



Planning and Development Acts 2000 to 2022

Planning Authority: South Dublin County Council

Planning Register Reference Number: LRD24A/0003

Appeal by Declan and Caroline Looby of 174 Walkinstown Road, Walkinstown, Dublin against the decision made on the 2nd day of July, 2024 by South Dublin County Council to grant subject to conditions a permission to Montane Developments (Ireland) Unlimited Company care of McGill Planning Limited of 22 Wicklow Street, Dublin in accordance with plans and particulars lodged with the said Council.

Proposed Development: The development will consist of amendments to permitted Strategic Housing Development (SHD) (Reference ABP-309658-21)), which has permission for a residential development of 163 apartments with supporting tenant amenity facilities (gym, lounges and meeting room), café, creche, landscaping, public realm improvements, parking, and all ancillary site development works. The proposed amendments include the following:

- change of use at ground floor level of Block B from the permitted café to proposed retail unit (circa 363.5 square metres),
- the incorporation of an off-licence area within the proposed retail unit (circa 24.4 square metres),

- siting of proposed signage/advertising associated with the proposed retail unit,
- internal reconfiguration of permitted creche area with the gross floor area reducing from circa 261 square metres to circa 235 square metres,
- internal reconfiguration and reduction of permitted tenant amenity facilities (communal areas) from circa 472.1 square metres to circa 426.6 square metres,
- amendments to permitted residential apartments on Level 5 of Block C, consisting of replacing two number three bed (five person) units with two number two bed (four person) units and an additional two bed (three person) unit. Overall the residential provision will increase from permitted 163 number units to 164 number units (one number studio, 57 number one bed, 99 number two bed and seven number three bed),
- changes to Level 6 of Block B, to include external retail plant at roof level within the permitted envelope of the development, to include ventilation louvres to the north and east façade and a louvred roof access door for maintenance purposes only,
- provision of an additional external bicycle parking stand with 14 number parking spaces located to the east of the building to cater for retail and creche usage,
- all other associated site development works, services provision, access, parking, landscaping and boundary treatment works to be carried out as otherwise granted under the parent permission register reference ABP-309658-21 (and associated conditions), all at former CHM premises, Ballymount Road Lower, Walkinstown, 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

In coming to its decision, the Board had regard to the following:

- (a) the location of the site in an area where residential/mixed use development is permitted under zoning Objective 'REGEN' – '*facilitate enterprise and/or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery*',
- (b) the policies and objectives of the South Dublin County Development Plan 2022-2028,
- (c) the nature, scale and design of the proposed development and the availability in the area of infrastructure,
- (d) the planning history of the site,
- (e) the pattern of existing and permitted development in the area,
- (f) the provisions of Housing for All, A New Housing Plan for Ireland 2021,
- (g) the Sustainable Residential Development and Compact Settlements Guidelines for Planning Authorities prepared by the Department of Housing, Local Government and Heritage in January 2024,
- (h) the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Environment, Community and Local Government in July 2023,
- (i) the Design Manual for Urban Roads and Streets (DMURS) issued by the Department of Transport, Tourism and Sport and the Department of the Environment, Community and Local Government in March 2013,
- (j) the provisions of the Climate Action Plan 2024,
- (k) the policies and objectives set out in the National Planning Framework,
- (l) the policies and objectives of the Regional and Spatial Economic Strategy for the Eastern and Midland Regional Assembly,

- (m) the grounds of appeal received, and
- (n) the submission from the planning authority,

it is considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable residential density, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design and quantum of development and would be acceptable in terms of traffic and pedestrian safety and convenience. The proposed development would, therefore, be in accordance with the proper planning and sustainable development of the area.

Appropriate Assessment Screening

The Board completed an Appropriate Assessment screening exercise in relation to the potential effects of the proposed development on European Sites, taking into account the minor nature and scale of the proposed development on serviced lands, the nature of the receiving environment, which comprises a built-up urban area, the previous planning assessment carried out under SHD Reference ABP-309658-21 and the conclusions therein, the Board agreed with and adopted the report of the Planning Inspector and concluded that, by itself or in combination with other development, plans and projects in the vicinity, the proposed development would not be likely to have a significant effect on any European Site in view of the conservation objectives of such sites.

Conclusions on Proper Planning and Sustainable Development

The Board considered that, subject to compliance with the conditions set out below, the proposed development would constitute an acceptable quantum and density of development in this suburban/brownfield location, would not seriously injure the residential or visual amenities of the area or of property in the vicinity, would be acceptable in terms of urban design and scale of development, would be acceptable in terms of impacts on traffic, would provide an acceptable form of residential amenity for future occupants. The Board considered that the proposed development would be compliant with the provisions of the South Dublin County Development Plan 2022-2028, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Conditions

1. The development shall be carried out in accordance with the plans and particulars submitted with the planning application, except as may be otherwise required by the following conditions.

Reason: To clarify the plans and particulars for which permission is granted.

2. Apart from any departures specifically authorised by this permission, the development shall comply with the conditions of the parent permission Register Reference SHD ABP-309658-21 unless the conditions set out hereunder specify otherwise. This permission shall expire on the same date as the parent permission.

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

3. Prior to the commencement of development, the applicant shall submit the following for the written agreement of the planning authority:
- (a) details of any advertisements/signage relating to the change of use hereby permitted, and
 - (b) details of waste management and hours of operation of the non-residential units.

Reason: In the interests of visual amenity.

Eamonn James Kelly

Eamonn James Kelly

Member of An Bord Pleanála

duly authorised to authenticate

the seal of the Board.

Dated this *23rd* day of *October*, 2024.

