

Patrick M. Kerr Architecture
39A, Maynooth Road
Celbridge
Co. Kildare

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

Decision Order Number:	0813	Date of Decision:	27-Jun-2022
Register Reference:	SD22A/0129	Date:	03-May-2022

Applicant: Featherton Ltd.

Development: Construction of an extension to the side of existing building comprising a new two storey (plus partial basement) flat roof extension with new side entrance & stairs to access existing first floor & rear garden area with new wc at first floor. Retention of minor amendments to layout of basement apartment from previously permitted layout, Ref. SD20A/0231, for amended bathroom location; Retention & completion of internal alterations and change of use of ground floor from retail to restaurant use, to include alterations to layout from previously permitted layout ref. SD20A/0231 inc. removal of modern stairs and partitions & forming new WC facilities and servery area; Retention & completion of internal alterations and change of use of first floor from ancillary accommodation to office/shared work space use, to include alterations to layout from previously permitted layout Ref. SD20A/0231 inc. removal of walls & modern wc. Works also include retention & completion of all associated ancillary landscaping & boundary wall works to front area (Protected Structure).

Location: 1, The Mall, Main Street, 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 & GRANT RETENTION** 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. Financial Contributions.

The developer shall pay to the Planning Authority a financial contribution of €3,219.58 (three thousand two hundred and nineteen euros and fifty eight 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 Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

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

2. Permission.

The development shall be carried out and completed in its entirety in accordance with the conditions attached to SD20A/0231, save as may be permitted under this Planning Application and 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.

3. Architectural Conservation.

A. The proposed works shall be carried out in accordance with the details provided in the initial Conservation Method Statement and Architectural Impact Assessment. The development shall also be undertaken in accordance with the Method Statement,

Specifications and Schedule of Works included as part of the Architectural Impact Assessment Report.

- In the event that additional works or interventions are required, full details shall be submitted to and agreed in writing by the Planning Authority. No additional works shall be carried out without prior written agreement.

REASON: To ensure works are carried out in accordance with the particulars provided and methodology. Adhering to conservation principles and best conservation practice.

B. Safety measures shall be put in place during the proposed works on site. Prior to the commencement of development, a Safety Statement shall be submitted to and agreed in writing by the Planning Authority. This shall detail how the existing structures will be protected during works and in particular during the construction of the proposed new side extension.

REASON: To ensure that No. 1 The Mall 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.

C. Prior to the commencement of development, the design elements, materials, dimensions, and fixtures of the new side extension shall be submitted to and agreed in writing by the Planning Authority. A Method Statement shall also be provided prior to the commencement of development, detailing the works required to connect the new proposed side extension with the existing Protected Structure including works to make good original built fabric. This shall be agreed in writing by the Planning Authority.

REASON: To ensure new additions to the Protected Structure do not cause a direct negative impact or directly affect the original built fabric and to minimise any damage to the original built fabric.

D. Prior to the commencement of development, a schedule of materials and finishes shall be provided for the proposed new additions and side extension to the Protected Structure as well as the final palette of materials and finishes. This shall be agreed in writing by the Planning Authority. This should include full details on materials and finishes for all elements of the proposed development to include;

- the new side hung casement windows,
- new canopy/awning previously permitted under SD20A/0231 (full design details, fixtures, fittings, and placement of which needs to be agreed and approved prior to commencement). Any new signage should be sought under a separate planning application.

REASON: To ensure the proposed new additions, new side extension and new canopy to front of Protected Structure is of high quality and reflects the overall design ethos detailed in the proposal.

4. Archaeology.

1. All ground works associated with the proposed development shall be monitored under licence by a suitably qualified archaeologist.

2. Should archaeological material be found during the course of works, the work on the site shall be stopped pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the National Monuments Service with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

Reason: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

5. Development in accordance with submitted plans and details.
 - (i) The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application.
 - (ii) The development shall be retained and completed fully in accordance with 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.
6. Roads Department
Prior to commencement, the applicant shall submit the following for the written agreement of the Planning Authority:
 - (a) A revised site layout plan of 1:200 drawing showing a minimum of 3 car parking spaces for the proposed development.
 - (b) An Autotrack analysis drawing showing that the proposed parking spaces can be safely accessed by cars.

REASON: In the interest of public and traffic safety and compliance with the Council Development Plan.
7. Drainage - Surface Water.
The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:
 - (i) A drawing showing the surface water layout for the development up to and including the point of connection to the public sewer. The drawing should include the location of all A_j's, manholes, pipe size, material type and direction of flow.
 - (ii) The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following: Green Roofs, Rain Gardens, Planter boxes with overflow connection to the public surface water sewer.
 - The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
 - 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, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.
8. 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.
9. Minimise Air Blown Dust.
During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise

Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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

10. Construction Noise and Hours.

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

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

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

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

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

11. Signage Details.

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

Full details of proposed signage to include signage lettering, logo dimensions, colours, materials, finishes and illumination type, and;

REASON: In the interests of visual amenity and the proper planning and sustainable development of the area.

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.

Pamela Hughes
for **Senior Planner**

30-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