



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0239

Appeal by Tallaght Community Council care of Gerard Stockil of 52 Bancroft Park, Tallaght, Dublin against the decision made on the 28th day of August, 2018 by South Dublin County Council to grant subject to conditions a permission to Irish Residential Properties REIT PLC care of Tom Phillips and Associates of 80 Harcourt Street, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Demolition of the existing part single-storey, part two-storey commercial building (circa 510 square metres) and construction of a five-storey mixed-use building (circa 3,230 square metres) comprising one retail unit (circa 100 square metres), 32 enclosed bicycle parking spaces, plant, bin stores and an ESB substation at the ground floor level and 31 apartment units at the ground to fourth floor levels, including 11 one-bedroom units, 19 two-bedroom units and one three-bedroom unit, with private balconies/terraces. A total of 29 car parking spaces are proposed to facilitate the proposed development in the existing basement level of the adjoining mixed-use Priors Gate scheme to the south and west, in lieu of the previously permitted, vacant car showroom display use at this level (as granted under An

Bord Pleanála appeal reference number PL 06S.206768). The development will also include the provision of louvres to the existing glazed openings at basement level of the Priors Gate scheme fronting onto the Tallaght By-Pass (N81) to the south; the removal of the existing boundary treatment between the Priors Gate and Bruce House sites to facilitate a pedestrian connection between the existing and proposed mixed-use schemes; piped infrastructure and ducting; roof plant including lift overrun; changes in level; attenuation areas; site landscaping; communal open space including a children's play space (circa 686 square metres) and all associated site development and excavation works above and below ground, all on a site of circa 0.29 hectares known as Bruce House, Main Street, Tallaght, 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 objective VC (Village Centre) zoning objective for the site and wider area, including the adjoining site to the east,
- the pattern of development in the area, including the scale of the adjoining Priors Gate development to the west of the site,
- the form of development proposed that complements the existing Priors Gate development in design and scale,
- the provisions of the South Dublin County Council Development Plan, 2016-2022, and
- the provisions of relevant planning guidance prepared by the Department of Housing, Planning and Local Government, specifically the Sustainable Urban Housing: Design Standards for New Apartments (March, 2018) and Urban Design and Building Heights, Guidelines for Planning Authorities (December, 2018).

it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the visual or other amenities of the area or of property in the vicinity and would be acceptable in terms of pedestrian and traffic safety. 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, 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. The proposed development shall be amended as follows:
 - (a) The west facing windows in the living room of Units numbers 101, 201 and 301 shall be replaced with high level windows such as would prevent overlooking of the existing residential units to the west in Priors Gate.
 - (b) All windows above ground floor level on the eastern elevation of the building shall be in frosted glazing, which shall be permanently maintained.
 - (c) That section of the eastern elevation extending for a distance of 11.5 metres from the north-eastern corner of the building shall be finished in brick, to match that proposed on the northern elevation.

Revised drawings showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of residential amenity.

3. (a) 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.
- (b) Prior to commencement of development, the developer shall submit to and agree in writing with planning authority revised proposals for surface water layout providing for an increased attenuation of 55 cubic metres by 20% for a 1 in 30 year storm event and by 28% for a 1 in 100 year storm event.

Reason: In the interest of public health.

4. Prior to commencement of development, a comprehensive landscaping scheme shall be submitted to and agreed in writing with the planning authority. 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) details of the proposed play area to include design rationale, equipment and surface.
 - (c) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
 - (d) details of proposed street furniture, including bollards, lighting fixtures and seating;

The landscaping of the site shall be carried out in accordance with the agreed scheme.

Reason: In the interest of visual amenity.

5. 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.

6. Proposals for a development name, numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.

7. The developer shall facilitate the archaeological appraisal of the site and shall provide for the preservation, recording and protection of archaeological materials or features which may exist within the site. In this regard, the developer shall:
 - (a) notify the planning authority in writing at least four weeks prior to the commencement of any site operation (including hydrological and geotechnical investigations) relating to the proposed development, and
 - (b) employ a suitably-qualified archaeologist prior to the commencement of development. The archaeologist shall assess the site and monitor all site development works.

The assessment shall address the following issues:

- (i) the nature and location of archaeological material on the site, and
- (ii) the impact of the proposed development on such archaeological material.

A report, containing the results of the assessment, shall be submitted to the planning authority and, arising from this assessment, the developer shall agree in writing with the planning authority details regarding any further archaeological requirements prior to commencement of construction works.

In default of agreement on any of these requirements, the matter shall be referred to An Bord Pleanála for determination.

Reason: In order to conserve the archaeological heritage of the area and to secure the preservation and protection of any archaeological remains that may exist within the site.

8. 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.

9. Details of all external shopfronts and signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. No external shutters shall be provided to the shop.

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

10. Other than that agreed under condition number 9 of this Order, and notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no advertisement signs (including any signs installed to be visible through the windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the buildings or within the curtilage of the site, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

11. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, between 0900 to 1300 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.

12. 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, 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 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 of the development.

13. 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.

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

Dated this day of 2019.