

# Comhairle Chontae Atha Cliath Theas

**PR/0168/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0294      **Application Date:** 27-Oct-2021  
**Submission Type:** Additional      **Registration Date:** 07-Jan-2022  
Information

**Correspondence Name and Address:** Dáire Nolan, iStruct Consulting Engineers 16,  
Oakcourt Park, Palmerstown, Dublin 20

**Proposed Development:** Demolition of existing single storey garage wing;  
construction of a new house, No.1A adjoining the  
existing house with the addition of a rear extension  
and internal layout changes to No.1, along with an  
additional front driveway entrance and all associated  
site works.

**Location:** 1, Birchview Drive, Dublin 24

**Applicant Name:** Romaine Nolan

**Application Type:** Permission

(CM)

### **Description of Site and Surroundings:**

#### **Site Description:**

The subject site is located on the corner of Treepark Road and Birchview Drive. The site adjoins residential development to the rear and there is a national school campus north of Tree Park Road.

The existing house is a 2-storey, detached house with pitched roof and a single-storey flat-roofed attached garage to side. The detached house is not typical of the area, in which semi-detached houses predominate. The material treatment is somewhat typical of the area, with red brick at ground floor level and a stone grey render treatment starting immediately above the ground floor window and door.

**Site Area:** 0.0458 Ha.

**Site Visit:** 15/12/2021

#### **Proposal:**

Demolition of existing single storey garage wing; **construction of a new house**, No.1A adjoining the existing house with the addition of a rear extension and internal layout changes to No.1, along with an additional front driveway entrance and all associated site works.

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### **Zoning**

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity.'

### **Screening for Strategic Environmental Assessment**

No overlap with the relevant environmental layers.

### **Consultations:**

Environmental Services:

- |                 |                                      |
|-----------------|--------------------------------------|
| - Surface Water | Requests Additional Information.     |
| - Flood Risk    | No objection, subject to conditions. |

Irish Water Requests Additional Information.

Roads Requests Additional Information.

Public Realm Department No objection, subject to conditions.

### **Submissions/Observations /Representations**

None.

### **Relevant Planning History**

None.

### **Relevant Enforcement History**

None.

### **Pre-Planning Consultation**

Ref. PP09/21

### **Relevant Policy in South Dublin County Development Plan (2016-2022)**

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

Chapter 2 Housing

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Chapter 11 Implementation

Section 11.3.0 Residential

Section 11.3.2 Residential Consolidation

1. Infill Sites

Development on infill sites should meet the following criteria:

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- Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.
- A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character.
- Significant site features, such as boundary treatment, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.
- Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).
- Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.
- Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

### **(ii) Corner/Side Garden Sites**

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

- The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,
- The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,
- The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,
- Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and
- Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

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Section 11.6.1 (i) Flood Risk Assessment  
Section 11.8.0 Environmental Assessment

### **Relevant Government Policy** **Ministerial Guidelines and Policy**

**Project Ireland 2040 National Planning Framework**, Government of Ireland (2018).

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

**Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, Department of the Environment and Local Government (2009).

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)  
**Quality Housing for Sustainable Communities-Best Practice Guidelines**, Department of the Environment, Heritage and Local Government (2007).

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

**Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**, Department of the Environment, Heritage and Local Government, (2009).

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Departmental Circulars**, Department of Housing, Planning and Local Government (2020) – as listed:

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- PL02/2020: Covid-19 Measures
- PL03/2020: Planning Time Periods
- PL04/2020: Event Licensing
- PL05/2020: Planning Time Periods
- PL06/2020: Working Hours Planning Conditions
- PL07/2020: Public Access to Scanned Documents
- PL08/2020: Vacant Site Levy
- Circular NRUP 02/2021 - Residential Densities in Towns and Villages

#### **Assessment**

The main issues for assessment are:

- Zoning and Council policy;
- Visual impact;
- Residential amenity;
- Public Realm;
- Access, Transport and Parking
- Water Services;
- Environmental impact assessment;
- Appropriate assessment.

#### **Zoning and Council Policy**

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 - 2022. Development on corner garden sites is guided by section 11.3.2 (ii) of the Plan.

#### **Visual Impact**

The proposed development would be a semi-detached 3-bed house adjoining the existing house, and replacing the side garage (to be demolished), with forward projection at ground floor level, and also a single-storey rear return. The roof profile is to be a pitched roof to match the existing, except at the side where a 2-storey element is proposed to have a flat roof (this is necessary as the side of the house steps out). The existing house is also proposed to be provided with a rear extension and front extension to match. The single-storey elements (front and back) are proposed with lean-to pitched and pitched roofs, respectively.

To the side boundary, the garden wall is proposed to be supplemented with timber panelling to a height which appears to be 3 metres in total. This is presumably due to the differences of levels on the site, with the street along Treepark Road being below the highest level of the rear garden.

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The house would mostly fit in with the development when viewed from the front, and would not encroach upon the privacy and/or access to light of any adjoining dwellings.

The SDCC House Extension Design Guide advises against 2-storey flat-roofed extensions except where there are good design reasons for using a flat roof. Given that the proposed two storey side extension to the new dwelling would be relatively narrow and finished in brick it is considered to be visually acceptable.

Furthermore, save for the bathroom there is no fenestration at first floor on the flank elevation of the new dwelling and therefore no surveillance at this corner site. **Further information** should be sought on this.

The fence panelling to the side garden wall would similarly detract from the character of the area, and would create an overbearing wall along this stretch of Treepark Road. It would be favourable for another solution to be implemented, i.e., the raising of the wall only as necessary to achieve 2 metres in height above ground, thus protecting privacy.

Both of the above solutions could be provided by way of a **condition** of permission, but, as there are other issues with the development, the applicant should be requested to provide these changes as **additional information**.

### **Residential Amenity**

The applicant has not provided clear information on the size of the proposed dwelling, but it appears to be approx. 125sq.m. and therefore meets the minimum standards for a 3-bed house, under the 2007 guidelines. The smallest bedroom seems to fall short of these standards, and the applicant could be asked to clarify this by **additional information** (noting that there are other issues with the development).

### **Public Realm**

The Public Realm Department has provided no comment. It is proposed to introduce another vehicular entrance to the front of the development, but no street trees are located here and only a section of grass verge would be lost.

### Private Amenity Space

The applicant has not illustrated the size of the rear amenity space for both the existing and proposed house, and should do so by way of **additional information**.

### **Access, Transport and Parking**

The Roads Department has stated no objection to the new vehicular access and parking arrangements, subject to standard conditions regarding wall height, access width, gates, and the

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dishing of the kerb. The report also includes a recommendation that all vehicles should exit the site in forward gear – this is not enforceable and should not be included as a condition.

### Water

Both Irish Water and the Environmental Services Department has recommended a request for additional information. Irish Water states the following:

“Further Information Required.

#### 1 Water

1.1 Submit a pre connection enquiry with Irish Water for proposed development.

1.2 Obtain a letter of Confirmation of feasibility from Irish Water for Proposed Development and submit same to the planning authority.

1.3 Submit a drawing showing the watermain layout of proposed development up to the point of connection to the public watermain.

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

#### 2 Foul

2.1 There are too many right hand bends proposed in foul drain. These additional bends would greatly increase the risk of foul drain blockage which would adversely affect a number of houses upstream of site. Submit a revised drawing so that there are no additional right angle bends on foul drain. If proposed extension is proposed over existing foul drain then submit a drawing in plan and cross-sectional view showing proposed foul drain layout. Such a drawing shall show a manhole either side of extension on foul drain. The foul drain under extension shall be encased in 150mm concrete between manholes either side of proposed extension. There shall be suitable cover on foul drain as per Technical Guidance Document Part H of Building Regulations. The cover and invert levels and diameter of proposed/existing foul drain shall also be shown on drawing.

2.2 Submit a pre-connection enquiry with Irish Water for proposed development.

2.3 Obtain a letter of Confirmation of feasibility from Irish Water for Proposed Development and submit same to the planning authority.

- Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

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

It is considered reasonable to seek **additional information** in relation to the foul sewer and watermain layout. A connection agreement following planning permission will provide a similar basis for application as a pre-connection enquiry and, given that this is infill development of one

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unit in a serviced area, it is not considered necessary to require the applicant to engage with Irish Water at this stage.

In relation to surface water and flood risk, the Environmental Services Department has stated the following:

“1.1 South Dublin County Council records show that there is an existing 300mm public surface water sewer to the front of the site. The applicant is required to submit a drawing in plan and cross-sectional view showing the distance between the proposed extensions and the existing 300mm surface water sewer. The drawings shall also show the invert levels of the existing 300 surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a surface water sewer of this size.

1.2 The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed SuDS features for the development. Some examples of SuDS are listed below:

- i) Water butts.
- ii) Permeable paving.
- iii) Green roofs.
- iv) Grasscrete.
- v) Rain gardens
- vi) or other such SuDS”

It is reasonable to request additional information on both of the above grounds.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

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### **Other Considerations**

#### **Development Contributions**

This is an application for:

1. 3-bedroom house (No. 1A) of approx. 125sq.m.
2. Front and rear extensions to an existing house (No. 1), totalling approx. 26.5sq.m.  
Demolition of existing garage (assumed to be original): 23.9sq.m  
Assessable Area, minus 40sq.m entitlement for domestic extensions: Nil

### **SEA Monitoring**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential	151.5
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0458

### **Conclusion**

The proposed development is acceptable in principle, subject to some minor modifications. There are issues relating to drainage layout that it would be appropriate to deal with by way of additional information, along with those other issues that it would otherwise be acceptable to deal with by condition.

### **Recommendation**

Request Additional Information.

### **Additional Information**

Additional information was requested on 17<sup>th</sup> December 2021 and a response received on 7<sup>th</sup> January 2022.

### **Further Consultations**

Environmental Services  
Irish Water

No objection, subject to conditions.  
No objection, subject to conditions.

### **Further Observations / Submissions / Representations**

None.

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### **Assessment of Additional Information**

#### **Item 1**

(a) South Dublin County Council records show that there is an existing 300mm public surface water sewer to the front of the site. The applicant is requested to submit a drawing in plan and cross-sectional view showing the distance between the proposed extensions and the existing 300mm surface water sewer. The drawings shall also show the invert levels of the existing 300 surface water sewer and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a surface water sewer of this size.

(1) The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit a drawing in plan and cross sectional views clearly showing proposed SuDS features for the development. Some examples of SuDS are listed below:

- (i) Water butts.
- (ii) Permeable paving.
- (iii) Green roofs.
- (iv) Grasscrete.
- (v) Rain gardens
- (vi) or other such SuDS.

#### **Response**

The applicant has provided plans which detail the actual location of the existing public surface water pipe and the separation distance between it and the proposed structure. The applicant has investigated the site and discovered that the 300m pipe runs under the public footpath rather than across the site.

The applicant has proposed the use of a water butt and commits to doing an infiltration test in the event of a grant of planning permission.

#### **Assessment**

The Environmental Services Department has assessed the above and states no objection, subject to conditions. The response is acceptable.

#### **Item 2**

(a) The applicant is requested to submit a drawing showing the watermain layout of proposed development up to the point of connection to the public watermain.

(b) There are too many right hand bends proposed in foul drain. These additional bends would greatly increase the risk of foul drain blockage which would adversely affect a number of houses upstream of site. The applicant is requested to submit a revised drawing so that there are no additional right angle bends on foul drain. If proposed extension is proposed over existing foul drain then submit a drawing in plan and cross-sectional view showing proposed foul drain

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layout. Such a drawing shall show a manhole either side of extension on foul drain. The foul drain under extension shall be encased in 150mm concrete between manholes either side of proposed extension. There shall be suitable cover on foul drain as per Technical Guidance Document Part H of Building Regulations. The cover and invert levels and diameter of proposed/existing foul drain should also be shown on drawing.

### Response

The applicant has provided a watermain layout and a revised foul water layout to address the issues raised in the item.

### Assessment

Irish Water has assessed the response and states no objection subject to connection agreements for water supply and waste water. The response is acceptable.

### **Item 3**

The applicant is requested to provide first floor windows to habitable rooms in the flank elevation of the new dwelling in order to provide passive surveillance.

### Response

The applicant has provided elevation drawings and first floor plans showing windows to the 2 bedrooms on the north-west elevation.

### Assessment

The proposed amendments are acceptable and meet the requirements of the item.

### **Item 4**

The fence panelling to the side garden wall would similarly detract from the character of the area, and would create an overbearing wall along this stretch of Treepark Road. It would be favourable for another solution to be implemented, i.e. the raising of the wall only as necessary to achieve 2 metres in height above ground, thus protecting privacy. The applicant is requested to supply revised plans.

### Response

The applicant has proposed to raise the existing boundary wall to a height of 2 metres, rather than supplementing the existing wall with wood panelling.

### Assessment

The proposal is considered to be appropriate to maintain the existing character and guarantee privacy to the rear amenity space. It appears from the drawings that the applicant intends to keep the low brick wall at the front end of the property in place. This would be appropriate but, as it is not explicitly shown in the most recent drawings, it should be **specified by condition**.

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### **Item 5**

(a) The applicant has not provided clear information on the size of the proposed dwelling, but it appears to be approx. 125sq.m. and therefore meets the minimum standards for a 3-bed house, under the 2007 guidelines. The smallest bedroom seems to fall short of these standards, and the applicant could be asked to clarify this by additional information (noting that there are other issues with the development).

(b) The applicant has not illustrated the size of the rear amenity space for both the existing and proposed house, and should do so by way of additional information.

### **Response**

(a) The applicant has provided dimensioned drawings and confirmed that the total floor area of the new house is 127sq.m. Alterations have been made to increase the size of the smallest bedroom to comply with the 2007 guideline minimum requirements.

(b) Revised drawings show the garden of the existing house will be 69sq.m., and the garden of the proposed house will be 65 sq.m

### **Assessment**

The revised plans show acceptable layouts. These are both 3-bed houses and the gardens will each exceed the 60sq.m. standard set out in the County Development Plan.

The response is acceptable.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Other Considerations**

#### **Development Contributions**

This is an application for:

(A) 3-bedroom house (No. 1A) of 127sq.m.

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- (A) Front and rear extensions to an existing house (No. 1), totalling approx. 26.5sq.m.  
Demolition of existing garage (assumed to be original): 23.9sq.m  
Assessable Area, minus 40sq.m entitlement for domestic extensions: Nil

### **SEA Monitoring**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential	129.6 (net increase)
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0458

### **Conclusion**

The applicant has adequately answered all requests for additional information. The proposed development would, subject to the conditions attached, adhere to the 'RES' land-use zoning objective and the other relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022, and would not be injurious to or detract from the amenities and character of the area, and would therefore be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **Conditions and Reasons**

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the

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plans, particulars and specifications lodged with the application, and as amended by Further Information received on 7th January 2022 save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

### **2. Boundary.**

The low boundary wall toward the front of the property shall be maintained at its present height. To the rear of the proposed side gate, the boundary wall shall be raised to a level of 2 metres above the ground.

REASON: To protect privacy and protect the character of the area.

### **3. Roads.**

(a) The vehicular access points shall be limited to a width of no more than 3.5 metres for both existing and proposed dwelling.

(b) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

(c) As per the submitted particulars, boundary walls shall not be located to the front of the permitted house.

REASON: To protect local amenities and pedestrian and road safety.

### **4. Drainage - Surface Water.**

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

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(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

(iii) a minimum of 10m from any sewage treatment percolation area.

(iv) at least 10m from any stream / river / flood plain.

In addition only rainwater shall be discharged to soakaways.

(e) If percolation test results show that a soakaway would be an inappropriate solution at this site, the applicant shall agree an alternative solution with the SDCC Environmental Services Department prior to construction.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

### 5. House Number.

The number of the house shall be 1A, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

### 6. External Finishes.

All external finishes shall be as per the submitted plans and particulars.

REASON: In the interest of visual amenity.

### 7. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

### 8. Occupation subject to service connection.

The dwelling unit shall not be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

### 9. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

### **10. Construction Noise and Hours.**

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

### **11. Financial Contribution.**

The developer shall pay to the Planning Authority a financial contribution of €13,270.23 (thirteen thousand two hundred and seventy euros and twenty three cents), in respect of public infrastructure and facilities benefiting development within 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 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the

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rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing [customerservice@water.ie](mailto:customerservice@water.ie).

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

NOTE: The applicant is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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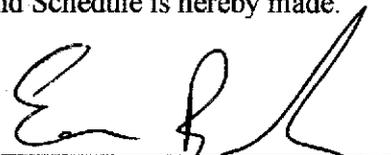
**REG. REF. SD21A/0294**

**LOCATION: 1, Birchview Drive, Dublin 24**

*jjohnston*  
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**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 3/2/22

  
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**Eoin Burke, Senior Planner**