Lane, including provision of new footpath along with new development entrance piers. The total gross floor area of the proposed development will be circa 3,652 square metres, all on a site of circa 1.5 hectares bounded to the west by Green Lane, to the north-west by Saint Anne's Terrace and by Blackthorn Hill residential estate, to the north-east and south by greenfield lands and to the east by greenfield lands and by Rathcoole Boys Football Club. The site is accessed from Green Lane to the west of the site. The site also includes part of the Rathcoole Boys Football Club lands and Forest Hills required for connection to the foul water sewer network, at Green Lane, Rathcoole, County Dublin as amended by the revised public notice received by the planning authority on the 12th day of March, 2018.

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, and to the zoning of the site and its location in proximity to Rathcoole Village, 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 not have unacceptable impacts on ecology or flooding, would be acceptable in terms of pedestrian and 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.

Appropriate Assessment Screening:

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the nature, scale and location of the proposed development, the Appropriate Assessment Screening Report submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the sites' conservation objectives, and that a Stage 2 Appropriate Assessment (and submission of a Natura impact statement) is not, therefore, required.

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 to the planning authority on the 12th day March, 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. Roof colour shall be blue black or slate grey in colour only, and ridge tiles shall be the same colour as the roof.

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. 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. In particular
- (a) the roads and traffic arrangements serving the site (including signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense,
 - (b) the roads layout shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii,
 - (c) pedestrian crossing facilities shall be provided at all junctions,
 - (d) the materials used in any roads/footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works,
 - (e) a detailed construction traffic management plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan shall include details of arrangements for routes for construction traffic, parking during the construction phase, the location of the compound for storage of plant and machinery and the location for storage of deliveries to the site,
 - (f) one car parking space per ten residential units shall have a functional

Electric Vehicle Charging Point, and

- (g) at least one car parking space shall be allocated to each residential unit within the scheme. Car parking spaces shall be sold off in conjunction with the units and shall not be sold or let separately.

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

- 5. The proposed access roadway and pedestrian link to the adjoining residential development within Blackthorn Hill Crescent and proposed access roadway to the rear of number 8 Saint Anne's Terrace shall be extended to the site boundary. Details in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of orderly development.

- 6. All trees and hedgerows within and on the boundaries of the site shall be retained and maintained, with the exception of the following:
 - (a) specific trees, the removal of which is authorised in writing by the planning authority to facilitate the development, and
 - (b) trees which are agreed in writing with the planning authority to be dead, dying or dangerous through disease or storm damage, following submission of a qualified tree surgeon's report, and which shall be replaced with agreed specimens.

Reason: In the interests of amenity, ecology and sustainable development.

7. Retained trees and hedgerows shall be protected from damage during construction works. Within a period of six months following the substantial completion of the proposed development, any planting which is damaged or dies shall be replaced with others of similar size and species.

Reason: In the interests of amenity, ecology and sustainable development.

8. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority to secure the protection of the trees and hedgerows on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees and hedgerows on the site.

9. The landscaping scheme submitted to the planning authority on the 29th day of September, 2017 as amended by the further plans and particulars submitted to the planning authority on the 12th day of March, 2018 shall be carried out within the first planting season following substantial completion of external construction works. All planting shall be adequately protected from damage until established. Any plants which die, 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 the interest of visual amenity.

10. Mitigation and monitoring measures relating to biodiversity outlined in the plans and particulars, including the ecological impact assessment, submitted with this application, shall be carried out in full, except where otherwise required by conditions attached to this permission. In this regard:
 - (a) a single document of the mitigation measures/recommendations relating to biodiversity that are outlined in the various documents that form part of the application shall be submitted to, and agreed in writing with, the planning authority at least five weeks in advance of site clearance works. This document shall include a programme for the implementation of the mitigation measures and details of any monitoring requirements by a suitably qualified ecologist shall accompany this document, and

- (b) vegetation clearance and tree removal shall take place outside the bird breeding season (March 1st - August 31st).

Reason: In the interest of protecting the environment and to address any potential impacts on biodiversity.

11. 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 interest of urban legibility.

12. Proposals for an estate/street name, housing 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(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.

13. 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.

14. 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.

15. 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 interest of visual and residential amenity.

16. 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 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.

17. 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 current Development Plan for the area.

18. 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 prevent, minimisation, recovery and disposal of 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.

19. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority a properly constituted Owners’ Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owners’ Management Company. Membership of this company shall be compulsory for all purchasers of property in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

Reason: To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

20. 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 noise management measures and off-site disposal of construction/demolition waste.

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

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 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.

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.

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

Dated this day of 2018.