



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0053

Appeal by Niamh and Kieran Curtin and others care of 16 Grange Road, Rathfarnham, Dublin and by Karl and Stuart Reid care of Tom Phillips and Associates of 80 Harcourt Street, Dublin against the decision made on the 13th day of November, 2018 by South Dublin County Council to grant subject to conditions a permission to the said Karl and Stuart Reid in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of two number three-storey buildings (linked at first and second floor levels) (4,931 square metres gross floor area, including one basement level of 1,730 square metres gross floor area) accommodating: 32 number apartments (two number one-bedroom; 28 number two-bedroom; and two number three-bedroom); ancillary space including circulation cores (lifts and stairs), plant areas throughout the building etc; and an ESB sub-station and associated switch room (22 square metres). The development will also consist of the provision of: private, semi-private and communal open spaces in the form of balconies, terraces and a central landscaped courtyard; a new vehicular entrance from Loreto Terrace; a vehicular ramp providing access to basement level; car parking (40 number

spaces at basement level and three number spaces on Loreto Terrace); bicycle parking (48 number spaces at basement level); tenant storage; the repositioning of an ESB pole on Grange Road; a 1.5 metre footpath to the north-west of the site; diversion of existing drainage pipes; plant enclosures at roof level including lift over-runs; waste compounds/stores/recycling centres; SuDS measures including attenuation tank; all hard and soft landscaping; elevational treatments; lighting; signage; and all other associated site excavation, infrastructural and site development works above and below ground including changes in level, boundary treatments and associated site servicing (foul and surface water drainage and water supply). The development proposed is a variation on that permitted under planning register reference number: SD07A/0540 (as extended under planning register reference number: SD07A/0540/EP), all on lands at the junction of Grange Road, Nutgrove Avenue and Loreto Terrace, Rathfarnham, 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:

- (a) the residential zoning objective for the subject site,
- (b) the objectives of the National Planning Framework - Project Ireland 2040, issued by the Government in February 2018, which seeks to pursue a compact growth policy and to deliver a greater proportion of residential development within existing built up areas,
- (c) the “Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities Towns and Villages)” issued by the Department of the Environment, Heritage and Local Government in May 2009, which promotes higher residential densities on residential zoned land in suitable locations,
- (d) the “Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities” issued by the Department of Housing, Planning and Local Government in March 2018, which outlines the need for apartment type developments in particular to meet growing demand,
- (e) the location of the site within close proximity of public transport corridors, and
- (f) the pattern of existing and permitted development in the area and wider area,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be an acceptable density and scale in this location, would not seriously injure the residential amenities of neighbouring property, would be acceptable in terms of pedestrian and traffic safety and convenience and 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 the 17th day of October, 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. Translucent glass shall be used in the balconies and terraces fronting onto Loreto Terrace on the south-western elevation. Full details showing compliance with this requirement shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site.

Reason: In the interest of residential amenity.

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 and to reduce the potential for flooding.

4. A comprehensive boundary treatment and landscaping plan shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The plan which shall be designed by a landscaping professional 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 location, number, type and spacing of all species proposed.
 - (c) Details of any street furniture including bollards, lighting fixtures and seating.
 - (d) Details of proposed boundary treatment at the perimeter of the site, including heights, materials and finishes.
 - (e) Play space shall be in accordance with the requirements of the planning authority.
 - (f) The boundary treatment and landscaping shall be carried out in accordance with agreed scheme. The approved scheme shall be completed prior to the making available by the developer for occupation of any of the proposed units.

Reason: In the interests of visual and residential amenity.

5. Details of the materials, colours and textures of all the external finishes to the proposed dwellings shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.

6. Public lighting shall be provided in accordance with a scheme, 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 of occupation of any unit within the scheme.

Reason: In the interests of amenity and public safety.

7. 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.

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

Reason: In order to protect the visual amenities of the area and to permit the planning authority to assess any such development through the statutory planning process.

9. 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.

10. 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.

11. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between 0800 and 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.

11. Proposals for a development name, apartment numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, the development name, signs and apartment numbers shall be provided in accordance with the agreed scheme. The proposed name shall be based on local historical or topographical features, or other alternative acceptable to the planning authority. No advertisements/marketing signage relating to the names 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.

13. (a) The communal open spaces, including hard and soft landscaping, car parking and access way, communal refuse/bin storage and all areas not intended to be taken in charge by the local authority shall be maintained by a legally constituted management company.
- (b) The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of public open spaces, roads and communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

14. 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 for the area.

15. 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.

16. 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 the 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.

Stephen Bohan

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this day of 2019.