

An
Bord
Pleanála

Board Order
ABP-320038-24

Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD24A/0030

Appeal by Joan Fox of 40 Pembroke Road, Ballsbridge, Dublin against the decision made on the 11th day of June, 2024 by South Dublin County Council to grant subject to conditions a permission to Coill Avon Limited care of O'Connell O'Riordan Architects of 1 Fortfield Terrace, Rathmines, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: Construction of a two-storey, four bedroom house (293 square metres) with access from the existing vehicular access serving Coill Avon off Whitechurch Road, including two car parking spaces, hard and soft landscaping of the private amenity space areas, on site drainage including SUDs measures, septic tank percolation area and all associated site development works to facilitate the proposed development at Coill Avon, Whitechurch Road, Rathfarnham, 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 residential zoning objective for the site and the relevant provisions of the South Dublin County Development Plan 2022-2028, and to the nature and scale of the proposed development, it is considered that, subject to compliance with the conditions set out below, the proposed development would not detract from the character of the area, would not seriously injure the residential or visual amenities of the area, would not be prejudicial to public health, would be acceptable in terms of traffic and pedestrian safety and would constitute an acceptable form of development at this location. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening Determination:

The Board agreed with and adopted the screening assessment and conclusion carried out in the Inspector's report and having regard to information available, which the Board considered adequate to reach a screening determination, that the proposed development either individually or in combination with other plans or projects would not be likely to have a significant effect on any European site in view of the conservation objectives of such sites.

Conditions

1. The development shall be carried out and completed in accordance with the plans and particulars lodged with the application, except as amended by the further plans and particulars submitted on the 17th day of May 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 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, a schedule of measures as set out in the submitted Ecological Impact Assessment Report, Arborist Report and outline Construction and Environmental Management Plan, including details of the appointed project ecologist shall be compiled and submitted to the planning authority for agreement and shall be implemented in full.

Reason: To protect the environment.

3. The landscaping scheme shown on drawing number 23SD08-DR-0100, submitted to the planning authority on the 17th day of May 2024 shall be carried out within the first planting season following substantial completion of external construction works. In addition to/amending the proposals in the submitted scheme, the following shall be carried out:



- (a) a fenced exclusion zone for machinery and personnel to the house side of the silt fence as shown in Figure 9 of the outline construction Environmental Management Plan shall be maintained for the duration of the construction with the exception of access for the authorised tree removal (under supervision of the project ecologist),
- (b) a five metres zone of undisturbed ground shall be retained free of planting/landscaping other than authorised removal of trees (leaving stumps), and where necessary removal of invasive species under supervision of the project ecologist,
- (c) all new trees are to be planted as bareroot, feathered, 150-200 centimetres high,
- (d) 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 residential and visual amenity.

- 4. Prior to the commencement of any works associated with the development hereby permitted, the developer shall submit a detailed Construction Environmental Management Plan (CEMP) for the written agreement of the planning authority. The CEMP shall incorporate details for the following - collection and disposal of construction waste, surface water run-off from the site, on-site road construction, and environmental management measures during construction including working hours,

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noise control, dust and vibration control and monitoring of such measures. A record of daily checks that the construction works are being undertaken in accordance with the CEMP shall be kept at the construction site office for inspection by the planning authority. The agreed CEMP shall be implemented in full in the carrying out of the development.

Reason: In the interests of environmental protection, residential amenities, public health and safety, and environmental protection.

5. The developer shall implement measures to reduce environmental risks associated with re-fuelling, greasing, and other activities within the site. Such measures may include, but are not restricted to, the use of spillage mats and catch trays. Such measures shall be subject to the written agreement of the planning authority prior to commencement of works.

Reason: To prevent water pollution.

6. Site development and building works shall be carried out only between the hours of 0700 to 1900 Mondays to Friday inclusive, between 0800 to 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.

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7. (a) The onsite wastewater treatment system hereby permitted shall be installed in accordance with the recommendations included within the site characterisation report submitted with this application and shall be in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (b) Treated effluent from the septic tank/wastewater treatment system shall be discharged to a polishing filter which shall be provided in accordance with the standards set out in the document entitled "Code of Practice - Domestic Wastewater Treatment Systems (Population Equivalent ≤ 10)" – Environmental Protection Agency, 2021.
- (c) Within three months of the first occupation of the dwelling, the developer shall submit a report to the planning authority from a suitably qualified person (with professional indemnity insurance) certifying that the septic tank/wastewater treatment system and associated works is constructed and operating in accordance with the standards set out in the Environmental Protection Agency document referred to above.


Reason: In the interest of public health and to prevent water pollution

8. Prior to commencement of development, the developer shall enter into a connection agreement(s) with Uisce Éireann (Irish Water) to provide for a service connection to the public water supply.

Reason: In the interest of public health and to ensure adequate water facilities.

9. 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.


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

Dated this 22nd day of November 2024.