

An  
Bord  
Pleanála

## Board Order ABP-314272-22

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### Planning and Development Acts 2000 to 2022

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD21A/0359**

**Appeal** by Patricia Houston and Others of 7 The Drive, Grangemanor, Lucan, County Dublin and by Others against the decision made on the 11<sup>th</sup> day of July, 2022 by South Dublin County Council to grant permission subject to conditions to Jackie Greene Construction Limited care of McGill Planning of 22 Wicklow Street, Dublin in accordance with plans and particulars lodged with the said Council.

**Proposed Development:** Construction of a residential development comprising three, three to five storey blocks of 74 apartments (20 one-bed, 48 two-bed and six three-bed) all with associated private balconies/terraces to the north/south/east/west elevations; vehicular and pedestrian access from Hayden's Lane to the north west of the site and closure of the second existing vehicular entrance at south west of site; pedestrian access from Griffeen Park to the south east of the site; provision of car and cycle parking, public and communal spaces, bin stores and all associated site development and clearance works, landscaping, boundary treatments and other servicing works at Hayden's Lane, Adamstown, Lucan, County 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.**

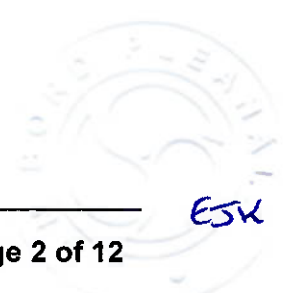
## Reasons and Considerations

Having regard to the provisions of the South Dublin County Development Plan 2022-2028, including the residential zoning of the site, the pattern and character of development in the area, and the design, scale and layout of the proposed development on an urban infill site, it is considered that, subject to compliance with the conditions set out below, the proposed development would not seriously injure the residential amenities of the area or of property in the vicinity, would provide an acceptable standard of amenity for future residents and be acceptable in terms of 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 received by the planning authority on the 14<sup>th</sup> day of April 2022 and on the 14<sup>th</sup> 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 revised plans for the written agreement of the planning authority incorporating the following amendments:
  - (a) Privacy screens on the balcony of apartment number 19 in Block 3 and balconies at the northeast corner of Block 3 and southwest corner of Block 2.
  - (b) Revised drawings of Block 1 with correct labels for the elevational drawings, window fenestration accurately shown on the elevational drawings and no internal bedroom store covering windows.
  - (c) Brick recesses and window reveals to be a minimum of a full brick length.
  - (d) Windows on the top floor level on the eastern elevation of Block 2 full length to match the windows on the below floors.

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

3.
  - (a) Prior to commencement of development, the location, design and construction details of the proposed pedestrian crossing and access to Hansted estate from Hayden's Lane, to be constructed by the applicant/developer at their own expense, shall be submitted to and agreed in writing with the planning authority. The agreed plan, along with the written agreement of the Roads Department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.
  - (b) All bicycle parking spaces shall be designed in accordance with the requirements of the National Cycle Manual, NTA (2011).
  - (c) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to commencement of development the developer

shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

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

4. (a) The proposals, mitigation measures and commitments set out in the Ecological Impact Assessment (EclA) submitted with the application shall be implemented in full as part of the proposed development.
- (b) A completion certificate shall be signed off by an ecologist when all permitted development works are completed and in line with the recommendations of the EclA and the certificate shall be submitted to the planning authority for written agreement upon completion of the works.

**Reason:** In the interest of clarity and the protection of the environment.

5. 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 and traffic management measures and off-site disposal of construction/demolition waste.

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

6. 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.

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

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

8. (a) A Road Safety Audit (Stages 1 and 2) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development, in order to demonstrate that appropriate consideration has been given to all relevant aspects of the development including in accordance with the road design standards of Transport Infrastructure Ireland.
- (b) The measures recommended by the Auditor shall be undertaken, unless the planning authority approves any departure in writing. Detailed drawings showing all accepted proposals and a feedback report shall also be submitted.

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

9. 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.

10. Details of the proposed public lighting system to serve the development shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. The scheme shall include lighting along pedestrian routes through open spaces and take account of trees within the landscape plan.

**Reason:** In the interest of public safety and visual amenity.

11. 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

(a) a plan to scale of not less than 1:500 showing –

- (i) Existing trees, hedgerows, shrubs, stone walls, specifying which are proposed for retention as features of the site landscaping.
- (ii) The measures to be put in place for the protection of these landscape features during the construction period.
- (iii) The species, variety, number, size and locations of all proposed trees and shrubs, which shall comprise predominantly native species such as mountain ash, birch, willow, sycamore, pine, oak, hawthorn, holly, hazel, beech or alder.
- (iv) Details of boundary planting.
- (v) Details of roadside/street planting.
- (vi) Hard landscaping works, specifying surfacing materials, furniture, play equipment and finished levels.

- (vii) Specifications for mounding, levelling, cultivation and other operations associated with plant and grass establishment, and
  - (viii) Be carried out within the first planting season following substantial completion of external construction works.
- (b) The proposals, mitigation measures and commitments set out in the submitted Tree Report and Plans shall be implemented in full as part of the proposed development and incorporated as part of the landscaping scheme.
- (c) A completion certificate shall be signed off by the Landscape Architect when all landscape works are completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.
- (d) A completion certificate shall be signed off by an arborist when all permitted development works are completed and in line with the recommendations of the tree report lodged as part of the planning application. The certificate shall be submitted to the planning authority for written agreement upon completion of the 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, 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.

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

12. 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 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.

**Reason:** To provide for the appropriate management of waste and, in particular recyclable materials, in the interest of protecting the environment.

13. (a) Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.
- (b) The oil interceptor shall be removed from its current location as it is a potential source of contamination and replaced by a SuDS component, such as a swale or rain garden, prior to discharge to the attenuation feature.
- (c) Full details of SuDS measures shall be submitted to the planning authority for written agreement prior to commencement of development.

**Reason:** In the interest of public health and in the interest of protecting the environment.

14. Prior to commencement of development, the developer shall enter into water and wastewater connection agreements with Uisce Éireann.

**Reason:** In the interest of public health.

15. All public service cables for the development, including electrical and telecommunications cables, shall be located underground throughout the site.

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



16. 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.

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

17. Proposals for an estate name, apartment 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 apartment numbers, shall be provided in accordance with the agreed scheme. The proposed names shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the names 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.

18. 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.

19. The developer shall pay to the planning authority a financial contribution towards expenditure incurred in the provision of the Irish Rail Kildare Route Project in accordance with the terms of the Supplementary Development Contribution Scheme made by the planning authority under section 49 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 Supplementary Development Contribution Scheme made under section 49 of the Act be applied to the permission.

20. Prior to commencement of development, the developer shall lodge with the planning authority a cash deposit, a bond of an insurance company or such other security as may be accepted in writing by the planning authority, to secure the protection of the trees on site and to make good any damage caused during the construction period, coupled with an agreement empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree or trees on the site or the replacement of any such trees which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development with others of similar size and species. 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 secure the protection of the trees on the site.

21. 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, 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 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.

22. 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. The application of any indexation required by this condition 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.

**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.

*Eamonn James Kelly*

**Eamonn James Kelly**

**Member of An Bord Pleanála**

**duly authorised to authenticate**

**the seal of the Board.**

Dated this *7<sup>th</sup>* day of *March*, 2024

