

An  
Bord  
Pleanála

**Board Order**  
**ABP-314994-22**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD22A/0324**

**Appeal** by Frances Dowling care of PMCA Architects of 104 Francis Street, Dublin against the decision made on the 3<sup>rd</sup> day of October, 2022 by South Dublin County Council to refuse permission for the proposed development.

**Proposed Development:** Demolition of an existing house, ancillary outbuildings and construction of one two to four storey building accommodating 19 apartments comprised of six one bedroom apartments and 13 two bedroom apartments. Vehicular access to the proposed development will be via Lucan Road with traffic calming measures onto Lucan Road, with 11 car parking spaces and 20 bicycle parking spaces and ancillary services including a detached water storage tank and bin store housing, all on a site of 0.1925 hectares, at Hillhouse, Lucan Road, 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 zoning of the site and the other provisions of the South Dublin County Development Plan 2022-2028, the nature and scale of the proposed development, the use of the existing access, and the design of the proposed entrance arrangements, it is considered that, subject to compliance with the conditions set out below, the proposed residential development would make efficient use of an appropriately zoned brownfield site within the built-up area of Lucan, would positively contribute to compact growth and an increase in housing stock in this urban area, would be acceptable in terms of design, would be acceptable in terms of pedestrian and traffic safety, and would provide an acceptable form of residential amenity for future occupants. The proposed development would not seriously injure the residential or visual amenities of the area, would not result in a traffic hazard, and would not affect the setting of the adjacent protected structures. 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 An Bord Pleanála on the 19<sup>th</sup> day of June 2024, 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 or as otherwise indicated and the development shall be carried out and completed in accordance with the agreed particulars.

**Reason:** In the interest of clarity.

2. Prior to commencement of development, the developer shall submit for the written agreement of the planning authority the detailed design of the vehicular entrance layout, the footpath, and the box junction to the public road. These works shall be completed at the developer's expense prior to the first occupation of the proposed development.

**Reason:** In the interests of pedestrian, cyclist, and vehicular safety, and the proper planning and sustainable development of the area.

3. Prior to commencement of any development on site, the developer shall demonstrate to the planning authority that the minimum Green Space Factor can be achieved on site or, if this cannot be achieved, the developer shall engage with the planning authority to determine an alternative green infrastructure solution. No development shall commence on site until the written agreement of the planning authority is received in relation to this condition.

**Reason:** To comply with GI5 Objective 4 of the South Dublin County Development Plan 2022-2028 and in the interest of the proper planning and sustainable development of the area.

4. (a) Details of the materials, colours, and textures of all the external finishes to the proposed development shall be as submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.
- (b) Obscure glazing shall be provided to the south balcony elevation to proposed apartment number 17.

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

5. Proposals for a development name 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 such names and numbering shall be provided in accordance with the agreed scheme.

**Reason:** In the interest of urban legibility.

6. 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.

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

7. 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 apartment.

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

8. (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) Prior to commencement of development, the developer shall provide a report for the written agreement of the planning authority demonstrating how the proposed sustainable urban drainage systems (SuDS) measures function as part of an overall management train.
- (c) Prior to commencement of development, the developer shall provide a report for the written agreement of the planning authority, demonstrating how the above ground natural SuDS comply with the four pillars of SuDS: amenity, biodiversity, water treatment, and attenuation.

- (d) The developer shall agree the final design of the attenuation system with the planning authority prior to the commencement of any development on site.

**Reason:** In the interests of public health and surface water management.

9. The developer shall enter into water and wastewater connection agreement(s) with Uisce Éireann prior to commencement of development.

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

10. (a) The car parking facilities hereby permitted shall be reserved solely to serve the proposed development. All car parking spaces shall be assigned permanently for the residential development and shall be reserved solely for that purpose.
- (b) A Parking Management Plan shall be prepared for the development and shall be submitted to, and agreed in writing with the planning authority, prior to the occupation of the development.
- (c) A minimum of 10% of the car parking spaces shall be provided with functioning electric vehicle charging stations or points, and ducting shall be provided for all remaining car parking spaces, facilitating the installation of electric vehicle charging points or stations at a later date.
- (d) Revised plans for cycle parking shall be prepared for the development and shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. The bicycle parking quantity shall be provided as per the bicycle

parking standards of the South Dublin County Development Plan 2022-2028 and shall comply with the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities issued by the Department of Housing, Local Government and Heritage in January 2024. Resident cycle parking spaces shall be secure, conveniently located, sheltered, and well lit. Key/fob access shall be required to resident bicycle compounds. All cycle parking design including visitor parking shall allow both wheel and frame to be locked. Electric bike charging facilities within the resident cycle parking areas shall be provided. All cycle parking shall be in situ prior to the occupation of the development.

**Reason:** To ensure that adequate car and bicycle parking facilities are available to serve the proposed development.

11. (a) The site shall be landscaped in accordance with the scheme of landscaping submitted with the application, unless otherwise agreed in writing with the planning authority prior to commencement of development.
- (b) Details of all boundary treatments shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

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

12. The management and maintenance of the proposed development following its completion shall be the responsibility of a legally constituted management company. A management scheme providing adequate measures for the future maintenance of all communal areas shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

**Reason:** To provide for the satisfactory future maintenance of this development in the interest of residential amenity.

13. (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 shall be submitted to, and agreed in writing with, the planning authority not later than six months from the date of commencement of the 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.

14. Prior to commencement of development, the developer shall prepare a Resource Waste Management Plan (RWMP) as set out in the EPA's Best Practice Guidelines for 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.

15. 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 access points to the site for any construction related activity;
  - (c) location of areas for construction site offices and staff facilities;
  - (d) details of site security fencing and hoardings. Hoardings shall include a one square metre area on each frontage detailing site management contact details;
  - (e) details of on-site car parking facilities for site workers during the course of construction;
  - (f) 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;
  - (g) measures to obviate queuing of construction traffic on the adjoining road network;

- (h) measures to prevent the spillage or deposit of clay, rubble, or other debris on the road network;
- (i) alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any road or footpath during the course of site development works;
- (j) details of appropriate mitigation measures for noise, dust and vibration, and monitoring of such levels;
- (k) 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;
- (l) off-site disposal of construction/demolition waste and details of how it is proposed to manage excavated soil;
- (m) means to ensure that surface water run-off is controlled such that no silt or other pollutants enter local surface water sewers or drains;
- (n) a record of daily checks that the works are being undertaken in accordance with the Construction Management Plan shall be available for inspection by the planning authority;
- (o) a community liaison officer shall be appointed for the duration of the construction works.

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

16. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Fridays inclusive, 0800 to 1400 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. 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 & 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.

18. 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.

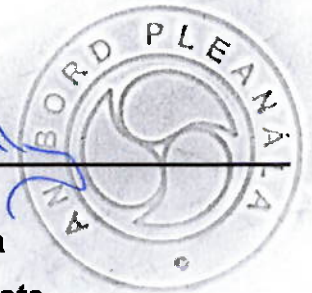
19. The developer shall pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the 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.

20. The developer shall pay to the planning authority a financial contribution in lieu of the public open space shortfall 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:** To comply with the provisions of section 8.7.4 (Delivery of Public Open Space and Contributions in Lieu) of the South Dublin County Development Plan 2022-2028.

  
Eamonn James Kelly  
Member of An Bord Pleanála  
duly authorised to authenticate  
the seal of the Board.



Dated this 18<sup>th</sup> day of November, 2024.