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## **Planning and Development Acts 2000 to 2019**

### **Planning Authority: South Dublin County Council**

**Application** for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, in accordance with plans and particulars, lodged with An Bord Pleanála on the 4<sup>th</sup> day of October 2019 by OBSF(I) Limited care of Tom Phillips and Associates, 80 Harcourt Street, Dublin.

#### **Proposed Development:**

A planning permission for a strategic housing development located on a site of circa 2.9 hectares at Citywest Shopping Centre, Fortunestown, Dublin 24.

The proposed development will consist of a mixed-use residential scheme (total gross floor area 26,929 square metres) comprising six number blocks with balconies / terraces to be provided on all elevations at all levels for each block, to provide 290 number apartment units and associated residential amenity facilities, a childcare facility, four number retail units and two number café / restaurant units.

- Block A will be six storeys in height comprising 26 number one-bed units, 20 number two-bed units and 11 number three-bed units with a resident amenity facility (circa 246 square metres) at ground floor level.
- Block B will be four to five storeys in height comprising 31 number one-bed units, 26 number two-bed units and nine number three-bed units.
- Block C will be five to six storeys in height comprising 12 number one-bed units, 38 number two-bed units and 11 number three-bed units.

- Block D will be five storeys in height comprising seven number one-bed units, 31 number two-bed units and nine number three-bed units, with a childcare facility (circa 265 square metres) at ground floor level and ancillary outdoor play area (circa 385 square metres).
- Block E will be six storeys in height comprising 10 number one-bed units and 20 number two-bed units with resident amenity facility (circa 93 square metres), three number retail units (circa 76.4 square metres, circa 54.3 square metres and circa 76.3 square metres) at ground floor level.
- Block F will be five to seven storeys in height comprising 20 number one-bed units and nine number two-bed units with communal roof terrace accessed at fifth floor level of circa 200 square metres, and one number retail unit (circa 78 square metres) and two number café / restaurant units (circa 187.7 square metres and circa 18.1 square metres) at ground floor level.

A total of 153 number car parking spaces (including two number car club spaces) are proposed at surface level and existing basement level of the Citywest Shopping Centre to serve the development to include, the reallocation of 37 number existing surface level spaces; 67 number new surface level spaces and the reallocation of 49 number spaces from commercial to residential use at existing basement level of the Citywest Shopping Centre.

The proposed development will include the provision of a new vehicular ramp and pedestrian stairway and lift egress lobby (circa 21 square metres) to the Citywest Shopping Centre basement car park at the existing southern / rear elevation, and amendments to the layout and vehicular and pedestrian circulation within the basement.

The proposal will include the relocation of a further 29 number existing car parking spaces at surface level within the site to serve their existing uses. The development will also include a total of 298 number bicycle parking spaces to be provided within integrated cycle stores within the ground floor of each block, and within external stands at surface level.

The proposed development will include elevational upgrades and the provision of a green wall at the southern / rear elevation of the Citywest Shopping Centre. The

proposal will also include landscaped open spaces to comprise circa 2,110 square metres of residential communal courtyards, outdoor spaces, children's play areas and outdoor gym, and a single storey Electricity Supply Board substation and plant room of circa 27 square metres.

The proposed development will include alterations to existing road alignments within the site, removal of two number existing bin storage areas (circa 24 square metres in total) to the west of the shopping centre and replacement with one number bin storage area (circa 15 square metres) to the north east of Block D, and the omission of one number parking space within the existing public car park to the front of Citywest Shopping Centre.

The proposed development will also include hard and soft landscaping, pedestrian and cycle links, boundary treatments, public lighting, green roofs, integrated residential waste facilities within each block, an external bin storage area to serve commercial uses (circa 17 square metres) adjacent to Block E, an external bin storage area to serve the childcare facility (circa 8 square metres) to the rear of Block D, piped site wide services and attenuation tanks, and all ancillary works and services necessary to facilitate construction and operation.

## **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

In coming to its decision, the Board had regard to the following:

- (a) the policies and objectives in the South Dublin County Council Development Plan 2016-2022;
- (b) the policies and objectives in the Fortunestown Local Area Plan 2012;
- (c) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (d) the National Planning Framework issued by the Department of Housing, Planning and Local Government in February 2018;
- (e) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013;
- (f) the Guidelines for Sustainable Residential Developments in Urban Areas and the accompanying Urban Design Manual, A Best Practice Guide, issued by the Department of the Environment, Heritage and Local Government in May 2009;
- (g) the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of the Housing, Planning and Local Government in March 2018;
- (h) the Urban Development and Building Heights Guidelines for Planning Authorities, prepared by the Department of Housing, Planning and Local Government in December 2018;
- (i) the nature, scale and design of the proposed development and the availability in the area of a wide range of social and transport infrastructure including the Luas Red Line;
- (j) the pattern of existing and permitted development on the site and in the area;
- (k) the submissions and observations received, and
- (l) the report of the Inspector.

The Board considered that, subject to compliance with the conditions set out below, the proposed development would provide residential accommodation at a location that would promote sustainable travel patterns, would be acceptable in terms of pedestrian and traffic safety, would achieve an acceptable standard of urban design and would not seriously injure the residential or visual amenities of the area or of

property in the vicinity. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Appropriate Assessment Screening**

The Board completed an Appropriate Assessment Screening exercise in relation to the potential effects of the proposed development on designated European sites, taking into account the nature, scale and location of the proposed development within a zoned and services urban area, the Screening Report for Appropriate Assessment submitted with the application and the Inspector's report and submissions on file. In completing the screening exercise, the Board adopted the report of the Inspector and concluded that, by itself or in combination with other development in the vicinity, the proposed development would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment is not, therefore, required.

### **Environmental Impact Assessment Screening**

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environment Impact Assessment Screening Statement submitted by the applicant identifies and describes adequately the direct, indirect, secondary and cumulative effects of the proposed development on the environment.

Having regard to:

- (a) the nature and scale of the proposed development, on an urban site served by public infrastructure,
- (b) the absence of any significant environmental sensitivities in the area,
- (c) the location of the development outside of any sensitive location specified in article 109(3) of the Planning and Development Regulations 2001 (as amended),

the Board concluded that, by reason of the nature, scale and location of the subject site, the proposed development would not be likely to have significant effects on the environment. The Board decided, therefore, that an environmental impact assessment report for the proposed development was not necessary in this case.

## Conditions

1. The proposed 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 proposed development shall be carried out and completed in accordance with the agreed particulars. In default of agreement, the matter(s) in dispute shall be referred to An Board Pleanála for determination.

**Reason:** In the interest of clarity.

2. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a revised plans and details to include:
  - (a) The omission of the 29 number car parking spaces proposed to the east and south-east of Block E and their replacement with appropriate landscaping to provide a buffer between the apartment block and service/access road.
  - (b) The omission of the 12 number perpendicular spaces located to the west of Blocks A and C and for this area to be incorporated with the proposed outdoor gym with revised hard and soft landscaping detail.

**Reason:** In the interests of the proper planning and sustainable development of the area.

3. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a revised layout for the existing road and car parking arrangement located to the south of Block D to include provision for the Citywest Drive Access Road to connect up to the boundary with Carrigmore Green to facilitate the potential for future vehicular access. Revised layout also to facilitate potential for revisions to existing vehicular access to car parking area within the District Park and for appropriate pedestrian and cyclist connectivity to Carrigmore Green and the park.

**Reason:** In the interests of proper planning and sustainable development of the area.

4. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority revised landscape plans to include details of hard and soft landscaping, including levels, sections and elevations; detailed design of sustainable drainage system features including swales and tree pits, revised tree planting schedule and measures to protect trees and hedgerows and details regarding the maintenance and management of the green wall. The landscaping scheme 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, 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 interests of residential and visual amenity.

5. Prior to the commencement of development, the developer shall retain the professional services of a qualified Landscape Architect as Landscape Consultant throughout the life of the site development works and shall notify the planning authority of that appointment in writing. The developer shall engage the Landscape Consultant to procure, oversee and supervise the landscape contract for the implementation of the permitted landscape proposals. When all landscape works are inspected and completed to the satisfaction of the Landscape Consultant, he/she shall submit a Practical Completion Certificate (PCC) to the planning authority for written agreement, as verification that the approved landscape plans and specification have been fully implemented.

**Reason:** To ensure full and verifiable implementation of the approved landscape design proposals for the permitted development, to the approved standards and specification.

6. The following requirements in terms of traffic, transportation and mobility shall be incorporated and, where required, revised drawings / reports showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development:
  - (a) The roads and traffic arrangements serving the site (including footpath connections and signage) shall be in accordance with the detailed requirements of the planning authority for such works and shall be carried out at the developer's expense.
  - (b) The roads layout including junctions, parking areas, footpaths, cycle paths and kerbs, pedestrian crossings, car parking bay sizes and road access to the development shall comply with the requirements of the Design Manual for Roads and Streets and with any requirements of the planning authority for such road works.
  - (c) Cycle tracks within the development shall be in accordance with the guidance provided in the National Cycle Manual.



- (d) The materials used in any roads/footpaths/set down areas provided by the developer shall comply with the detailed standards of the planning authority for such road works.
- (e) A Mobility Management Plan shall be prepared and submitted to the planning authority for approval prior to the commencement of development.

**Reason:** In the interest of pedestrian, cyclist and traffic safety.

- 7. All of the communal parking areas serving the apartments shall be provided with functional electric vehicle charging points. Details of how it is proposed to comply 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 sustainable transportation.

- 8. The developer shall consult with Transport Infrastructure Ireland prior to the commencement of development and shall comply with its requirements to safeguard the physical integrity and the operation of the adjacent light railway during the carrying out of the development in accordance with the Guidance Document RSC-G-010-A, Third Party Guidance on Railway Risk, issued by the Railway Safety Commission.

**Reason:** In the interest of public safety.

- 9. Prior to the commencement of development, the developer shall consult with Transport Infrastructure Ireland and shall comply with its requirement and specifications regarding the provision of access to the Luas stop at Fortunestown.

**Reason:** To protect the operation of the tramway and to ensure a consistent standard of works along it.

10. No dwelling units within the proposed development shall be sold separately, independent from the associated car parking provision. All the proposed car parking spaces shall be for occupants of the residential units and shall be sold with the units and not sold separately or let independently from the residential development.

**Reason:** In the interest of orderly development.

11. 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 for occupation of any unit.

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

12. 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. Prior to the commencement of development, the developer shall submit for the written agreement of the planning authority a revised detailed foul and surface water drainage plan for the proposed development, to include enlargement of the attenuation for Catchment Area C.

**Reason:** In the interest of public health and in order to ensure adequate and appropriate surface water drainage provision.

13. Prior to the commencement of development, the developer shall undertake a survey to verify the precise location of the culverted stream at the north-east corner of the site and submit a drawing indicating that the proposed development including the footprint of Block F retains a minimum clear distance of three metres between the external wall of the culverted stream and all structures on the site, including overhanging structures. Where the depth to

invert of the culverted stream exceeds three metres, the boundary of the clear distance shall not be within the 45-degree line of influence from the base of the culvert trench as per Greater Dublin Strategic Drainage Strategy requirements.

**Reason:** In the interest of public health, safety and the proper planning and sustainable development of the area.

14. The applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of this development.

**Reason:** In the interests of the proper planning and sustainable development of the area.

15. Proposals for an estate/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, all estate/development 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 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 interests of urban legibility, and to ensure the use of locally appropriate place names for new residential developments.

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

**Reason:** In the interest of the visual amenities of the area.

17. Details of proposed signage to the commercial/retail units to be submitted prior to occupation for the written agreement of the planning authority.

**Reason:** In the interests of proper planning and sustainable development of the area.

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

**Reason:** To protect the residential amenities of property in the vicinity and the visual amenities of the area.

19. The glazing system of the building shall have suitable sound insulation performance values. Prior to any development taking place on the site, the developer shall submit to and agree in writing with the planning authority details of the glazing system to be installed supported by laboratory tests confirming the sound insulation performance of the glazing system to currently recognised European Union standards.

**Reason:** To protect the residential amenity of future occupants of the apartments.

20. Site development and building works shall be carried out only between 0700 to 1800 hours Mondays to Fridays inclusive, between 0800 to 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 amenities of property in the vicinity.

21. Prior to the commencement of development, the developer shall submit a construction and demolition waste management plan to the planning authority for agreement prepared in accordance with the Best Practice Guidelines on the Preparation of Waste Management Plans for Construction and Demolition Projects published by the Department of the Environment, Heritage and Local Government in July 2006. This shall include details of waste to be generated during site clearance and construction phases and details of the methods and locations to be employed for the prevention, minimisation, recovery and disposal of this material.

**Reason:** In the interest of orderly development and sustainable waste management.

22. Prior to commencement of development the developer shall submit and obtain the written agreement of the planning authority, a plan containing details for the management of waste within the development, including the provision of facilities for the storage, separation and collection of the waste and for the ongoing operation of these facilities. Additional bin storage facilities to be provided in lieu of the removal of the two number existing bin storage areas (circa 24 square metres) to the west of the shopping centre.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

23. 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.

24. All service cables associated with the proposed development, such as electrical, communal television, telephone and public lighting cables, shall be run underground within the site. In this regard, ducting shall be provided to facilitate the provision of broadband infrastructure within the proposed development.

**Reason:** In the interests of orderly development and the visual amenities of the area.

25. 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:

- (a) Location of the site and materials compounds including areas identified for the storage of construction refuse; areas for construction site offices

and staff facilities; site security fencing and hoardings; and on-site car parking facilities for site workers during the course of construction and the prohibition of parking on neighbouring residential streets;

- (b) The timing and routing of construction traffic to and from the construction site and associated directional signage, to include proposals to facilitate the delivery of abnormal loads to the site; measures to obviate queuing of construction traffic on the adjoining road network; and measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network;
- (c) Details of the implementation of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (d) Containment of all construction-related fuel and oil within specially constructed bunds to ensure that fuel spillages are fully contained. Such bunds shall be roofed to exclude rainwater;
- (e) Means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.
- (f) Provision shall be made in this Construction Management Plan to comply with the requirements of the Irish Aviation Authority, including the potential impact of the development on the obstacle limitation surface and flight procedures for Casement Aerodrome and the positioning and heights of any construction cranes, and for co-ordination in the operation of the cranes with the Air Corps Air Traffic Services.
- (g) A record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be kept for inspection by the planning authority. The developer shall provide contact details for the public to make complaints during construction and provide a record of any such complaints and its response to them, which may also be inspected by the planning authority.

**Reason:** In the interests of amenities, public health and safety and to ensure that construction works do not affect the safety, efficiency and regularity of Air Corps operations.

26. Prior to commencement of development, the developer shall submit to and agree in writing with the planning authority a properly constituted Owners' Management Company. This shall include a layout map of the permitted development showing the areas to be taken in charge and those areas to be maintained by the Owner's Management Company. Membership of this company shall be compulsory for all purchasers of apartments in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to the occupation of the first residential unit.

**Reason:** To provide for the satisfactory completion and maintenance of the development in the interest of residential amenity.

27. The mitigation measures contained in Ecological Impact Assessment shall be implemented in full, except where otherwise required by conditions of this permission.

**Reason:** In the interest of clarity and the proper planning and sustainable development of the area.

28. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or such other security as may be acceptable to the planning authority, to secure the reinstatement of public roads which may be damaged by the transport of materials to the site, coupled with an agreement empowering the planning authority to apply such security or part thereof to the satisfactory reinstatement of the public road. 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:** In the interests of traffic safety and the proper planning and sustainable development of the area.



29. Prior to commencement of development, the developer 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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.

30. The developer shall pay a financial contribution to the planning authority as a contribution in lieu of public open space provision within the development and towards the cost of amenity works in the area of the proposed development in accordance with the requirements of the South Dublin County Development Plan 2016-2022. This contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate.

**Reason:** It is considered reasonable that the developer should contribute towards the provision of open space and amenity facilities in the area of the development.

31. 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.

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**Michelle Fagan**  
**Member of An Bord Pleanála**  
**duly authorised to authenticate**  
**the seal of the Board.**

**Dated this         day of   2020**