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

Decision Order Number: 0658	Date of Decision: 23-May-2022
Register Reference: SD21A/0271	Date: 26-Apr-2022

Applicant: Hollyville Investments Ltd.

Development: Demolition of the existing building on site and the construction of a 5-storey over partial basement, mixed-use development comprising a gastro pub/restaurant with off-licence, 2 retail units, associated bin stores, bike stores, 1 ESB sub-station, all at ground floor level; a small plant room at basement level; a total of 50 apartments (25 one beds and 25 two beds) on the upper floors, all provided with private balconies/terraces; communal roof gardens; car parking; motorcycle parking; bicycle parking; landscaping and upgrades to public realm including upgrades to existing pedestrian crossing on Kennelsfort Road Upper; and all associated engineering and site works necessary to facilitate the development on lands at The Silver Granite pub, junction of Kennelsfort Road Upper and Wheatfield Road, and at The Silver Granite car park adjoining Palmerstown Shopping Centre car park (accessed from Kennelsfort Road Upper via Palmerstown Park).

Location: Lands at the Silver Granite pub, Palmerstown, Dublin 20

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 25-Nov-2021 /26-Apr-2022

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 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 26 April 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. Hours of Operation.
Prior to the occupation of each commercial unit, the applicant shall submit, for the written agreement of the Planning Authority, details of the proposed hours of operation for each individual unit, as follows:
 - (a) Gastropub
 - (b) Bar / off licence
 - (c) Pharmacy
 - (d) Retail unitREASON: To protect the amenities of the area.
3. 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.

4. Car Parking.

(a) Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a management plan detailing how the car parking area within the red line on the western side of Kennelsfort Road Upper will be managed in conjunction with the development. This plan shall include how the car parking spaces will be delineated from the adjacent car parking spaces. It should be ensured that these car parking spaces are designated for the development and remain available for the users/residents of the development.

(b) Prior to the occupation of the development the applicant/developer shall submit for the written agreement of the Planning Authority documentation and drawings showing the works that has been carried out as per the management plan, to delineate the car parking spaces.

(c) The location of these car parking spaces may be amended subject to planning permission.

REASON: To ensure sufficient car parking provision for the development.

5. Roads.

(a) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to the commencement of development, the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

(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 the commencement of development, a Public Lighting Design for the development shall be submitted to and agreed in writing by the Planning Authority.

(e) Prior to the commencement of development, the location, design and construction details of the pedestrian crossings to be constructed by the applicant/developer (and at their own expense) shall be submitted to and agreed in writing by the Planning Authority.

(f) The applicant shall provide a Taking In Charge Map that distinguishes between all areas to be offered to SDCC. On an identical map the applicant is to provide a service map indicating the locations of all underground services and their above ground features (PL Column, Hydrant, Chamber, Manhole, Valve, Stop Tap etc).

REASON: In the interests of sustainable transport.

6. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(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.
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.

7. Retention of Landscape Architect.

i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii) Installation of attenuation tree pits and bioretention areas shall be supervised by the project landscape architect.

REASON: In the interests of biodiversity, visual amenity, water quality and attenuation and to ensure full and verifiable implementation of the approved landscape design

8. Landscape Plans

(a) The landscape plan as per Drawing No 525-001-AI-610 as submitted on the 26th April 2022 shall be implemented in full with the following amendments:

i. All trees adjacent to hardstanding shall have integrated SuDS bioretention tree pits.

This includes proposed trees along Wheatfield Road and within the car park to the west of Kennelsfort Road Upper. A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the applicant, owner or developer shall have lodged with the Planning Authority details of those SuDS tree pits for agreement with Public Realm department:

ii. Surface water runoff to be directed across the surface of the SuDS bioretention tree pits so that water enters the tree pit at the surface and is allowed to percolate down through the soil, mimicking natural systems rather than via an inlet from gully to the base of the roots as currently proposed in Drawing 525-001-AI-613 Typical Landscape Details 1 – Ground Floor.

iii. The landscape architect shall liaise with the Drainage Engineer to ensure these details are included in the drainage strategy and for both proposals to be consistent.

The applicant is referred to SDCC Sustainable Drainage Explanatory Design and Evaluation Guide 2022.

(b) The Landscape Plans once agreed, shall be implemented in full, within the first planting season following completion of the development (completion of construction works on site) and prior to occupation of the new dwellings.

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

ii. 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).

iii. 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'.

iv. 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: In the interest of amenity, biodiversity, water quality and attenuation, compliance with Development Plan green infrastructure and environmental policies, the provision, establishment and maintenance of a reasonable standard of landscape and proper planning and sustainable development of the area.

9. Sustainable Drainage

(a) A maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site, the applicant shall submit, for agreement with the Public Realm Department,

i) a Drainage plan/SuDS strategy that are consistent with SuDS shown on the landscape plans, i.e. all proposed trees adjacent to hardstanding to incorporate SuDS bioretention features. This includes proposed trees along Wheatfield Road and within the car park to the west of Kennelsfort Road Upper. Surface water runoff is to be directed into the top of the tree pit and allowed to percolate down through the soil, mimicking natural systems.

ii) Provide details showing how these features work within the overall treatment train and how much water each/all of the SuDS features are attenuating.

The applicant is referred to SDCC Sustainable Drainage Explanatory Design and Evaluation Guide 2022.

REASON: To ensure satisfactory implementation of sustainable drainage measures within the site in accordance with the relevant policies and objectives contained within the CDP 2016-2022

10. Play

Prior to the commencement of the development the applicant shall submit, for agreement with the Public Realm Department, play proposals that include accessible play features. Details of play equipment and safety surfacing, along with specifications and proof that all play equipment conforms to European Standards BS EN 1176-1-11 and BS EN 1177 Playground Equipment and Playground Surfacing shall be submitted.

REASON: To uphold the policies of the South Dublin County Council Development Plan 2016-2022 relating to Children's play, and to provide for proper planning and sustainable development.

11. Surface Water

(a) Prior to the commencement of development, the applicant shall submit a revised drawing for the written agreement of the Planning Authority, showing where Catchment 1 and Catchment 2 are.

(b) Prior to commencement of development, the applicant shall submit a report and drawing to show how all areas of site are to be attenuated. The applicant shall, also clarify on a drawing and in a report how the eastern part of site will be attenuated.

(c) Prior to commencement of development, the applicant shall submit a report to show the total site area in m² and show in a drawing each different surface type and areas of same in m². Prior to commencement of development, the applicant shall show, on a revised drawing how each area of site will be attenuated and what capacity each attenuation system and SuDS system has in m³.

(d) The proposed tress at car park area west of development shall be tree pits and used as part of proposed SuDS attenuation system.

(e) Prior to the commencement of development, the applicant shall submit a drawing in plan and cross sectional view showing how proposed tress in this western carpark area of site can be used to attenuate surface water and act as a SuDS for proposed/existing carpark.

REASON: In the interests of sustainable drainage

12. Drainage.

(a) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(b) 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 sustainable drainage.

13. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

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

14. 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.

15. Environmental Health

(a) No heavy construction equipment/machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 08:00 hours on weekdays and 09:00 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.

(b) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for

evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(c) Noise levels arising from construction activities 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 neighbourhood.

(d) Generators and high duty compressors shall be provided with localised barriers or acoustic enclosures as appropriate.

(e) Noisy plant shall be sited away from sensitive properties as far as practicable.

(f) All rooms, passageways, sanitary accommodation, and lobbies shall be ventilated to the outer air. Provision of adequate ventilation shall be provided throughout the proposed development:

- In the case of natural ventilation, openings to the external air equivalent to a minimum of 5% of the floor area must be provided
- Otherwise, mechanical ventilation capable of achieving the following air changes per hour:

stores	3 air changes per hour
entrance halls/corridors	3-5 air changes per hr
staff areas	4-8 air changes per hour
WC's	3 air changes per hour
WC lobbies	2 air changes per hour
Offices	4-6 air changes per hr

(g) The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

(h) During the construction and demolition stages 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.

(i) The management of all construction and demolition waste must be carried out in accordance with the Waste Management Act 1996 and Protection of the Environment Act 2003 as amended.

(j) The applicant shall ensure that the development shall be operated so that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.

REASON: In the interests of Public Health

16. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €464,690.73 (four hundred and sixty four thousand six hundred and ninety euros and seventy 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 contributions under the Scheme shall be payable prior to commencement of

development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

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.

17. 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 €203,720.00 (two hundred and three thousand seven hundred and twenty 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 €234,300.00 (two hundred and thirty four thousand three hundred 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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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**

27-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, 2001 should be consulted.

(A) 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).
1. 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.
2. 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.
3. 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).
4. 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.
5. 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.
6. 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