



An
Coimisiún
Pleanála

Commission Order ABP- 313814-22

Planning and Development Acts 2000 to 2022

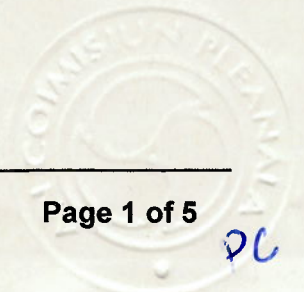
Planning Authority: South Dublin County Council

Application for permission under section 4 of the Planning and Development (Housing) and Residential Tenancies Act 2016, as amended, in accordance with plans and particulars, lodged with An Coimisiún Pleanála on the 16th day of June 2022 by Cairns Home Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin.

Proposed Development comprises of the following:

Construction of 280 number dwellings, a creche, and open space as follows:

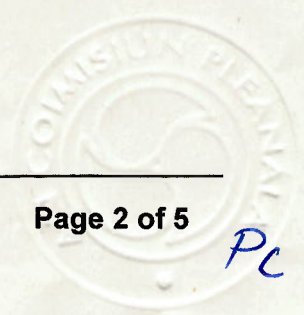
1. 128 number two storey houses (eight number two-bedroom houses, 94 number three-bedroom houses, 25 number four-bedroom houses and one number five-bedroom house);
2. 116 number apartments in two number five storey buildings comprising (54 number one-bedroom apartments and 62 number two-bedroom apartments, all with terrace or balcony along with solar panels and green roofs at roof level as well as telecommunications infrastructure comprising nine number support poles on ballast mounts (to accommodate one number two metre 2G/3G/4G antenna and one number 5G antenna each) and three number poles on lift overrun (to accommodate two number Ø0.3 metre microwave links each at roof level of Apartment building B, together with associated equipment and cabinets and shrouds);



3. 36 number apartments or duplex apartments in three number three storey buildings – (18 number two-bedroom apartments and 18 number three-bedroom duplex apartments) all with terrace.
4. Amendment to permitted Creche (circa. 518 square metres) in 'Graydon' (An Coimisiún Pleanála Reference Numbers ABP-305343-19 and ABP-305343-19) to now provide a Creche of circa 778 square metres of two number storeys.
5. Open space, hard and soft landscaping (including public lighting and boundary treatment), communal open space for duplex apartments and apartments; along with single storey bicycle and bin stores and Electricity Supply Board substations;
6. Vehicular access from the Athgoe Road from a new signalised junction along with upgrades to footpath and pedestrian crossing as well as provision of vehicular, pedestrian and bicycle link to permitted 'Graydon' (An Coimisiún Pleanála Reference Number ABP-305343-19) 'Newcastle Boulevard' to the east, as well as 423 number car parking spaces and 370 number bicycle spaces and all internal roads, cycleways, green routes and paths.
7. Provision of surface water attenuation measures and underground attenuation systems, connection to water supply, and provision of foul drainage infrastructure as well as underground local pumping station to Uisce Eireann specifications and all ancillary site development, construction and landscaping works all located within the townland of Newcastle South, Newcastle, County Dublin.

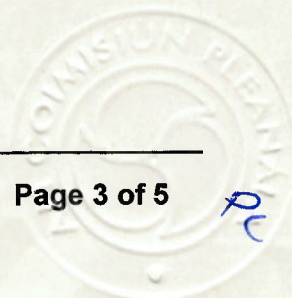
Decision

Refuse permission for the above proposed development in accordance with the said plans and particulars based on the reasons and considerations set out below.



Reasons and Considerations

1. The Commission noted that a large portion of the subject site is currently undergoing construction of a residential development granted under a separate and subsequent Large Scale Residential Development Application lodged with South Dublin County Council under Register Reference LRD 23A/0011 and appealed and subsequently granted by the Commission under Register Reference ABP-319500-24. Aerial Photography together with the reporting inspectors site visit and associated photographs further confirmed that these residential dwellings granted permission are currently being constructed on site. A grant of planning permission under the current Strategic Housing Development application, in accordance with the plans and particulars submitted would, result in alterations to the layout which would necessitate changes and demolition of dwellings in order to implement the development strictly in accordance with Strategic Housing Development Register Reference ABP-313814-22. The demolition of such structures would be contrary to Policy E3 Objective 2 and 3 of the South Dublin County Council Development Plan 2022-2028 which seeks the prioritisation of retrofitting of buildings over demolition and reconstruction where possible, and requires all new development to be designed to take account of the impacts of climate change, and that energy efficiency, energy provision and renewable energy measures are incorporated in accordance with national building regulations and relevant policy and guidelines. It is further noted that due to the undertaking of building works on a large portion of the site, that the baseline environment as set out in the Environmental Impact Assessment Report (EIAR) and the Natura Impact Statement (NIS) is inaccurate and as such the Environmental Impact Assessment Report (EIAR) and Appropriate Assessment undertaken and submitted with the documentation associated with the application is fundamentally flawed. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.

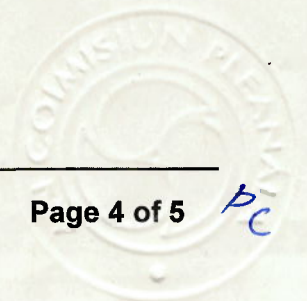


2. Furthermore, it is considered that the proposed two number apartment blocks containing 58 number units lack the requisite architectural variety in form layout and building height and external finishes in order to create an appropriate urban response to the site, particularly in the context of adjoining permitted residential development. The proposed development would result in a poor public realm and would, therefore, adversely impact on the visual and residential amenities of the area and would, therefore, be contrary to the proper planning and sustainable development of the area.

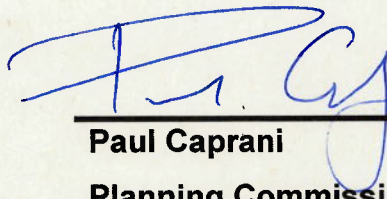
The Commission noted the inspectors reasons for refusal, in deciding not to accept the reasons for refusal the Commission considered that:

In relation to the first reason for refusal cited by the Inspector, the Commission considered that it was appropriate to include duplex type units for the purpose of calculating Dual Aspect Ratios having regard to paragraph 3.16 of the Sustainable Urban Housing: Design Standards for New Apartments: Guidelines for Planning Authorities (July 2023). When considering both the apartment units in conjunction with the duplex units proposed that the dual aspect ratio was considered appropriate and acceptable.

In relation to the second reason for refusal cited by the Inspector, the Commission noted the reporting Planning Inspector's reference to the absence of any proposal contained within the application for the development/completion recreational parks as part of the overall applicants land holding which would materially contravene a number of specific policy objectives in the current County Development Plan. The Commission however noted the subsequent application made by the applicant under SD23A/0136 consisting of 48 number duplex/apartment units in four number three storey buildings and the provision of circa 1.74 hectares of second phase of Taobh Chnoic public park which related to the southern portion of the subject site. The Commission was therefore satisfied that recreational and amenity open space is being delivered as part of the overall development in the vicinity including the subject site.



In relation to the third reason for refusal cited by the reporting Inspector, it was noted that the original surface water drainage arrangements have been superseded by new surface water disposal drainage arrangements that were submitted as part of the subsequent Large Scale Residential Development grant planning under Register Reference ABP-319500-24 that were deemed to be acceptable to both South Dublin County Council and the Commission.



Paul Caprani

Planning Commissioner of An Coimisiún

**Pleanála duly authorised to authenticate
the seal of the Commission.**



Dated this 5th day of August 2025