



Planning and Development Acts 2000 to 2019

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD18A/0310

Appeal by William and Anne McSweeney care of Patrick M. Kerr of 39A Maynooth Road, Celbridge, County Kildare against the decision made on the 15th day of May, 2019 by South Dublin County Council to grant subject to conditions a permission to Phoenix Croft Limited care of CKPM of 18 Landscape Avenue, Churchtown, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a 25 unit residential housing development on a site extending to 0.96 hectares consisting of the following: one number detached, two and a half storey five bedroom house (Type 1, 295 square metres), one number detached, two and half storey five bedroom house (Type 1a, 270 square metres), one number detached, two and a half storey four bedroom house (Type 1b, 270 square metres), one number detached, two and a half storey five bedroom house (Type 1c, 280 square metres), one number detached, two and a half storey five bedroom house (Type 1d, 270 square metres), eight number detached, two and a half storey houses (Type 2, 150 square metres each), a two-storey, semi-detached block consisting of: one number two bedroom house (Type 3, 70 square metres),

one number two bedroom house (Type 3a, 74 square metres), 10 number semi-detached two and a half storey houses (Type 4, 150 square metres each), all associated site development works including landscaping works, public lighting, ground works, (reduction of existing site level), boundary treatment, roads, footpaths, foul drainage, surface water drainage including attenuation, water main and site entrance piers (with no gates). All on a site to the north of the N4 Lucan by-pass and to the east (end of) Ardeevin Avenue, Lucan, 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 provisions of the South Dublin County Development Plan 2016-2022, to the layout and design as submitted, to the location and characteristics of the site and the pattern of development in the area, the Board considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential or visual amenities of adjoining properties, would be acceptable in terms of the residential amenities of future occupants 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 18th 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) House number 12 shall be amended to provide for a Type 2 design and the existing tree, number 21, shall be retained.
 - (b) The north-western boundary of the site shall comprise a two-metre high block wall, capped and rendered on both sides.
 - (c) The existing trees along the north and north-east of the site shall be retained and protected during the construction phase and shall be incorporated into the overall design of the development.
 - (d) Rear garden boundaries shall consist of block walls or concrete post and concrete panel fences.
 - (e) All in-curtilage parking spaces serving dwellings shall be provided with electric connections to the exterior of the houses to allow for the provision of future electric vehicle 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 interest of proper planning and residential amenity.

3. Public lighting for the development shall be designed to safeguard bat species and shall be provided in accordance with a scheme, which shall include lighting along pedestrian routes through open spaces, 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 for occupation of any house.

Reason: In the interests of proper planning and the protection of light sensitive species.

4. The site shall be landscaped in accordance with a comprehensive scheme of hard and soft landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall include for protection of trees and hedgerows on and adjacent to the site and shall comply with the requirements of the planning authority with regard to a post completion tree survey.

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 the protection of trees and landscape features and the implementation of an approved landscape design.

5. External finishes including all materials, colours and textures shall be in accordance with the details submitted to the planning authority, unless otherwise agreed prior to commencement of development.

Reason: In the interest of visual amenity.

6. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Irish Water.

Reason: In the interest of public health.

7. 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.

8. Proposals for a development/estate 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 signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name 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 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 and to ensure the use of locally appropriate place names for new residential areas.

9. Site development and building works shall be carried out between the hours of 0800 to 1800 Mondays to Fridays inclusive, between 0800 to 1300 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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.

10. The development hereby permitted, including all roads, footpaths, and public lighting, shall be carried out in accordance with the standards and requirements of the planning authority for taking in charge. The development shall be maintained by the developer until taken in charge by the authority and shall not be operated or maintained by a private management company.

Reason: In order to comply with national policy in relation to the maintenance and management of residential estates, and to ensure that the development, when completed, can be taken in charge by the planning authority.

11. The areas of open space shown on the lodged plans shall be reserved for such use and, other than the play area, shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The play area shall be developed in accordance with details to be submitted to, and agreed in writing with, the planning authority prior to commencement of development. All of this work, including the play areas, shall be completed before any of the dwellings are made available for occupation and shall be maintained as public open space by the developer until taken in charge by the local authority. When the estate is taken in charge, the open spaces and play area shall be vested in the planning authority, at no cost to the authority,

Reason: In order to ensure the satisfactory development of the public open space areas, and their continued use for this purpose.

12. All trees shown shall be retained on the site and shall be adequately protected during the period of construction in accordance with BS: 5837. Such measures shall include a protection fence which shall be erected beyond the branch spread, and no construction work or storage shall be carried out within the protective barrier.

Reason: In the interests of visual amenity and of protecting the residential amenities of adjoining properties.

13. 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.

14. 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. All existing overground cables within and bounding the site shall be relocated underground as part of the site development works, at the developer's expense.

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

15. A 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 for storage of deliveries to the site.

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

16. Having regard to the prior use of the site as a dumping ground for construction waste, and the potential for contamination, the developer shall, prior to the commencement of any development on site, engage the services of an appropriately qualified environmental consultant with experience in the field of land contamination, to carry out site investigations, risk assessment, prepare a report and recommend remedial measures where appropriate, and any remedial measures required shall be implemented by the developer. This report shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of any development on site.

Reason: In the interests of environmental protection and sustainable development.

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 96(4) and 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 97(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.

18. 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.

19. 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.

Chris McGarry

Member of An Bord Pleanála

**duly authorised to authenticate
the seal of the Board.**

Dated this day of 2019.