

**Brenda Butterly,
McGill Planning Limited
45, Herbert Lane
Dublin 2**

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

Decision Order Number: 0876	Date of Decision: 11-Jul-2022
Register Reference: SD21A/0359	Date: 14-Jun-2022

Applicant: Jackie Greene Construction Limited

Development: Construction of a residential development comprising 3 three to five storey blocks of 74 apartments (20 one bed, 48 two bed and 6 three bed) all with associated private balconies/terraces to the north/south/east/west elevations; vehicular and pedestrian access from Hayden's Lane to the north west of the site and closure of the second existing vehicular entrance at south west of site; pedestrian access from Griffeen Park to the south east of the site; provision of car and cycle parking, public and communal spaces, bin stores and all associated site development and clearance works, landscaping, boundary treatments and other servicing works.

Location: Hayden's Lane, Adamstown, Lucan, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 24-Feb-2022/14-Apr-2022

Clarification of Additional Information Requested/Received: 11-May-2022 /14-Jun-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 14th of April 2022 and Clarification of Further Information received on the 14th of June 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. 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.
3. 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.

4. Irish Water Connection Agreement.

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

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

5. Environmental Health

(a) No heavy / noisy construction 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) The glazing and ventilation specifications for the development have been proposed by the developer's acoustic consultants and detailed in Chapter 9 of the Planning Stage Acoustic Design Statement. The developer must ensure that the sound reduction achieved by the glazing specification chosen ensures the noise levels within the internal residential areas are in line with the recommendations of BS8233:2014 and ProPG. BS8233:2014 and ProPG recommend an internal noise level of <35dB(A) in living rooms and bedrooms during the day and <30dB(A) in the bedroom during the night time period.

(d) 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.

(e) 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.

(f) 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.

(g) The applicant shall put in place a pest control contract for the site for the duration of the construction works. During the operational phase of the development pest control measures must be also be taken to prevent harbourage and food sources for rodents.

(h) 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.

REASON: In the interest of public health.

6. Retention of Arborist

- i) Prior to the commencement of any permitted development, the developer shall engage the services of an independent, qualified arborist, for the entire period of construction activity.
- ii) The applicant shall inform the planning authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the tree reports and plans.
- iii) To ensure the protection of trees to be retained with the site the applicant shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the CSR Tree Protection Plan (Drawing No. 21503A-T-103 as submitted on 14 April 2022).
- iv) A detailed method statement to be prepared by the contractor for approval prior to any works within root protection areas. All such work to be carried out under the supervision of the Arborist.
- v) Prior to the commencement of development, the arborist shall submit photographs and confirmation that fencing for retained trees meets BS5837:2012 'Trees in Relation to Design, Demolition and Construction – Recommendations' for the written agreement of the Public Realm Section.
- vi) All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations.
- vii) The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.
- viii) The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees.
- ix) A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report.
- x) The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

REASON: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.

7. Roads

- (a) Prior to commencement of development, the location, design and construction details of the proposed pedestrian crossing and access to Hansted estate from Hayden's Lane to be constructed by the applicant/developer and at their own expense shall be submitted for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the Roads Department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.
- (b) All bicycle parking spaces shall be designed in accordance with the requirements of the National Cycle Manual, NTA (2011).
- (c) Prior to commencement a Public Lighting Design for the development shall be submitted for the written agreement of the Planning Authority, following consultation with SDCC's Public Lighting team if needed.

(d) 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.

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

REASON: In the interest of traffic and public safety and the proper planning and sustainable development of the area.

8. Tree Bond and Arboricultural Agreement

i) Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €85,308.48 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

ii) The bond lodgment shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

iii) An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

9. Retention of Ecologist

i) Prior to the commencement of any permitted development, the developer shall engage the services an independent, qualified ecologist, for the entire period of construction activity.

ii) The applicant shall inform the Planning Authority in writing of the appointment and name of the consultant, prior to commencement of development. The consultant shall visit the site at a minimum on a monthly basis, to ensure the implementation of all of the recommendations in the ALTEMAR Ecological Impact Assessment Report dated 13th April 2022 and Bat Eco Services Bat Report dated 7th April 2022.

REASON: To ensure ecology is appropriately protected and the proper planning and sustainable development of the area.

10. 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 features shall be supervised by the project landscape architect.

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

11. Landscape Proposals

(a) The landscape plan as per CSR Drawing No 21503-1-105 as submitted on the 14th April 2022 shall be implemented in full with the following amendments:

i) Trees adjacent to hardstanding to incorporate the series of connected SuDS bioretention tree pits using structural soil as detailed in CSR Drawing 21503-1-901 and described in CSR response to 7a (iii).

(b) The Landscape Plans, 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: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.

12. SuDS Proposals

The oil interceptor shall be removed from its current location as it is a potential source of contamination. Refer SDCC Sustainable Drainage Explanatory Design and Evaluation Guide. Section 7.4.7 of the guide and the SuDS Manual: Chapter 26 Water Quality management: design methods (CIRIA 2020) state run off from car parking and low trafficked roads should have permeable pavement or source control and then discharge to a SuDS component. Refer also Section 11 of the Guide regarding passive treatment of hydrocarbons. The petrol interceptor shall be replaced by a SuDS component such as a

swale or rain garden prior to discharge to the attenuation feature. Details to be agreed with the Public Realm Section.

REASON: To uphold the policies of the South Dublin County Council Development Plan 2016-2022 relating to Infrastructure and Environment, and to provide for the proper planning and sustainable development of the area.

13. Play

The landscape plan as per CSR Drawing No 21503-1-105 and No 21503-1-108 as submitted on the 14th April 2022 shall be implemented in full ensuring:

- i. Specification for tree trunks to be seasoned hardwood, logs to be branched and minimum 4m long and min 450mm diameter.
- ii. Specification for boulders to be large (minimum 1 tonne), placed flat-side up to enable play.
- iii. All play equipment, and safety surface to be specified and have proof such that that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing.
- iv. Post installation certification by the Register of Play Inspectors International (RPII) will also be a requirement for all play areas.

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

14. Amendments.

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

Revised plans that incorporate all of the following amendments-

- (a) Privacy screens on the balcony of Apartment No. 19 in Block 3 and balconies at the north east corner of Block 3 and south west corner of Block 2.
- (b) Revised drawings of Block 1 with correct labels for the elevational drawings, window fenestration accurately shown on the elevational drawings and no internal bedroom store covering windows.
- (c) Brick recesses and window reveals to be a minimum of a full brick length.
- (d) Windows on the top floor level on the eastern elevation of Block 2 full length to match the windows on the below floors.
- (e) The private terrace for Apartment No. 06 in Block 2 relocated to the northern elevation of this apartment, the footpath along the northern elevation of this apartment omitted and the bicycle store at this location moved to another accessible area onsite. An adequate privacy strip should still be provided along the western elevation of this apartment.

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

15. 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:

- (a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up

to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or 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 drainage works for this development shall comply fully with 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.

16. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €518,259.95 (five hundred and eighteen thousand two hundred and fifty nine euros and ninety five 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 €233,540.00 (two hundred and thirty three thousand five hundred and forty 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

€268,590.00 (two hundred and sixty eight thousand five hundred and ninety 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.

18. The developer shall pay to South Dublin County Council a supplementary development contribution in the sum of €123,500.00 (updated to the appropriate rate at the date of commencement of development in accordance with changes in the Tender Price Index) pursuant to the provision of Section 49 Planning & Development Act 2000 (as amended) towards the expenditure incurred in the provision of the Kildare Route Project which facilitates this development.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a Supplementary Contribution be made in respect of the upgrade of the Irish Rail, Kildare Route Project.

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**

13-Jul-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