



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 7th day of November 2019 by St. Edmunds Phase 3 Limited, care of McGill Planning Ltd, 45 Herbert Lane, Dublin.

Proposed Development

A planning permission for a strategic housing development on a site of circa 2.6 hectares at St. Edmund's, St. Loman's Road, Palmerstown, Dublin 20. The application site is bounded to the south by St. Loman's Road (L1042); to the west by a previous phase of St. Edmund's residential development; to the north by Ballydowd Special Care Unit, and to the east by the Fonthill Road (R113).

The proposed development is for a mixed-use scheme which consists of:

- (a) 252 number residential units in three number blocks made up of:
- 247 number apartment/ duplex units within two number two to eight storey blocks (one of which is over podium car park) comprising 119 number one-bed units, 125 number two-bed units, and three number three-bed units;
 - five number two-storey three-bed semi-detached/terraced houses.

All of the residential units will have associated private open space/ balconies/ terraces facing north/ south/ east/ west;

- (b) a separate non-residential block measuring (total floor area circa 1,118 square metres) and will comprise a creche (circa 430 square metres), retail unit (circa 269 square metres), gym (circa 152 square metres), community room (circa 231 square metres), and concierge (circa 36 square metres).

The development will have 225 number car parking spaces (145 number spaces at undercroft level, 70 number spaces at surface level and 10 number spaces at the five number houses), five motorcycle parking spaces and 308 number secure bike parking spaces.

The site is accessed through the existing vehicular access to the west, off the unnamed road to the west. There will be a number of pedestrian entrances along St. Loman's Road, the Fonthill Road (R113) and the unnamed road to the west.

In addition to all of the new facilities all other site services and works to enable the development of the site will also be provided including site, bin stores, Electricity Supply Board substations, associated roadworks and services connections, a large quantity of public and communal open space, boundary treatment works and landscaping.

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 site's location on lands with a zoning objective 'RES' and the Objective in the South Dublin County Development Plan 2016-2022: 'to protect, provide and improve residential amenities;
- (b) the sites setting in a strategic location, within 750 metres of Liffey Valley Shopping Centre, in proximity to public transport links and within walking distances of economic and social facilities;
- (c) the nature, scale and design of the proposed development which is consistent with the provisions of the South Dublin County Development Plan and appendices contained therein and National Planning Guidance;
- (d) the Rebuilding Ireland Action Plan for Housing and Homelessness 2016;
- (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) Section 37 (2)(b) of the Planning and Development Act 2000, as amended;
- (j) the Planning System and Flood Risk Management guidelines (including the associated Technical Appendices) issued by the Department of the Environment, Heritage and Local Government in November 2009;
- (k) the nature, scale and design of the proposed development;
- (l) the pattern of existing and permitted development in the area;
- (m) the submissions and observations received, and
- (n) the report of the Inspector.

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 serviced urban site, the Statement of Screening for Appropriate Assessment document submitted with the application, 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

The Board completed an environmental impact assessment screening of the proposed development and considered that the Environmental Impact Assessment Screening Report 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, scale and extent of the proposed development on an urban site served by public infrastructure;
- (b) the absence of any significant environmental sensitivities in the area, and
- (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.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density in this area which is zoned 'Intermediate Urban Location', would not seriously injure the visual amenity of the area, would be acceptable in terms of urban design, height and quantum of development 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 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 Bord Pleanála for determination.

Reason: In the interest of clarity.

2. Prior to commencement of any works on site, a detailed phasing programme shall be submitted to and agreed in writing with the planning authority.

Reason: In the interests of proper planning and sustainable development, to safeguard the amenities of the area and to enhance permeability.

3. The proposed retail / commercial units shall be restricted to uses which fall within Class 1, Class 2 or Class 8 or Class 10 of Part 4 of Schedule 2 of the Planning and Development Regulations 2001 – 2018 excluding use as a betting office, take-away or stand-alone off licence. Any other use shall be subject to a planning application. Prior to occupation of any unit, details shall be submitted to the planning authority of the intended occupant.

Reason: In the interest of planning control.

4. Water supply and drainage arrangements, including the 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 ensure a proper standard of development.

5. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

Reason: In the interest of public health.

6. Prior to commencement of any works on site, the following details shall be submitted to and agreed in writing with the planning authority:
 - (a) Details of the materials, colours and textures of all the external finishes to the proposed apartment development.
 - (b) Details for the boundary treatment of balconies and planting of defensible space for the apartments at first floor level opening onto communal courtyards.
 - (c) Details of all hard-landscaped areas within the development.

Reason: In the interest of visual amenity.

7. (a) The site shall be landscaped in accordance with the submitted scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. The developer shall retain the services of a suitably qualified Landscape Architect throughout the life of the site development works. The approved landscaping scheme shall be implemented fully in the first planting season following completion of the development or each phase of the development and any plant materials that die or are removed within three years of planting shall be replaced in the first planting season thereafter.
- (b) Where feasible the planting of native pollinator friendly species of plants and trees shall be incorporated into the landscape plan.
- (c) Play equipment for children / young people and a piece of public art shall be provided for in the development, the developer shall be responsible for maintenance and management of the public open spaces. The public open spaces will operate as public park / public realm in perpetuity, with public access and use operated strictly in accordance with the management regime, rules and regulations including any byelaws of the planning authority at all times. Details shall be submitted to the planning authority for written agreement prior to the commencement of development on site.

Reason: In the interests of residential and visual amenity.

8. The glazing to all bathroom and en-suite windows shall be manufactured opaque or obscured glass and shall be permanently maintained.

Reason: In the interest of residential amenity.

9. Balconies and terraces shall have unrestricted widths of 1.5 metres (minimum) in one useable length. Vertical privacy screens should be provided between adjoining balconies and the floors or balconies should be solid and self-draining.

Reason: In the interests of safety, privacy and residential amenity.

10. Mitigation and monitoring measures as outlined in the plans and particulars, including the Ecological Impact Assessment report submitted with this application shall be carried out in full, except where otherwise required by conditions attached to this permission.

Reason: In the interest of protecting the environment and in the interest of public health.

11. (a) The internal road network, public footpaths within and outside the proposed development site, car parking provision (including, Car Club and mobility impaired car spaces) and cycle parking provision to service the proposed development, shall comply with the requirements of the planning authority for such works.
- (b) A final Stage 2 (detailed design) and post construction (Stage 3) independent Quality Audit (which should include a Road Safety Audit, Access Audit, Walking Audit and a Cycle Audit) shall be carried out at the developer's expense for the development in accordance with the Design Manual for Urban Roads & Streets (DMURS) guidance and Transport Infrastructure Ireland standards. The Quality Audit team shall be approved by the planning authority and all measures recommended by the auditor should be undertaken unless the planning authority approves any departure in writing. A feedback report should also be submitted providing a response to each of the items.

Reason: To ensure a satisfactory standard of development.

12. Proposals for an estate/street name, house numbering scheme, 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 and street signs, and house and apartment 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 orderly development.

13. The developer shall comply with all requirements of the planning authority in relation to roads, access, lighting and parking arrangements. In particular:
 - (a) The roads and traffic arrangements serving the site (including 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 shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii;
 - (c) Pedestrian crossing facilities shall be provided at all junctions;
 - (d) The materials used in any roads / footpaths provided by the developer shall comply with the detailed standards of the planning authority for such road works, and
 - (e) A detailed 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 the

location for storage of deliveries to the site.

Reason: In the interests of traffic, cyclist and pedestrian safety and to protect residential amenity.

14. A minimum of 10% of all car parking spaces shall be provided with electric vehicle charging stations/points, and ducting shall be provided for all remaining car parking spaces facilitating the installation of electric vehicle charging points/stations at a later date. Where proposals relating to the installation of electric vehicle ducting and charging stations/points has not been submitted with the application, in accordance with the above noted requirements, such proposals shall be submitted and agreed in writing with the planning authority before the making available by the developer for occupation of the residential units in the development.

Reason: To provide for and/or future proof the development such as would facilitate the use of electric vehicles.

15. The following requirements of the Irish Aviation Authority shall be complied with:
 - (a) The applicant / developer shall agree any proposals for crane operations (whether mobile or tower crane) in advance of construction with the operator of Weston Aerodrome, the Property Management Branch of the Department of Defence and the Irish Aviation Authority.
 - (b) The developer / applicant shall inform and receive written agreement from said authorities of the intention to commence crane operations with a minimum of 30 days prior notification of their erection.

Reason: In the interest of air safety.

16. Site development and building works shall be carried only out between 07.00 to 19.00 hours Mondays to Fridays inclusive, between 08.00 to 14.00 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.

17. 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.

18. 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 interest of orderly development and the visual amenity of the area.

19. 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 amenity of property in the vicinity and the visual amenity of the area.

20. All plant including extract ventilation systems and refrigerator condenser units shall be sited in a manner so as not to cause nuisance at sensitive locations due to odour or noise. All mechanical plant and ventilation inlets and outlets shall be sound insulated and/or fitted with sound attenuators to ensure that noise levels do not pose a nuisance at noise sensitive locations.

Reason: In the interest of residential amenity.

21. (a) Not more than 75% of residential units shall be made available for occupation before completion of the childcare facility unless the developer can demonstrate to the written satisfaction of the planning authority that a childcare facility is not needed at this time.
- (b) Prior to occupation of the childcare facility full signage detail shall be submitted for the written approval of the planning authority.

Reason: To ensure that childcare facilities are provided in association with residential units, in the interest of residential amenity.

22. 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 in particular, recyclable materials 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.

23. 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 a demolition management plan, together with details of intended construction practice for the development, including hours of working, noise and dust management measures and off-site disposal of construction/demolition waste.

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

24. 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. Street lighting in private areas shall be independent to the public lighting power supply. Public lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of residential amenity and nature conservation.

25. 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 social and affordable housing in accordance with the requirements of section 96 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 (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 of the area.

26. 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.

27. 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.

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

Dated this day of 2020