

An
Bord
Pleanála

Board Order ABP- 314192-22

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD21A/0290

Appeal by Kiltipper Kiltalown Residents Association care of Gravis Planning of Denshaw House, 121 Baggot Street Lower, Dublin against the decision made on the 29th day of June, 2022 by South Dublin County Council to grant permission subject to conditions to Peter McVerry Trust care of Fitzgerald Kavanagh and Partners of 1 Mount Street Crescent, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: (1) Demolition of 'Leabeg', the existing single-storey detached dwelling with single-storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank; (2) existing 'The Priory' building not affected by this application, as per previously granted planning permission for planning register reference number SD15A/0202; (3) the demolition of ancillary buildings on 'The Priory' site, including the single-storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank; (4) construction of 10 number one-bedroom, single-storey houses in three blocks consisting of Block A (gross floor area: 204 square metres), Unit Number 1, Unit Number 2, Unit Number 3, Unit Number 4. Block B (gross floor area 205 square metres), Unit Number 5, Unit Number 6, Unit Number 7, Unit Number 8. Block C (gross floor area 104 square

metres), Unit Number 9, Unit Number 10; (5) the demolition of existing boundary fence and entrance walls along Kiltipper Road to both properties; (6) to establish a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; to construct a new boundary with automatic gates to the current 'Leabeg' site entrance; (7) provision for 10 number car parking spaces, including two number disabled car parking spaces and two number electric car charging ports; a new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens and paving areas, covered pergola areas and all ancillary site development works and site services, all at combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn, 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 location of the site on residentially zoned lands, as set out in the South Dublin County Development Plan, 2022 -2028, to the pattern of development in the vicinity of the site, and to the nature, scale and design of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity 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 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 2nd day of June, 2022, 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, the developer shall submit to, and agree in writing with, the planning authority, a revised site layout plan showing:
 - (a) The roadside boundary with Kiltipper Road set back to provide a two-metre-wide footpath across the full extent of the roadside frontage. The footpath shall be installed in accordance with the agreed plans, prior to the occupation of the proposed development, unless an alternative timeframe is agreed in writing with the planning authority.
 - (b) Details of the footpath link provided fully to the northern boundary of the site as indicated on Drawing Number 20-23-P-100.

All works shall be carried out at the developer's expense.

Reason: In the interests of traffic and pedestrian safety.



3. The independent living units shall not be separately sold and the site shall not be subdivided for private use, nor used for a commercial purpose, subject to any future planning permissions. The units and site shall be managed by a registered Approved Housing Body or another housing authority, as otherwise agreed in writing with the planning authority.

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

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

Reason: In the interest of visual amenity.

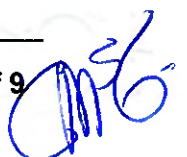
5. Public lighting shall be provided in accordance with a scheme, details of which shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Such lighting shall be provided prior to the making available for occupation of any house.

Reason: In the interests of amenity and public safety.



6. The landscaping scheme detailed in the plans and particulars lodged with the planning application, as amended by the further plans and particulars received by the planning authority on the 2nd day of June, 2022, shall be carried out within the first planting season following substantial completion of external construction works. The tree protection measures detailed in the arboricultural assessment lodged with the planning application, including the erection of protective fencing before construction works commence, shall be implemented in full and maintained in place until completion of external construction works, or as otherwise agreed in writing with the planning authority. 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 visual amenity and the proper planning and sustainable development of the area.



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7. Prior to commencement of any permitted development or any related construction activity or tree felling on the site, the developer shall lodge a Tree and Hedgerow Bond to the value of €50,000 (fifty thousand euro) with the planning authority. The bond lodgement shall be coupled with an Arboricultural Agreement with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree sizes and species or similar as may be stipulated by the planning authority. An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of three years of completion of the works. Any remedial tree surgery or tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond shall only be refunded upon receipt by South Dublin County Council of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

Reason: To ensure the protection and appropriate retention of trees in the interest of visual amenity and proper planning and development.

8. All recommendations and proposed mitigation measures proposed within the submitted Bat Assessment Report, as revised by the plans and particulars received by the planning authority on the 2nd day of June, 2022, shall be implemented by the developer in full. In addition, where required, the developer shall apply for, and obtain, a European Protected Species Licence before work commences. In addition, specific native planting design which can provide habitats which support the invertebrate prey of bats and therefore, provide foraging opportunities for bat species shall be provided for within the landscape proposal.

Reason: In the interest of wildlife protection.

9. Drainage arrangements, including the disposal and attenuation 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. Prior to commencement of development, the developer shall enter into water and/or wastewater connection agreement(s) with Uisce Éireann.

Reason: In the interest of public health.

11. All service cables associated with the proposed development shall be located underground. Ducting shall be provided by the developer to facilitate the provision of broadband infrastructure within the proposed development.

Reason: In the interests of visual and residential amenity.

12. The internal road network serving the proposed development, including turning bays, junctions, parking areas, footpaths and kerbs shall be in accordance with the detailed construction standards of the planning authority for such works.

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

13. Proposals for a house naming and 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, street signs, and house numbers, shall be provided in accordance with the agreed scheme.

Reason: In the interest of urban legibility.

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 traffic management, intended construction practice for the development, including noise management measures and off-site disposal of construction/demolition waste.

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


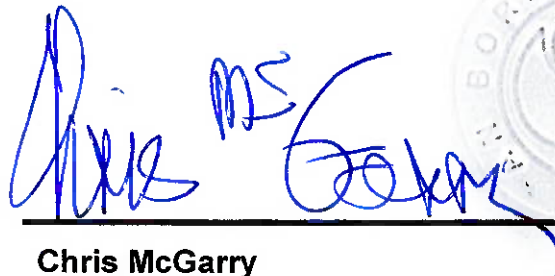
15. Prior to the commencement of development, the developer or any agent acting on its behalf, shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for Construction and Demolition Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

Reason: In the interest of sustainable waste management.

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16. Site development and building works shall be carried out only between the hours of 0700 and 1900 from Mondays to Fridays inclusive, between 0900 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.

Reason: In order to safeguard the residential amenities of property in the vicinity.



Chris McGarry

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *6th* day of *December* 2023.