



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0314

Appeal by JMC Van Trans Limited care of Thornton O'Connor of 1 Kilmacud Road Upper, Dundrum, Dublin against the decision made on the 11th day of March, 2019 by South Dublin County Council to refuse permission for the proposed development.

Proposed Development: Warehousing unit incorporating ancillary offices/staff facilities on three floors to the front (south) elevation, office/staff facilities for the warehouse use at the rear (north) elevation and plant room, totalling 14,104 square metres gross internal area, which comprises:

- 12,240 square metres warehousing area (17.9 metres high).
- 1,674 square metres front ancillary office/staff facilities area on three floors (12.45 metres high).
- 122 square metres office/staff facilities attached to the rear of the warehouse (8.4 metres high).

- 63 square metres plant room attached to the eastern side of the warehouse (5.7 metres high).

The proposed development also includes:

- (a) On-site security hut 16 square metres (3.00 metres high) at the HGV access/egress location.
- (b) 4,160 square metres solar panels placed on the warehouse roof.
- (c) Site access.
- (d) Ancillary car parking (145 spaces).
- (e) HGV marshalling yard on 16,380 square metres of yard and HGV parking for 49 number vehicles.
- (f) Dock levellers and level access doors.
- (g) Canopy over level access doors attached to western elevation and canopy over dock levellers at the rear.
- (h) Perimeter landscaping.
- (i) Drainage works including underground surface water attenuation facility, flood management measures, foul sewer pumping and storage tank.
- (j) All services and utilities.
- (k) All associated site development works.

All at Kingswood Business Park, Baldonnell, Dublin. Further public notices were received by the planning authority on the 13th day of February, 2019.

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, the provisions of the South Dublin County Development Plan 2016 - 2022, the Enterprise and Employment land use zoning objective for the site, its close proximity to the national road and motorway infrastructure, the documentation and submissions on file, including the detailed documentation on surface water management, aviation impact assessment and traffic impact assessment submitted in support of the application and appeal, it is considered that, subject to compliance with the conditions set out below, the proposed development would not have unacceptable impacts on aviation, ecology, water quality or the landscape, would not seriously injure the amenities of the area or of property in the vicinity, would be acceptable in terms of pedestrian and traffic safety and would not conflict with the provisions of the Development Plan. 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 to the planning authority on the 30th day of January, 2019 and the plans and particulars submitted to An Bord Pleanála as part of the appeal on the 8th day of April, 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. The proposed development shall be amended as follows:-
 - (a) The eastern elevation of the proposed building shall be modified in order to include a greater vertical emphasis in order to break down the massing and monolithic legibility of the 137-metre elevation when viewed from the adjoining public road.
 - (b) A minimum of 10% of the proposed car parking spaces shall be provided with electrical connection points, to allow for functional electric vehicle charging. The remaining car parking spaces shall be fitted with ducting for electric connection points to allow for future fitout of charging points.

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 interests of visual amenity and of sustainable transport.

3. (a) The use of the unit shall be limited to logistics/warehousing and shall not be used for industrial purposes or for any other purpose without a prior grant of planning permission.
- (b) All office use shall be ancillary to the logistics/warehousing use within the unit.

Reason: In the interest of clarity and to comply with the land zoning provisions set out for the area in the South Dublin County Development Plan 2016-2022.

4. No additional floorspace shall be formed by means of internal horizontal division within the buildings hereby permitted unless authorised by a prior grant of planning permission.

Reason: To control the intensity of development and to ensure that adequate car parking and service facilities will be provided within the development.

5. No goods or waste products shall be placed or stored externally to the proposed buildings.

Reason: In the interests of the visual amenities of the area, of public health, and to protect car parking.

6. Notwithstanding the provisions of the Planning and Development Regulations, 2001, as amended, no signage, advertising structures/advertisements, including flagpoles or free-standing signs, shall be erected within the site or on the proposed buildings, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area, and to allow the planning authority to assess the impact of any further signage through the statutory planning process, having regard to the fact that details of signage were not submitted with the application.

7. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall be amended from that submitted with the application, by the substitution for the proposed species *Tilia Cordata* along the eastern site boundary by fast growing species such as *Betula* spp. The landscaping scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing:
 - (i) existing boundary hedgerows and trees, specifying which are proposed for retention as features of the site landscaping,
 - (ii) the measures to be put in place for the protection of these landscape features during the construction period,
 - (iii) the species, variety, number, size and locations of all proposed trees and shrubs,
 - (iv) details of screen planting (which shall not include *leylandii* species), and
 - (vi) hard landscaping works, specifying surfacing materials and finished levels.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation.

All planting shall be adequately protected from damage until established. Any plants that die, are 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, and in particular to ensure a more robust planting scheme in order to alleviate the visual impact of the eastern elevation when viewed from the public road.

8. Prior to commencement of development, the developer shall submit to, and agree in writing with, the planning authority measures to ensure that the local bat populations foraging and commuting areas continues unhindered during the construction and operational phases of the development.

Reason: In the interest of protecting the biodiversity of the area.

9. Comprehensive details of the proposed 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. This lighting system shall be operated in accordance with the bat mitigation measures outlined in the submitted Preliminary Ecological Appraisal.

Reason: In the interests of public safety and visual amenity, and to protect the biodiversity of the area.

10. 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 prevent flooding.

11. All service cables associated with the proposed development (such as electrical and telecommunications cables) shall be located underground. Any existing over ground cables crossing or bounding the site shall be relocated underground as part of the site development works.

Reason: In the interest of visual amenity and to safeguard the existing aviation amenities in the vicinity.

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, antennae or equipment, unless authorised by a further grant of planning permission.

Reason: To protect the visual amenities of the area.

13. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for measures to encourage the use of public transport, cycling, walking and car-pooling by staff and to reduce and regulate the extent of staff parking.

Reason: In the interest of encouraging the use of sustainable modes of transport, to comply with the provisions of “Smarter Travel – a Sustainable Transport Future – a New Transport Policy for Ireland 2009 – 2020”, issued by the Department of Transport.

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. 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.

16. Prior to commencement of development, the developer shall consult, agree in writing with, and submit evidence to, the planning authority of agreements between the developer and the Irish Aviation Authority and the Department of the Defence regarding the construction and operational phases of the proposed development.

Reason: In the interest of aviation safety and to protect the operation of the nearby Casement Aerodrome.

17. 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.

Philip Jones
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.

Dated this day of 2019.