



An  
Bord  
Pleanála

Board Order  
ABP-309307-21

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**Planning and Development Acts 2000 to 2021**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD20A/0170**

**Appeal** by John and Sharon McCarthy and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 18<sup>th</sup> day of December, 2020 by South Dublin County Council to grant subject to conditions a permission to Rosemount Properties Limited care of Simon Clear and Associates of 3 Terenure Road West, Terenure, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Demolition of existing two-storey dwelling, Garretstown House; Construction of 24 number terraced houses, comprising eight number two-bedroom, two-storey houses; eight number three-bedroom, two-storey houses; and eight number four-bedroom, two-storey houses with attic level accommodation; Vehicular and pedestrian access from Stocking Lane; Car parking, public open space, and all associated site works and services, all at Garretstown House, Stocking Lane, Rathfarnham, 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.**

## **Reasons and Considerations**

Having regard to the pattern of development in the area, to the provisions of the South Dublin County Development Plan 2016 - 2022, and to the layout and design as submitted, the Board considered that, subject to compliance with the conditions set out below, the proposed development on this brownfield vacant site would not seriously injure the residential or visual amenities of neighbouring properties, would not seriously injure the residential amenities of future occupants and would be acceptable in terms of traffic safety and convenience. 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 20<sup>th</sup> day of November 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 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. Prior to the commencement of development, details of the following shall be submitted to, and agreed in writing with, the planning authority:
  - (a) Bicycle parking capacity and location within the appeal site.
  - (b) Precise details of the materials to be used within the bicycle parking shelters, including provision of adequate illumination.

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

3.
  - (a) The internal road network serving the proposed development including turning bays, junctions, parking areas, footpaths and kerbs and car parking bay sizes shall comply with the requirements of the Design Manual for Urban Roads and Streets, in particular carriageway widths and corner radii within the development shall be in accordance with the guidance provided in the National Cycle Manual.
  - (b) 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.

Revised drawings and particulars showing compliance with these requirements shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. In default of agreement, the matter(s) in dispute shall be referred to An Bord Pleanála for determination.

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

4. The site shall be landscaped in accordance with the comprehensive scheme of hard and soft landscaping, as submitted to the planning authority on the 20<sup>th</sup> day of November, 2020. This plan shall include for the 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.

The developer shall engage the services of a qualified arborist for the entire construction period and the details of the arboricultural consultant shall be submitted to the planning authority.

**Reason:** In the interests of the protection of trees and landscape features and the implementation of an approved landscape design.

5. (a) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

- (b) All existing tree and hedgerow planting identified within the Arboricultural Report submitted to the planning authority on the 10<sup>th</sup> day of July, 2020, shall be protected for the duration of construction works on site

**Reason:** In the interests of visual and residential amenity.

6. The areas of open space illustrated within the submitted plans shall be reserved for such use and, other than the play areas, shall be levelled, contoured, soiled, seeded, and landscaped in accordance with the detailed requirements of the planning authority. The play areas shall be developed in accordance with details which shall 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.

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

**Reason:** In the interest of visual amenity.



8. Prior to the 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.

9. 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.

10. 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.

11. The mitigation measures recommended in the Ecological Impact Assessment, as submitted to the planning authority on the 10<sup>th</sup> day of July, 2020, shall be implemented in full and shall be certified as having been implemented by the Consultant Ecologist.

**Reason:** In the interest of protecting bats and other species.



12. 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.

13. Site development and building works shall be carried out only between the hours of 0800 and 1800 from Mondays to Fridays inclusive, between the hours of 0800 and 1300 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 the interest of protecting the residential amenities of the area.

14. 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 clarity, orderly development and amenity.

- 15 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.

16. All of the communal parking areas serving the residential units shall be provided with functional electric vehicle charging points, and all of the in-curtilage car parking spaces serving residential units shall be provided with electric connections to the exterior of the houses to allow for the provision of future 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.

17. The development hereby permitted shall be carried out and completed at least to the construction standards set out in the planning authority's Taking in Charge Policy. Following completion, the development shall be maintained by the developer, in compliance with these standards, until taken in charge by the planning authority.

**Reason:** To ensure that the development is carried out and completed to an acceptable standard of construction.

18. The final allocation of car parking spaces and the design of fixtures or signage to indicate allocation of spaces shall be submitted to, and agreed in writing with, the planning authority prior to occupation of any of the residential units.

**Reason:** In the interest of residential amenity.

19. 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.

20. Construction and demolition waste shall be managed in accordance with a construction waste and demolition management plan, which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This plan shall be 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. The plan 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 in accordance with the provision of the Waste Management Plan for the Region in which the site is situated.

**Reason:** In the interest of sustainable waste management.

21. 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 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 96(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 of the area.

22. 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, 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.

23. 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.

24. Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000, as amended, that restricts all houses and duplex units permitted, to first occupation by individual purchasers (that is, those not being a corporate entity), and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

**Reason:** To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

*T. Ó Niadh*

Terry Ó Niadh

Member of An Bord Pleanála

duly authorised to authenticate  
the seal of the Board.

Dated this *3rd* day of *June*, 2022.

