

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

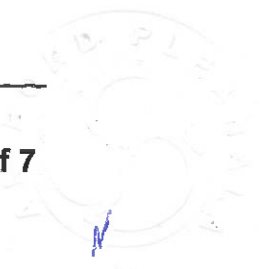
Planning Register Reference Number: SD20A/0073

Appeal by Yvonne Heffernan care of BPS Planning Consultants of 23 Saval Park Road, Dalkey, County Dublin against the decision made on the 2nd day of November, 2020 by South Dublin County Council to grant subject to conditions a permission to JAS Ventures Limited care of Studio DesignSquared of 12 Richmond Row, Portobello, Dublin in accordance with plans and particulars lodged with the said Council:

Proposed Development: Construction of a three-storey building to provide two one-bed apartments at ground floor level and two two-bed duplex apartments at first and second floor level including new vehicular access and car parking to front gardens and all associated site works, all at Site Adjacent to 23 Carrigmore View, Aylesbury, Tallaght, 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 Council Development Plan 2016 - 2022 and to the nature, design and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would be acceptable in terms of building height, would provide an acceptable standard of residential amenity for the future occupants and would not seriously injure the residential or visual amenities in the area. 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, as amended by the further plans and particulars submitted on the 6th day of October, 2020, 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 the 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 landscaping scheme shown on drawing number 19016.PL(AI).009, as submitted to the planning authority on the 6th day of October, 2020 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.

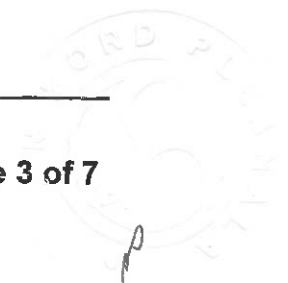
Reason: In the interests of residential and visual amenity.

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

Reason: In the interest of visual amenity.

4. Proposals for a development name and numbering scheme shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of urban legibility.



5. (a) The public footpath shall be extended along the western edge of the site to the southern boundary to a taking-in-charge standard and shall be at the developer's expense.

- (b) Dishing of the footpath and any required relocation of the existing public lighting column shall be carried out at the developer's expense and shall be to the satisfaction of the planning authority.

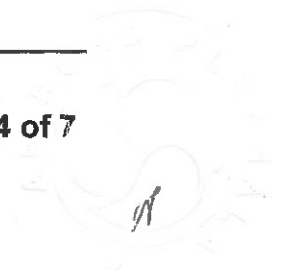
Reason: In the interests of pedestrian and traffic safety and the proper planning and sustainable development of the area.

6. 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.

7. 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.



8. (a) Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0800 and 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.
- (b) 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 the commencement of development.

This plan shall provide details of intended construction practice, noise management measures and off-site disposal of construction/demolition waste.

Reason: In the interest of protecting residential amenity.

9. Details of a properly constituted Owners' Management Company shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. 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 Owners' Management Company. Membership of this company shall be compulsory for all purchasers of the residential units in the development. Confirmation that this company has been set up shall be submitted to the planning authority prior to occupation of the first residential unit.

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

10. Ducting shall be provided for all car parking spaces, to facilitate the installation of electric vehicle charging points/stations at a later date. This work shall be carried out and completed prior to the making available by the developer for occupation of any of the residential units in the proposed development.

Reason: In the interest of sustainable transport.

11. 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 of roads, footpaths, watermains, drains, 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 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 of the development.

12. 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.

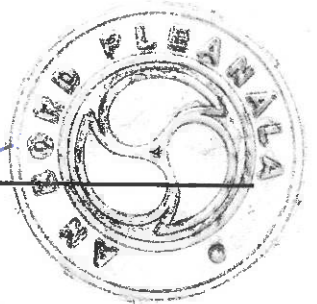
Terry Prendergast

Terry Prendergast

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.



Dated this 8th day of June 2021.