

An  
Bord  
Pleanála

**Board Order**  
**ABP-316076-23**

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**Planning and Development Acts 2000 to 2022**

**Planning Authority: South Dublin County Council**

**Planning Register Reference Number: SD22A/0346**

**Appeal** by Brendan Farrelly of Unit 3, Rowlagh Shopping Centre, Clondalkin, Dublin, and by Others, against the decision made on the 20<sup>th</sup> day of February, 2023 by South Dublin County Council to grant, subject to conditions, a permission to Old Nangor Road Limited care of Virtus of 5<sup>th</sup> Floor, The Glass House, 11 Coke Lane, Smithfield, Dublin in accordance with plans and particulars lodged with the said Council:

**Proposed Development:** Mixed development consisting of one public house and 26 apartments. The overall development will comprise the following; demolition of the existing single storey public house (area 910 square metres), construction of a four-storey apartment block within the footprint of the site (1267 square metres) comprising of 26 apartments (four one-bedroom units, 22 two-bedroom units) and smaller public house at ground level (area 156 square metres and total area 2717 square metres), all apartments have balconies/terraces. Car park for 12 cars (including one disabled space), bin stores and bicycle stands at ground level. Communal areas include 1<sup>st</sup> floor courtyard above carpark and 3<sup>rd</sup> floor roof terraces for apartments. Streetscape proposals within site boundaries to facilitate and enhance the

public realm, at The Finches Public House, Finches Shopping Centre, Neilstown Road, Clondalkin, 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**

The application site is zoned for local services in the South County Dublin County Development Plan 2022-2028, wherein public house and residential uses are acceptable in principle. Having regard to the provisions of the development plan, to the existing public house use on site, to the mix of commercial, residential and community uses in the area, to the availability of public transport infrastructure to serve the proposed development and subject to compliance with the conditions set out below, it is considered that the proposed development would not seriously injure the residential amenity of property in the vicinity, would not endanger public safety by reason of traffic hazard, and would, otherwise, be in accordance with the provisions of the development plan and 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 24<sup>th</sup> day of January 2023, 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, revised plans relating to the following matters shall be submitted for the written agreement of the planning authority:

- (a) The ground floor to Apartment 1 shall be revised to provide further screening and setback from the public footpath.
- (b) The boundary treatments and materials for all ground floor terraces, upper floor balconies and roof terraces shall be revised to meet the requirements of the planning authority, with elevational drawings to be submitted for written approval.
- (c) The windows to the bathrooms on the eastern elevation shall be opaque.
- (d) The location of the smoking area associated with the public house.

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

3. 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.

4. Drainage arrangements, including the attenuation and disposal of surface water, shall comply with the requirements of the planning authority for such works and services.

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

5. Details of 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.

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 interest of visual and residential amenity.

7. Proposals for an apartment block name and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and apartment numbers, shall be provided in accordance with the agreed scheme. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

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



8. 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 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.

9. A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to the commencement of development. This scheme shall include the following:-
- (a) the details of all proposed hard surface finishes, including samples of proposed paving slabs/materials for footpaths, kerbing and road surfaces within the development;
  - (b) the proposed locations of trees and other landscape planting in the development, including details of proposed species and settings;
  - (c) the details of proposed street furniture, including bollards, lighting fixtures and seating;
  - (d) the 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.

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

10. 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, noise management measures and off-site disposal of construction/demolition waste.

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

11. Site development and building works shall be carried out between the hours of 0800 to 1900 Mondays to Fridays inclusive, between 0800 to 1400 hours on Saturdays and not at all on Sundays and public holidays. Deviation from these times shall only be allowed in exceptional circumstances where prior written agreement has been received from the planning authority.

**Reason:** To safeguard the amenity of property in the vicinity.

12. (a) All recommendations listed in the report by Searson Associates dated 29th August 2022 shall be implemented in full.
- (b) Noise resulting from operations affecting nearby noise sensitive locations shall not exceed the background level by 10 dB(A) or more or exceed EPAs NG4 (Guidance Note for Noise: Licence Applications, Surveys and Assessments in Relation to Scheduled Activities) limits, whichever is lesser (as measured from the facade of the nearest Noise sensitive locations).

- (i) Daytime (0700-1900 hours) 55 dB LAr, T (rated noise level, equal to LAeq during a specified time interval \*EPA NG4)
- (ii) Evening (1900- 2300 hours)- 50 dB LAr, T
- (iii) Night-time (2300- 0700 hours)- 45 dB LAr, T.

Clearly audible and impulsive tones at noise sensitive locations during the evening and night shall be avoided irrespective of the noise level.

- (c) There shall be no outbreak of amplified music from any activities, at nearby noise sensitive locations.

**Reason:** To protect the residential amenities of property in the vicinity of the site

13. 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 public open spaces, roads and 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.

14. 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.

15. 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 social and affordable housing in accordance with the requirements of section 96 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 97(7) applies) may be referred by the planning authority or any other prospective party to the agreement to the Board 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 for the area.

16. 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 the commencement of development or in such phased payments as the planning authority may facilitate and shall be





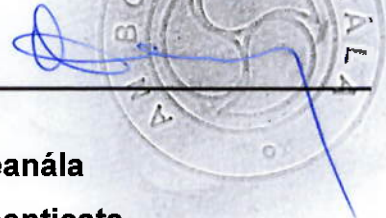
subject to any applicable indexation provisions of the Scheme at the time of payment. Details of the application of the terms of the Scheme shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to the Board to determine the proper 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.



**Martina Hennessy**

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



Dated this 7<sup>th</sup> day of August 2024.