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**NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER**

Decision Order Number: 0340	Date of Decision: 13-Mar-2022
Register Reference: SD21A/0175	Date: 14-Feb-2022

Applicant: Homeland BRH Limited

Development: Revisions to development previously permitted under Reg. Ref. SD17A/0064 and ABP Ref. PL06S.249209 (referred to as Watson's Place) and shall consist of the replacement of 3 previously permitted house units (House Types A, A1 and A2) comprising 1 one bed house, 1 three bed house and 1 four bed house with a new proposal for 8 apartments comprising 2 one bed units and 6 two bed units, all located within 2-3 storey Ballyroan House (A Protected Structure); the replacement of 2 one previously permitted semi-detached house units (House Types D) comprising 2 four bed house units (2 storeys) with a new proposal for 3 two bed terraced house units (2 storeys); the new works to Ballyroan House (A Protected Structure) shall comprise of the refurbishment and subdivision of the existing building (approx. 761sq.m); demolition of extensions to the building including a two storey block work extension and a single storey extension to the rear (total demolition approx. 53sq.m); (c) the removal of an old ruin to the gable; extension to the rear of the building at ground and first floor level (approx. 36sq.m); removal of internal walls and partitions; modifications to elevations including the removal of windows and the provision of new window and door openings; and provision of new private open space

terraces/balconies to the rear/side of the building; the revised proposal shall also provide for a total of 43 car parking spaces; public and communal open space areas; 18 secure bicycle parking spaces; new bin storage area (approx. 23sq.m); all other development within the site remains as previously permitted under Reg. Ref. SD17A/0064 and ABP Ref. PL06S.249209.

Location: Ballyroan House, Ballyroan Heights, Dublin 16

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 23-Aug-2021 /14-Feb-2022

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, 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 conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

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 condition(s) set out hereunder is thereby 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 plans, particulars and specifications lodged with the application, and as amended by Further Information received on 14th February 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. Duration of permission. Conditions of SD17A/0064.
 - (a) This permission shall expire upon the expiry of permission Reg. Ref. SD17A/0064, subject to any extension thereof.
 - (b) The conditions attached to the permission referenced in part (a) shall apply, save as may be required by conditions attached hereto or where amended as per the description of this development.
Reason: To specify the date on which the permission shall expire and clarify the

conditions attached to the development.

3. Schedule of Accomodaiton.

The additional information response proposed revisions to the proposed 8 no. apartments in Ballyroan House. These revisions are minor and permission is granted in accordance with the submitted drawings. Prior to commencement of development, the applicant shall submit a final schedule of accomodation for these 8 no. apartment units, which shall accord with the drawings submitted at additional information stage.

Reason: To ensure development is effectively managed and the conditions of permission can be enforced.

4. Irish Water Connection Agreement.

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

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

5. Council Housing Strategy.

As soon as possible following the final grant of permission, or prior to commencement of development on site, the applicant developer or land owner shall:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

Any existing agreement shall be suitably revisited and revised, taking account of the additional units provided for under SD17A/0064 as amended by this permission (9 additional units).

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

6. Architectural Conservation - Schedule of Works.

The proposed repair/conservation and alterations to the Protected Structure, Ballyroan House (RPS Ref. 275) shall be carried out in accordance with the Schedule of Works/Method Statement Conservation Report and drawings and particulars submitted. All works shall adhere to good conservation practice following conservation principles.

Prior to the commencement of development, the following details shall be submitted for agreement and written approval of the Planning Authority.

a) A methodology for demolition of later interventions or the insertion of new opes shall be included in a Schedule of Works and details shall be provided as to how the protected structure will be safeguarded during the proposed works. Details shall also be included as to what safety measures will be put in place during the demolition fo the existing outbuidling. Specific details shall be provided as to how interior architectural features i.e. original ceilings, plasterwork, staircase, fireplaces and windows are protected and safeguarded during the works.

Reason: To ensure works to a Protected Structure and the proposed methodologies for the works associated with the subdivision and the repair and protection of the original built fabric and important architectural features. are carried out in accordance with best practice and the necessary safety measures are put in place to protect original architectural features.

7. Architectural Conservation - Safety Measures.

Safety measures shall be put in place during the proposed works on site. A Safety Statement shall be provided detailing how the existing Protected Structures, outbuildings and existing boundary elements (boundary wall along the west side of the site) will be protected during demolition works and site clearance/excavation and construction. The adequate safety measures shall be put in place around the protected structure during the construction phase of the proposed development

Prior to the commencement of development a safety statement shall be submitted for written agreement of the Planning Authority.

Reason: To ensure that Ballyroan House (RPS Ref. 275) is safeguarded during the proposed development and appropriate safety measures are put in place to prevent any possible damage to original built fabric or architectural features.

8. Architectural Conservation - Additional Works.

In the event that additional works or interventions are required which were unforeseen full details shall be submitted to the Planning Authority for assessment and formal agreement prior to any such works being carried out.

Reason: To ensure all works are carried out appropriately and adhering to best practice.

9. Architectural Conservation - Schedule of Materials and Finishes.

A Schedule of materials and finishes shall be provided for the proposed new additions and rear extension to the Protected Structure as well as the final palette of materials and finishes for the new build. This shall be submitted to the Planning Authority for written agreement prior to commencing development by way of confirming final material finishes and colours. This shall include full details on materials and finishes for all elements of the proposed development.

Reason: To ensure the proposed new addition, new extension and new glazed link and entrance lobby is of high quality and reflects the overall design ethos detailed in the proposal.

10. Architectural Conservation - Restoration and Repair.

Works to the Protected Structure, Ballyroan House (RPS Ref. 275) shall be carried out as part and in tandem with the proposed development for new dwellings within the curtilage of the site. Restoration/repair and alterations to Ballyroan House for its re-use are to be completed prior to the first occupation of any new units within the site.

Reason: To ensure that the development is carried out in its entirety prior to the occupation of residential units and in the interests of the restoration and renovation of a Protected Structure.

11. Architectural Conservation - Conservation Architect.

A suitably qualified conservation architect shall be present on site to supervise the proposed works to the Protected Structure ensuring that works are carried out as per the Schedule of Works and Method Statement and as per conditions attached to a grant of permission. Details shall be submitted to the Planning Authority for written agreement.

Reason: To ensure proper supervision by a suitably qualified professional during the proposed works to a Protected Structure.

12. Architectural Conservation - Salvage and Re-Use.

Details shall be submitted as to what materials are to be salvaged and re-used from the existing outbuildings within the development. Details shall also be submitted with regard to the finish render colour, glazing and all finishes for the proposed new dwellings ensuring good overall visual aesthetics and harmony for the overall development within the curtilage of a Protected Structure. Details shall be submitted for the approval and agreement by the Councils Architectural Conservation Officer.

Reason: To ensure the re-use of salvaged material on site if possible and to provide good overall visual aesthetics and harmony within the development with regard to finishes and materials.

13. 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.

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

14. 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.

15. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €67,352.52 (sixty seven thousand three hundred and fifty two euros and fifty two 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 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.

16. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

(A) Lodgement of a cash deposit of €60,734.00 (sixty thousand seven hundred and thirty four euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €69,849.00 (sixty nine thousand eight hundred and forty nine euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County

Council to induce the provision of public services and safeguard amenity in the development.

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.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014 the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.



for **Senior Planner**

16-Mar-2022

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations. 200 I should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
2. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made. where the application relates to unauthorised development.....€4,500.00 or €9,000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made. other than an appeal mentioned at (a)..... €1,500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b)..... €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal..... €110.00
 - (f) Appeal following a grant of leave to appeal..... €110.00
 - (g) Referral €220.00
 - (h) Reduced fee (payable by specified bodies) €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing..... €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at Telephone 01-858 8100