

Carew Kelly Architects  
21-22, Grafton Street  
Dublin 2

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

<b>Decision Order Number:</b>	<b>0685</b>	<b>Date of Decision:</b>	31-May-2022
<b>Register Reference:</b>	SD21A/0284	<b>Date:</b>	04-May-2022

**Applicant:** Oceanglade Ltd.

**Development:** Construction of self-storage facility with small ground floor café with total area of 8620sq.m composed of; part basement area consisting of self-storage area, open car parking and area for classic car storage; ground floor containing reception /office area, cafe of 124.5sq.m and self-storage area; first floor containing office area of 112.3sq.m and second and third floor containing self-storage areas; the proposed building is approximately 21.9 metres high from ground floor level; development includes external signage to building plus associated landscaping and drainage works; vehicular access to the ground floor is from the estate road and to the basement level is from the existing shared access road; the proposed site is located to South of N4, to the West of the existing Johnson and Johnson office building, to the north/east of Giraffe Childcare and to the north of Liffey Valley secondary estate road.

**Location:** Site at Liffey Valley, Dublin 22

**Floor Area:**

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 13-Dec-2021 / 27-Jan-2022

**Clarification of Additional Information Requested/Received:** 23-Feb-2022 / 04-May-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 the 27th of January 2022 and Clarification of Further Information received on the 4th of May 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. 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.
3. Drainage
  - (a) The proposed petrol interceptor shall be relocated such that two petrol interceptors are provided. One (petrol interceptor) shall be at the entry point of stormtech attenuation system west of site and another one located east of manhole S3 at the eastern side of site. This is required to minimise the risk of oil entering proposed surface water stormtech attenuation system. Petrol interceptor/s shall be provided where required as per Section 20 of the Greater Dublin Regional Code of Practice for Drainage Works.
  - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
  - (c) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
  - (d) 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) Prior to commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority.
- (b) All external bicycle parking spaces shall be covered.
- (c) Prior to commencement of development, a Stage 2 Road Safety Audit for the development shall be submitted and be agreed with the Roads Department
- (d) A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.
- (e) A Public Lighting Design for the development must be submitted and agreed in writing with the Planning Authority.
- (f) Any utility poles to be relocated to rear of verge. Cost of such relocation to be borne solely by the applicant.
- (g) All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to 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.

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

#### 5. Existing Tree Protection

- (a) In areas to be planted, any existing trees should be retained.
  - i) Prior to the commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout tree protection fencing in accordance with BS 5837: 2012. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the hedge for its full length, and shall be maintained until the development has been completed.
  - ii) No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing.
  - iii) No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.
  - iv) Fencing to be in accordance with BS 5837: 2012 Trees in relation to Design, Demolition and Construction.

REASON: To ensure the protection of trees to be retained on site in the interests of climate adaptation, biodiversity, visual amenity, proper planning and sustainable development.

#### 6. Landscape and SuDS

- i) Prior to the commencement of development, the applicant/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) The landscape plans (Drawing No. 20-04-220, Oct 21) as submitted to the Planning Authority shall be carried out within the first planting season following substantial completion of overall construction works.

ii) All Planting shall be adequately protected from damage until establishment. Any plants which die, are removed or become seriously damaged or diseased, within a period of 3 years from the completion of the development shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.

iii) Installation of SuDS attenuation tree pits (Drawings P2005-C-205 and P2005-C-210 submitted to the Planning Authority in 4th May 2022) shall be supervised by the project landscape architect.

iv) The applicant's landscape architect shall provide a certificate of completion with the approved landscape proposals to the Planning Authority within six months of substantial completion of the development.

REASON: In the interests of compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape; proper planning and sustainable development of the area and to ensure full and verifiable implementation of the approved landscape design.

## 7. Environmental Health

(a) No equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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 work outside of these hours shall only be permitted following a written request to the Planning Authority and 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 unwanted noise outside the hours stated above.

(b) 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.

(c) 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.

(d) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

(e) 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.

(f) During the construction / 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.

(g) A grease trap shall be installed and maintained on the drainage system as necessary in the kitchen area.

(h) The Environmental Health Department must be notified prior to commencement of

the café development. Prior to commencement full consultation shall take place with the Environmental Health Department with regard to layout and proposed finishes.

(i) The water supply to the kitchen/food service areas shall be directly from the rising mains.

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

8. Restrictions on Signage.

Notwithstanding the provisions of the Planning and Development Regulations 2001, or any statutory provision amending or replacing them, no further advertisement signs (including any signs installed to be visible through windows), advertisement structures, banners, canopies, flags, or other projecting elements shall be displayed or erected on the development or within the curtilage of the site, unless authorised by a grant of planning permission.

REASON: To protect the visual amenities of the area and in the interest of the proper planning and sustainable development of the area.

9. Signage Not Internally Lit.

The proposed signage shall not be internally illuminated.

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

10. Prior to the occupation of the ground floor cafe unit, the following detail shall be submitted to and agreed in writing by the Planning Authority:

- a) Opening hours;
- b) Layout and window treatment.

Reason: To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

11. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €790,884.89 (seven hundred and ninety thousand eight hundred and eighty four euros and eighty nine 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.

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 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: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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**

**03-Jun-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:
  2. 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