



Planning and Development Acts 2000 to 2018

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0242

Appeal by Victoria Homes Limited care of MacCabe Durney Barnes Limited 'of 20 Fitzwilliam Place, Dublin against the decision made on the 2nd day of January, 2019 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Construction of 30 houses consisting of a mix of detached units, semi-detached and terraced houses including: six two-bed, 13 three-bed and 11 four-bed units as well as a new access via the Kiltel Road. The development also includes landscape open space, boundary treatment, play area, site drainage works, site services and all ancillary site development works, all on a site of 0.96 hectares at Kiltel Road, Crockshane, Rathcoole, County 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 residential zoning objective for the area and the pattern of development in the area, 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 or of property in the vicinity, would not be prejudicial to public health 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, as amended by the further plans and particulars submitted on the 27th day of November, 2018 and by the further plans and particulars received by An Bord Pleanála on the 29th day of January, 2019, 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. (a) Development shall not commence on this site until the contract for the upgrade of the Tay Lane Pumping Station has been entered into and the developer has been informed in writing of this fact by the planning authority.
- (b) The houses hereby permitted shall not be made available by the developer for occupation until the upgrade of this pumping station has been completed and commissioned and the developer has been notified in writing of this fact by the planning authority.

Reason: In the interest of public health.

3. The development shall be modified as follows:
 - (a) All rear gardens of houses shall be bounded by concrete block walls 1.8 metres high or concrete post and concrete panel fences except where the rear gardens of units 1 to 14 and 19 to 26 adjoin the existing hedgerow where paladin fencing, dark green in colour, and 1.8 metres high shall be provided inside (on the rear garden side) of the managed retained hedgerow. The proposed concrete post and timber panel or any other form of timber fencing shall not be used.
 - (b) All landing, bathroom and w.c windows shall be permanently fitted with frosted glazing.
 - (c) The proposed footpaths shall be relocated in front of car spaces for units 5 to 14 and 19 to 26 so that all the houses are provided with in-curtilage car parking spaces.

Reason: In the interest of residential amenity, to ensure the provision of durable boundary treatment and in the interests of pedestrian safety.

4. 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. Roof colour shall be blue black or slate grey only, including ridge tiles.

Reason: In the interest of visual amenity.

5. 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 and, in particular (a), (b), and (c) as follows:
 - (a) There shall be a minimum vertical distance of 500 millimetres between surface water drain S4 to S5 and the existing 33 inch watermain as per Irish Water standards STD-WW-11.
 - (b) The proposed foul water drain crossing existing 33 inch watermain shall be encased in concrete as per standard detail STD-WW-08 of Irish Water Standards.
 - (c) There shall be a minimum vertical distance of 500 millimetres between the proposed foul drain F4 to F5 and the existing 33 inch watermain as per Irish Water standards Standard Details STD-WW-11.

Reason: In the interest of public health.

6. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs, shall be in accordance with the detailed standards of the planning authority for such works.

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

7. (a) All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.
- (b) Existing overhead cables crossing and bounding the site shall be undergrounded at the developer's expense in accordance with the requirements of the relevant utilities

Reason: In the interest of residential and visual amenity.

8. The communal parking areas (numbers 50 to 53 and 54 to 57) shall be provided with electric charging points for each of the car spaces concerned and all of the other houses where in-curtilage parking spaces are provided (or are to be provided under condition 3(c) of this order) shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle charging points.

Reason: In the interest of sustainable transportation.

9. 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(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 and to ensure the use of locally appropriate place names for new residential area.

10. (a) The development, including all roads, footpaths, verges, public lighting, open spaces, surface water drains and attenuation provisions, and all other services, as permitted under this order, shall be carried out and completed in accordance with the "taking-in-charge" standards of the planning authority.
- (b) The areas of open space shown on submitted drawings shall be reserved for such use and shall be levelled, contoured, soiled, seeded and landscaped in accordance with the detailed requirements of the planning authority. The open space areas shall be laid out and landscaped prior to the making available by the developer for occupation of any of the houses in the development.

- (c) All of the areas of public open space, as shown on the submitted drawings, shall be maintained by the developer until such time as the development is taken in charge by the local authority. When the estate is taken in charge, the open spaces shall be vested in the planning authority, at no cost to the authority, as public open space.

Reason: In the interest of proper development, the timely provision of open spaces and in order to comply with national policy in relation to the maintenance and management of residential estates.

11. The existing boundary hedge along the eastern, southern and western site boundaries shall be retained and managed and a new boundary hedge created along the roadside boundary. Works to these boundaries shall be undertaken in accordance with the Landscape Design Rationale Report prepared by Mitchell and Associates and received by the planning authority on the 6th day of July, 2018 and recommendations contained in the Arborist report prepared by Arborist Associates Limited and received by the planning authority on the 27th day of November, 2018.

Reason: To ensure the protection of a feature of major importance for local wild birds.

12. The landscaping scheme shown on drawing number 100 prepared by Mitchell and Associates, and received by the planning authority on the 27th day of November, 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, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, 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 residential and visual amenity.

13. Prior to commencement of development, details of the proposed play area, to include details of equipment and surfaces, shall be submitted to and agreed in writing with the planning authority.

Reason: In the interest of amenity.

14. 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 (including, if necessary, archaeological excavation) 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 (in-situ or by record) and protection of any archaeological remains that may exist within the site.

15. 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.

16. 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.

17. 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.

18. 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.

19. The developer shall pay to the planning authority a financial contribution in respect of the provision of a footpath to the east of the site along the Killeel Road from the edge of the subject site to the existing footpath at the entrance to the adjoining community school (See planning authority's roads section's report-suggested condition 5) in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

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

Dated this day of 2019.