

An
Bord
Pleanála

Board Order ABP-316066-23

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0459

Appeal by Scott Gerety of 28 Graydon Green, Newcastle, County Dublin against the decision made on the 16th day of February, 2023 by South Dublin County Council to grant subject to conditions a permission to Cairn Homes Properties Limited care of John Spain Associates of 39 Fitzwilliam Place, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey creche/childcare facility of circa 778 square metres as well as single storey bin store and connections to existing services. Access will be from the existing constructed entrance onto Newcastle Boulevard and cycle and car parking are as permitted (under planning register reference number TA06S.305343 and An Bord Pleanála reference number ABP-305343-19). This application will replace and supersede the permitted creche of circa 518 square metres (under planning register reference number TA06S.305343 and An Bord Pleanála reference number ABP-305343-19) all in the townland of Newcastle South, at the junction of Newcastle Boulevard, Burgage Street and Lyons Avenue, Graydon, Newcastle, 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 zoning objective for the site (RES-N), where a childcare facility is permitted in principle, the planning history of the site, and size, 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 visual or residential amenities of the area or of property in the vicinity, and would not endanger public safety by reason of traffic hazard. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The proposed development shall be carried out and completed in accordance with the plans and particulars lodged with the application, 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 proposed 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 a revised layout, not less than 1:200 scale, showing:
 - (a) the location and quantum of outdoor play space associated with the crèche facility,
 - (b) covered bicycle parking and pedestrian routes within the proposed development, and
 - (c) the inclusion of Sustainable Urban Drainage System (SuDS) measures, including but not limited to green roofing to the crèche/childcare building and bin store.

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

3. Prior to the opening of the development, a Mobility Management Strategy shall be submitted to, and agreed in writing with, the planning authority. This shall provide for incentives to encourage the use of public transport, cycling, walking and carpooling by staff employed in the development and to reduce and regulate the extent of staff parking. Details to be agreed with the planning authority shall include the provision of centralised facilities within the development for bicycle parking, shower and changing facilities associated with the policies set out in the strategy.

Reason: In the interest of encouraging the use of sustainable modes of transport.

4. The construction of the proposed 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 proposed development, including noise management measures and off-site disposal of construction/demolition waste.

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

5. 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 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 file and retained as part of the public record. The RWMP shall be submitted to the planning authority for written agreement prior to 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.

6. (a) A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:
- (i) details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and other surfaces within the development,
 - (ii) proposed locations of trees and other landscape planting in the development, including details of proposed species and settings,
 - (iii) details of proposed street furniture, including bollards, lighting fixtures and seating, and
 - (iv) details of proposed boundary treatments at the perimeter of the site, including heights, materials and finishes.

The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

- (b) A Green Infrastructure Plan shall be submitted as part of the landscaping scheme and shall include the following information:
- (i) A Site Location Plan showing the development site in the context of the wider GI (Green Infrastructure) as shown on the Council's GI Plan for the County.
 - (ii) Indication of how the development proposals link to and enhance the wider GI Network of the County.
 - (iii) Proposed GI protection, enhancement, and restoration proposals as part of the landscape plan, where appropriate, for the site.
 - (iv) Proposals for identification and control of invasive species, where appropriate, for the site.

Reason: In the interest of visual 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. The lighting shall be directed away from adjacent housing and gardens and cowled such as to reduce, as far as possible, light scatter.

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

8. Surface water drainage arrangements for the proposed development shall comply with the requirements of the planning authority.

Reason: In the interest of public health.

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

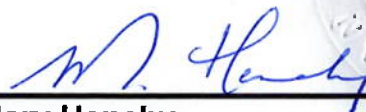
Reason: In the interest of public health.

10. Site development and building works shall be carried out only between the hours of 0700 to 1800 Mondays to Fridays, inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays or public holidays. Deviation from these times shall 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 pay to the planning authority a financial contribution in respect of public infrastructure and facilities benefitting 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 the 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 developers 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.



Mary Henchy

**Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.**

Dated this 9th day of April 2024.