

Planning and Development Acts 2000 to 2020

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD20A/0234

Appeal by Castle Park Residents Association care of 12 Castle Avenue, Clondalkin, Dublin and by Adair and Kay Cowan and others care of Marston Planning Consultancy of 23 Grange Park, Foxrock, Dublin against the decision made on the 10th day of February, 2021 by South Dublin County Council to grant subject to conditions a permission to Clapton Ireland Limited care of Hughes Planning and Development Consultants of 70 Pearse Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (i) Demolition of existing two-storey and single storey enterprise and retail buildings on site including a car repair and maintenance garage, hair and beauty salon, grocery store, pet store and sports facility and two number first floor level apartments; (ii) construction of a mixed use development comprising of one number five storey and one number six storey apartment blocks comprising 86 number apartments (48 number two bedroom and 38 number one bedroom; four commercial units at ground floor level in Block A (525 square metres); 96 number bicycle parking spaces (88 number basement level and eight number surface level); 81 number car parking spaces and five number motorcycle parking spaces at basement level and (iii) all engineering, landscaping, lighting and site works necessary to facilitate the development. Each apartment will be served by

communal landscaped open space at surface level (1,600 square metres) and private amenity space in the form of a balcony. Vehicular access will be provided to the basement car park from Watery Lane, all at Clondalkin Enterprise Centre, Watery Lane, Clondalkin, 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 zoning and location of the site, and to national policy including the National Planning Framework: Project Ireland 2040, the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May, 2009, the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, the Urban Development and Building Height Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in December, 2018, and the Design Manual for Urban Roads and Streets issued by the Department of the Environment, Community and Local Government and by the Department of Transport, Tourism and Sport and to the provisions of the South Dublin County Development Plan 2016-2022, it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable form of development in this accessible urban location and emerging village streetscape, would not detract from the Architectural Conservation Area, would not seriously injure the visual and residential amenities of the area, 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.

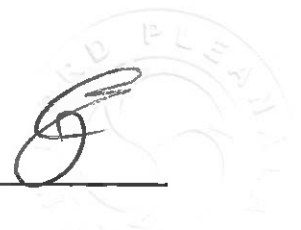


Conditions

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 14th day of January 2021, 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) the first floor shall be omitted from proposed Block A to provide a five-storey block,
 - (b) the first floor shall be omitted from proposed Block B to provide a three-storey block,
 - (c) the number of car parking spaces in the proposed basement shall be reduced to 57, i.e. 40 number for residents of the apartments and 17 number for staff and customers of the commercial units, and the number of cycle parking spaces in the proposed basement shall be increased to 157, i.e. 118 number for residents of the apartments and 39 number for visitors. All consequential changes to the layout of the proposed basement from these revisions shall be made explicit, and



- (d) eight number car parking spaces shall be provided with electrical vehicle charging points and all the remaining car parking spaces shall be provided with electrical ducting and termination points to facilitate their future use as 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.

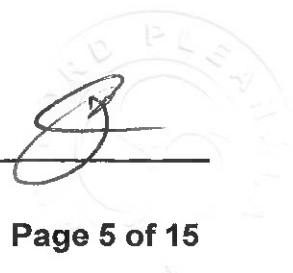
Reason: In the interests of streetscape, conservation, the visual and residential amenities of the area, the amenities of future residents, and in order to promote sustainable modes of transport.

3. Prior to the commencement of development, the developer shall submit to and agree in writing with the planning authority, a Stage 1 and Stage 2 Road Safety Audit of the proposed vehicular accesses to the site and the proposed set down area. Thereafter, the developer shall submit to and agree in writing with the planning authority, a Stage 3 and Stage 4 Road Safety Audit of the proposed vehicular accesses to the site and the proposed set down area.

Reason: In the interest of road safety.

4. Details of the materials, colours and textures of all the external finishes to the proposed blocks and accompanying external hard surfaces shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: In the interest of visual amenity.



5. The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. This scheme shall include the following:
- (a) A plan to scale of not less than 1:500 showing –
 - (i) the species, variety, number, size and locations of all proposed trees and shrubs which shall comprise predominantly native species,
 - (ii) details of screen planting,
 - (iii) details of roadside/street planting, and
 - (iv) hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.
 - (b) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment.
 - (c) A timescale for implementation.

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.

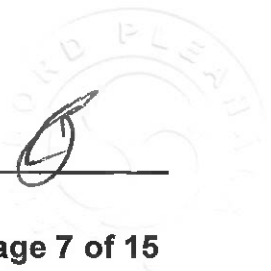


6. The areas of communal open space shown on the plans submitted to the planning authority on the 14th day of January, 2021 shall be completed before any of the apartments are occupied and, thereafter, they shall be reserved for use as communal open space for the duration of the apartments upon the site.

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

7. (a) A plan containing details for the management of waste (and, in particular, recyclable materials) within the development, including the provision of facilities for the storage, separation and collection of the waste and, in particular, recyclable materials and for the ongoing operation of these facilities for each apartment unit and each commercial unit 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.
- (b) This plan shall provide for screened communal bin stores, the locations and designs of which shall be included in the details to be submitted.

Reason: In the interest of residential amenity, and to ensure the provision of adequate refuse storage.



8. Construction and demolition waste shall be managed in accordance with a construction and demolition waste 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.

9. 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 compound(s) including area(s) identified for the storage of construction refuse,
 - (b) location of areas for construction site offices and staff facilities,
 - (c) details of site security fencing and hoardings,
 - (d) details of 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,
 - (e) measures to obviate queuing of construction traffic on the adjoining road network,

- (f) measures to prevent the spillage or deposit of clay, rubble or other debris on the public road network,
- (g) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels,
- (h) 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,
- (i) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil, and
- (j) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains.

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.

Reason: In the interest of amenities, public health and safety.

10. Site development and building works shall be carried out only between the hours of 0700 to 1900 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 residential amenities of property in the vicinity.



11. 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.

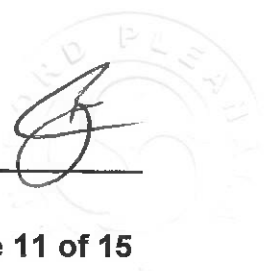


12. Prior to commencement of development, the applicant or other person with an interest in the land to which the application relates shall enter into an agreement in writing with the planning authority in relation to the provision of housing in accordance with the requirements of section 94(4) and section 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.

13. Proposals for an estate/street name, 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 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 urban legibility and to ensure the use of locally appropriate placenames for new residential areas.



14. External lighting 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 apartment.

Reason: In the interests of amenity and public safety.

15. 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.

16. Surface water drainage arrangements shall comply with the requirements of the planning authority for such works and services.

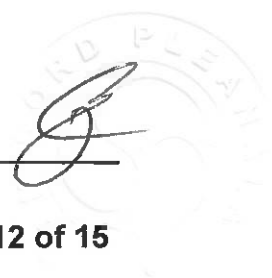
Reason: In the interest of public health.

17. Any use of the commercial units shall be for a use that lies within either Class 1 or Class 2 of Part 4 of Schedule 2 to Article 10 of the Planning and Development Regulations, 2001, as amended, only.

Reason: For the avoidance of doubt and in order to afford the planning authority the opportunity to control any other uses.

18. Prior to the installation of any signage on the commercial units, details of such signage shall be submitted to, and agreed in writing with, the planning authority.

Reason: In order to afford the planning authority the opportunity to control signage, in the interest of visual amenity.



19. Security roller shutters, if installed in the commercial units, shall be recessed behind the perimeter glazing and shall be factory finished in a single colour to match the colour scheme of the building. Such shutters shall be of the 'open lattice' type and shall not be used for any form of advertising, unless authorised by a further grant of planning permission.

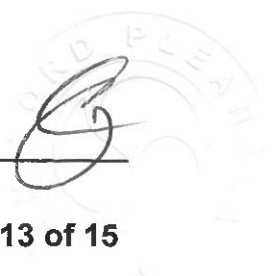
Reason: In the interest of visual amenity.

20. Each apartment shall be used and occupied as a single dwelling for residential purposes, and it shall not be sub-divided or used for any commercial purposes, including short-term letting.

Reason: In the interest of residential amenity.

21. Prior to the commencement of 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 residential unit), pursuant to Section 47 of the Planning and Development Act 2000, that restricts all residential units permitted to first occupation by individual purchasers i.e. 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.



22. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company, or by the local authority in the event of the development being taken in charge. Detailed proposals in this regard shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

Reason: To ensure the satisfactory completion and maintenance of this development.

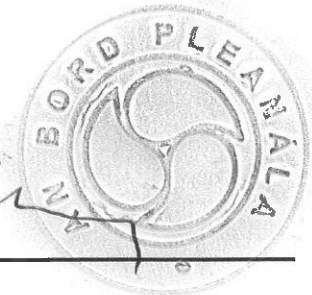
23. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company, or other security to secure the provision and satisfactory completion of roads, footpaths, watermains, drains, open space and other services required in connection 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.



24. 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.



John Connolly

Member of An Bord Pleanála

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

Dated this 16th day of NOVEMBER 2021.