

South Dublin County Council
An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
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NOTIFICATION OF DECISION TO GRANT PERMISSION
PLANNING AND DEVELOPMENT ACT 2000 (as amended) & PLANNING
REGULATIONS THEREUNDER

Decision Order Number: 0589	Date of Decision: 09-May-2022
Register Reference: SD22A/0078	Date: 15-Mar-2022

Applicant: Dublin & Dun Laoghaire Education Training Board

Development: Alterations to the existing single storey school building and the building linked two storey extension to the south and east. The proposed development includes the creation of a new vehicular entrance off Esker Drive with the existing entrance becoming exit only; minor alterations to the elevations and arrangements of functions to the existing single storey school building; the construction of a new one and two storey extension of 5620sq.m to accommodate a Special Education Needs Unit; a PE hall; teaching spaces and associated ancillary functions; the temporary relocation of one existing pre-fabricated building during the construction works; the removal of all pre-fabricated buildings upon completion; the provision of a temporary car parking during construction; the provision of 92 permanent car park spaces and 200 bicycles spaces; the revision of the site layout to now include 6 ball courts; a secure play area for the SEN unit; and the creation of 2 secure pedestrian gates linking the school lands to the adjacent local authority park land and playing fields.

Location: Lucan Community College, Esker Drive, Lucan, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: /

Clarification of Additional Information Requested/Received: /

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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, 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. Irish Water Connection Agreement.
Prior to the commencement of development the applicant or developer shall, if necessary, 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.
3. Drainage.
(a) The water supply and drainage infrastructure, shall comply with the requirements of 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 works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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

4. Roads

(a) The applicant shall provide 10% vehicular parking spaces to be equipped with electrical charging points.

(b) Prior to commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority.

(c) A Mobility Management Plan is to be prepared within six months of grant of permission and is to be agreed with the Planning Authority.

(d) Prior to commencement a developed demolition and waste management report must be submitted to the Planning Authority.

(e) Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

REASON: To protect the amenities of the area, comply with the South Dublin County Development Plan 2016-2022, and in the interests of the proper planning and sustainable development of the area.

5. Tree/Hedgerow Survey

(a) Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) a fully detailed tree [and hedgerow] survey and site investigation by a suitably qualified Arborist, carried out in accordance with British Standard 5837: 2012 and shall comprise three colour drawings to 1:500 scale with a written report, as follows:

1. A Tree Survey drawing showing all existing trees/hedges on site (including the trees to be removed as a result of the new vehicular access), showing all trees on site in their true and current condition, regardless of the proposed development (impartial assessment of trees on site).

2. An Arboricultural Implications Assessment drawing (AIA) with Arboricultural Method Statement (AMS) (indicates the effects of proposed development on existing trees).

3. A Tree Protection Plan showing the line of protective fencing for all trees and hedges to be retained. No development works shall be carried out within any area of protection required by the Tree Protecting Plan. In particular there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of chemicals or lighting of fires within such protection areas.

The following aspects of the trees or hedgerows shall be addressed as part of the Tree [and Hedgerow] Survey:

- (a) Location, species, girth or stem diameter, accurately planned crown spread and reference number of all trees on and adjoining the site with a stem diameter of 100mm or greater;
 - (b) A numbered tree condition schedule with proposals for surgery and/or other works, where applicable;
 - (c) Existing levels including, where appropriate, sufficient detail to allow proper consideration of existing tree protection;
 - (d) Location, spread and other relevant details of existing hedgerows, hedges and other significant areas of vegetation;
 - (e) Location and dimensions of existing watercourses, drainage channels and other aquatic features with water, invert and bank levels as appropriate;
 - (f) Existing boundary treatments and forms of enclosure;
 - (g) Existing structures, services and hard surfaces;
 - (h) Indication of land use, roads or other means of access, structures and natural features on land adjoining the development site;
 - (i) Route of existing footpaths and public rights of way on and adjoining the site.
- Fully detailed information must be given on the proposals and justification for removal/retention of these trees and measures proposed to protect them during the course of the development.

(b) The trees to be retained on site are to be clearly identified and protected by suitable fencing agreed with the Council's Public Realm Section and a scheme of clearly identifiable tree felling and surgery works based on the applicants' tree survey is to be carried out prior to the commencement of any excavation or construction works on site. The applicant, developer or owner is advised to consult with the Council's Public Realm Section in advance of lodging the required survey.

(c) Following written agreement for the above, if the eastern tree line is to be removed and replaced, prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority details of the proposed eastern boundary treatment.

REASON: In the interests of amenity, compliance with Development Plan policy, and the proper planning and sustainable development of the area.

6. Bat Survey .

Prior to the commencement of development, the applicant/developer shall lodge for the written agreement of the Planning Authority a bat survey for bat usage carried out across the entire site and immediately adjoining sites to assess roosting and feeding/foraging activities and assessing potential impact on these species arising from the proposed development. No building, structure, feature or tree/hedgerow shall be altered, destroyed or removed prior to this assessment. The survey shall be undertaken by a qualified and experienced bat surveyor carrying professional indemnity insurance during the correct time of the year and under the weather conditions appropriate for a survey of such species.

If bats are found to be present on the site or the immediately adjoining sites no development shall take place until the necessary permission/derogation licence has been obtained from the National Parks & Wildlife Service. Any recommendations from the report shall be appropriately incorporated into the development.

REASON: In the interests of bat protection as any interference with protected species such as bats and disturbance or destruction of their roosting sites, in particular, is a prosecutable offence under the EU Habitats Directive and S.I. No. 477 of 2011 (European Communities (Birds And Natural Habitats) Regulations 2011).

7. Implementation of Landscape Plans.

(a) Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with SDCC's Public Realm Section if required, details of the proposed eastern and southern pedestrian accesses, including how the accesses would be managed in terms of opening hours.

(b) Save for any amendments required as a result of (a) above, the Landscape Plan Dwg. No. LU.01-DR-2001 and associated detailed plans shall be implemented in full, within the first planting season following completion of the development (completion of works on site).

(c) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan.

(d) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

(e) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'.

(f) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

REASON: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

8. Retention of Arborist during Construction Works

The Project Arboriculturist shall be retained by the developer for the duration of the project, to pay periodic site visits as appropriate to ensure that construction works will not compromise the agreed and approved tree protection, to ensure general strict adherence of the developer with all recommendations laid out in the Arborists report and to offer any further advice to the developer on the matter of trees as may be required from time to time.

REASON: In the interest of the tree protection, retention and preservation, biodiversity and amenity.

9. Tree Bond

A maximum of two weeks from the date of the Commencement Notice and prior to the commencement of works on site, a Bond or bank draft to the value of €10,000 shall be lodged with South Dublin County Council as a security for the protection of the existing trees and hedgerows on site which are to be retained, as per the Arborists report, by Arborist Associates.

This bond will be released twelve months after the completion of all site works once it has been ascertained that all trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection. If the trees show any deterioration twelve months after completion of development, the Council reserves the right to partially or fully sequester this bond in order to undertake compensatory planting elsewhere in the vicinity of this site, based on the Council's inspection and estimation of the damage caused.

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

10. Retention of Landscape Architect & Certificate of Effective Completion

The Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish.

A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

REASON: To ensure the provision of a reasonable standard of landscape in accordance with the approved designs.

11. SuDS

No development shall take place until details of the implementation; maintenance and management of a suitable SUDS scheme for the proposed development has been submitted to and approved by the Planning Authority, following consultation with SDCC's Public Realm Section and Water Services Department if required. Those details shall include:

- (i) A drawing to show how surface water shall be attenuated to greenfield run off rates.
- (ii) Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc
- (iii) SuDS Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.
- (iv) The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5

Objective 1 and G5 Objective 2.

12. Noise Impact

Noise levels arising from the use of the basketball courts and sports hall shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the vicinity. The use of and access to the basketballs courts must be managed in such a manner as to prevent noise levels generated by its use affecting nearby noise sensitive properties. A procedure must be put in place whereby nearby noise sensitive properties can raise noise issues directly to the school for assessment. If noise complaints are raised a noise impact assessment must be carried out by an appropriately qualified acoustician and competent persons. The noise impact assessment must detail control measures to be implemented based on its findings.

REASON: In the interests of public health.

13. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

14. 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.

15. 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.

16. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

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, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

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: 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; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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

11-May-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