

Comhairle Chontae Atha Cliath Theas

PR/0960/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0257 **Application Date:** 03-Jun-2022
Submission Type: New Application **Registration Date:** 03-Jun-2022

Correspondence Name and Address: Coughlan Consulting Engineering 25, Kiltipper Avenue, Aylesbury, Tallaght, Dublin 24.

Proposed Development: Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over and Velux window to front storage space and all associated site works.

Location: 22, The Crescent, Millbrook Lawns, Dublin 24

Applicant Name: Chris and Denise Monahan

Application Type: Permission

(CS)

Description of Site and Surroundings:

Site Area:
0.0234 Ha.

Site Description:

The site contains a 2 storey mid terrace dwelling located in The Crescent Millbrook Lawns which is an established residential area adjacent to Old Bawn Road. The overall terrace comprises of approximately 12 houses. The subject dwelling has a flat roof profile and 'L' shaped footprint, with a 2 storey element projecting to the front and render finish. A number of adjacent terraced dwellings have an L-shaped footprint and have a pitched roof profile which is very similar to the proposed roof profile. The surrounding streetscapes of Millbrook Lawns as well as along the eastern side of Old Bawn Road are characterised by terraced houses of similar form and appearance. However, recent developments have resulted in the flat roofs converted to pitched roofs taking a very similar form of what is proposed.

Proposal:

- Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover the existing flat roof,
- To include new dormer roof over stairwell with frosted window to attic landing level on east facing elevation,

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- Roof light over and 'Velux' window to front storage space on east facing elevation and all associated site works.
- Existing dwelling measures 112sq.m. (as stated).
- The stated floor area of proposed works is 46sq.m.

SEA Sensitivity:

No overlap with relevant environmental layers.

Zoning:

The area is zoned Objective 'RES' which seeks 'To protect and/or improve Residential Amenity' in the South Dublin County Council Development Plan 2016 - 2022.

Consultations:

Surface Water Drainage – No report received to date.

Irish Water – No report received to date.

Submissions/Observations /Representations

None.

Relevant Planning History

SD15B/0103: Retention of the construction of a single storey brick porch to front of existing dwelling and the change of use of existing garage to a new TV room.

Decision: **GRANT PERMISSION.**

Adjacent Sites

S00A/0065: 48-50 Old Bawn Road, Tallaght, Dublin 24.

Retention of change of use of No. 50 to offices and internal door linking No. 48 and No. 50, retention of front cobblelock apron for car parking.

Decision: **REFUSE PERMISSION.**

SD19B/0126: 40, Old Bawn Road, Tallaght, Dublin 24.

Construction of slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level on north facing elevation; roof light over and 'Velux' window to front storage space on west facing elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD19B/0125: 50, Old Bawn Road, Tallaght, Dublin 24.

Construction of slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover existing flat roof, to include new dormer roof over stairwell with frosted window

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to attic landing level on south facing elevation; roof light over and 'Velux' window to front storage space on west facing elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD18B/0009: 48, The Crescent, Millbrook Lawns, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over and 'Velux' window to front storage space and all associated site works.

Decision: **GRANT PERMISSION.**

SD16B/0142: 50 The Crescent, Millbrook Lawns, Tallaght, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over & 'Velux' window to front storage space to south elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD16B/0141: 44, The Crescent, Millbrook Lawns, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.950m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over and 'Velux' window to front storage space to south elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD16B/0051: 17, The Crescent, Millbrook Lawns, Dublin 24.

Alterations to driveway entrance & boundary wall at front; extension to existing single storey pitched roof porch extension to front; new single storey pitched roof extension across rear and construction of new slate clad pitched roof structure, not exceeding 8.95m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over and 'Velux' window to front storage space to south elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD15B/0003: 30, The Drive, Millbrook Lawns, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof; to include new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north elevation and all associated site works.

Decision: **Grant Permission.**

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SD14B/0317: 32, The Wood, Millbrook Lawns, Dublin 24.

Alterations and extensions to existing two storey end of terrace dwelling comprising: construction of a single storey extension to side and rear resulting in an increase in habitable floor area from 82.2sq.m to 152.5sq.m; consequential internal and elevational alterations; raising of existing side (west) boundary wall (behind front building line) and rear (north) boundary wall to 2m above adjoining public or private pavements; all associated site and landscaping works.

Decision: **Grant Permission.**

SD14B/0298: 34, The Crescent, Millbrook Lawns, Tallaght, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof; new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north elevation; all associated site works.

Decision: **REFUSE PERMISSION.**

Reasons for Refusal: April 2015

The applicant has not demonstrated sufficient legal interest to carry out the proposed development in its entirety, specifically all matters relating to the building up of the party wall of adjoining dwelling No. 36. Because of this, such development would adversely impact on the residential amenity of adjoining dwelling No. 36 and be contrary to the zoning objective of the area which seeks to 'To protect and/or improve Residential Amenity'.

Appealed to A.B.P, April 2015:

Decision: Refusal.

Reasons and Consideration:

1. It is considered that the quantity of private open space retained to the rear of the development would be inadequate to provide for a sufficient level of residential amenity for the proposed dwelling, as modified and would be contrary to the standards for such development set out in Appendix 5 of the South Dublin County Development Plan 2011-2017. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. The applicant has not demonstrated sufficient legal interest to carry out the proposed development in its entirety, specifically all matters relating to the building up of the party wall adjoining dwelling No. 36 The Crescent. The proposed development would adversely impact on the residential amenity of the adjoining dwelling and would, therefore be contrary to the zoning objective of the area which seeks "To protect and/or improve Residential Amenity".

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SD13B/0196: 34, The Crescent, Millbrook Lawns, Tallaght, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof to include new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD13B/0195: 28, The Crescent, Millbrook Lawns, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof to include new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north.

Decision: **GRANT PERMISSION.**

SD13B/0192: 26, The Crescent, Millbrook Lawns, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof to include new dormer roof over stairwell with frosted window to attic landing level; roof light over and 'Velux' window to front storage space to north elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD12B/0308: 18 The Crescent, Millbrook Lawns, Tallaght, Dublin 24.

Construction of new slate clad pitched roof structure not exceeding 8.95m in height above ground level to cover the existing flat roof, to include new dormer roof over stairwell with frosted window to attic landing level, roof light over and Velux window to front storage space to east elevation and all associated site works.

Decision: **GRANT PERMISSION.**

SD10B/0131: 94, Old Bawn Road, Tallaght, Dublin 24.

Alterations to previously approved new roof structure (Reg. Ref. SD09B/0252) to include new dormer roof over stairwell complete with new frosted window at attic landing level to south elevation & associated rooflight over.

Decision: **GRANT PERMISSION.**

SD10B/0127: 86, Old Bawn Road, Tallaght, Dublin 24.

Alterations to previously approved new roof structure (Reg. Ref. SD09B/0250) to include new dormer roof over stairwell complete with new frosted window at attic landing level to south elevation & associated rooflight over.

Decision: **GRANT PERMISSION.**

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SD10B/0126: 84, Old Bawn Road, Tallaght, Dublin 24.

Alterations to previously approved new roof structure (Reg. Ref. SD09B/0249) to include new dormer roof over stairwell complete with new frosted window at attic landing level to north elevation & associated rooflight over.

Decision: **GRANT PERMISSION.**

SD08B/0002: 26,28,30 & 32 Millbrook Lawns, Tallaght, Dublin 24.

Replace existing flat roof with new tiled pitched roof forming 2 new rooms in new roofspace with 1 'Velux' rooflight to front and 3 at rear and Mansard type roof and window to part of front elevation at 26,28, 30 & 32 Millbrook Lawns for M. Bermingham, M. Rafferty, M. Phillips & J. McNicholas.

Decision: **REFUSE PERMISSION February 2008.**

Reasons for Refusal:

1. The proposed development provides for an additional floor of accommodation and would double the height of the subject dwellings and overbear surrounding dwellings.
Within the context of surrounding low rise 2 storey flat roof dwellings, the proposed development would be incongruous to the form and design of surrounding dwellings and would contravene Section 12.4.2 of the South Dublin County Council Development Plan (2004) Development Plan and the zoning objective of the application site and the surrounding area (which sets out to protect and / or improve Residential Amenity) in this regard.
The proposal would also set an undesirable precedent for other similar developments, which would in themselves and cumulatively be harmful to the residential amenities of the area and be contrary to the proper planning and sustainable development of the area.
2. The height of the proposed high level roof structures (at 5 metres) would be out of proportion with the subject dwellings and would be visually dominant and obtrusive. This would adversely impact on the visual outlook of surrounding dwellings especially Nos. 16 – 24 the Crescent Millbrook Lawns. Therefore, the proposal would seriously injure the amenities, depreciate the value of property in the vicinity and contravene the zoning objective of the application site and the surrounding area in this regard. The development would also contravene the South Dublin County Council Development Plan Objective (Section 12.2 - General Design Considerations), which sets to ensure that new development is designed so as to enhance the appearance of the County and to provide an attractive environment.
3. The proposed 5.1 metre high structures would adversely impact on the private amenity space to the rear of the subject dwellings and to the rear of surrounding dwellings to the east, north east and north (especially No. 34 The Crescent and Nos. 11, 13, 15 and 17 The Drive) by way of overshadowing in the afternoon and evening.

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The proposed dormer windows and low level roof lights (which would afford views of the surrounding area) and their quantum would adversely impact on the private amenity space of No. 13 The Crescent and Nos. 11, 13, 15 and 17 The Drive by way of overlooking and perceived overlooking.

The proposed development would contravene Section 12.4.2 of the South Dublin County Council Development Plan (2004) and the zoning objective of the application site and the surrounding area in this regard. The proposal would, therefore, seriously injure the amenities and depreciate the value of property in the vicinity.

Relevant Enforcement History:

None traced.

Pre-Planning Consultation:

None recorded.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Section 2.4.1 Residential Extensions

Policy H18 Residential Extensions

It is the policy of the Council to support the extension of existing dwellings subject to the protection of residential and visual amenities.

Policy H18 Objective 2:

To favourably consider proposals to extend existing dwellings subject to the protection of residential and visual amenities and compliance with the standards set out in Chapter 11 Implementation and the guidance set out in the South Dublin County Council House Extension Design Guide, 2010 (or any superseding guidelines).

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3(i) Additional Accommodation - Extensions.

The design of residential extensions should accord with the South Dublin County Council House Extension Guide (2010) or any superseding standards.

The House Extension Design Guide, *Section 4:*

- *Outside space*
- *Do not overlook, overshadow or have an overbearing impact on neighbouring properties*
- *Rear extension*

Section 11.4.2 Car Parking Standards

Table 11.24 Maximum Parking Rates (Residential Development)

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Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

South Dublin County Council House Extension Design Guide (2010)

Relevant Government Guidelines

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Assessment

The main issues for assessment relate to the following;

- Zoning and Council policy,
- Residential and Visual Amenity,
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

Zoning and Council Policy

The site is located in an area which is zoned 'RES' which seeks 'To protect and/or improve Residential Amenity'. The use class 'Residential' is 'permitted in principle' under this zoning objective as detailed in the Zoning Objective Matrix in the Development Plan 2016 – 2022. As such, the development of an extension to a dwelling and change in roof profile is permitted in principle subject to compliance with the relevant policies, standards and requirements of the County Development Plan 2016 – 2022, which are addressed below.

Residential and visual amenity,

The subject dwelling is located within a terrace of approximately 12 no. houses. There have been a number of similar development proposals both as groupings and as individual sites (most of which have been completed) in the wider Old Bawn Road and Millbrook Lawns area.

The proposal is for a new slate clad pitched roof structure over the existing flat roof of the dwelling. The proposed new roof has a pitched profile incorporating a side facing dormer window. The new roof increases the roof ridge height of the dwelling from approximately 5.165 metres to a maximum ridge height of approximately 8.68 metres when measured externally from ground level. An increase of approximately 3.515 metres.

The new pitched roof to the front of the dwelling incorporates a side dormer window. In the event of a grant a **condition** shall be attached that the proposed south facing side dormer window

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will be obscure glazing so as not to adversely impact on the neighbouring dwelling by way of overlooking or loss of privacy. The proposed new roof will provide 'attic space' at attic level.

The proposed development would integrate very well with immediately adjoining properties and with the majority of dwellings in this terrace which have established a pitched roof.

Having reviewed the drawings submitted and the relevant planning history of adjacent sites which has set precedent for this type of development in the vicinity, it is considered that the proposed roof extension to the dwelling would not be visually intrusive on the streetscape or adversely impact on the amenities of the surrounding area. The proposal is consistent with permitted and constructed roof extensions to dwellings along Old Bawn Road, The Crescent and The Drive within Millbrook Lawns Estate, which establish a precedent for the proposed development.

Notwithstanding the above, it is considered that in the event of a grant of permission a **condition** should be imposed requiring that prior to the commencement of development on the site, the applicant/developer submit for the written agreement of the Planning Authority a **Construction Management Plan** for the proposed development. This Construction Management Plan should include details of construction specifications for the proposal, fire separation, details of all agreements necessary in respect of the building up of the party walls and necessary weather proofing.

Services & Drainage,

No reports have been received to date for Irish Water or Surface Water Drainage, however in the event of a grant it is considered appropriate to attach standard drainage **conditions**.

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of a house extension.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Screening for Environmental Impact Assessment (EIAR)

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact

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assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Other Considerations

Development Contributions

- Development consists of the construction of new roof structure (non-habitable) to cover the existing flat roof providing an additional storey measuring 46sq.m.
- Assessable area is nil.

| SEA Monitoring Information | |
|-----------------------------------|---------------------------|
| Building Use Type Proposed | Floor Area (sq.m.) |
| Residential – Extension | 46 |
| Land Type | Site Area (Ha.) |
| Brownfield/Urban Consolidation | 0.0234 Ha. |

Conclusion

Subject to a condition requiring an agreed Construction Management Plan, it is considered that the proposed roof profile is complementary to the design of the dwelling. The proposed development, in conjunction with the concurrent applications will be a visual improvement to the area and accord with the residential zoning objective and the South Dublin County Council Development Plan 2016-2022.

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

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 conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

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SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. (a) External Finishes.
All external finishes shall harmonise in colour or texture that is complementary to the house or its context.
REASON: In the interest of visual amenity.
(b) Restriction on Use.
The house and the proposed extension shall be jointly used as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, and the extension shall not be sold, let (including short-term letting), leased or otherwise transferred or conveyed, by way of sale, letting or otherwise save as part of the single dwelling unit.
REASON: To prevent unauthorised development.
(c) Drainage - Irish Water.
(i) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
(ii) 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.
(iii) 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, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
(d) 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

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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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, 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 only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place 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.

3. Construction Management Plan.

No development shall take place under this permission until the applicant, developer or owner has lodged for the written agreement of the Planning Authority:

A Construction Management Plan for the proposed development.

This Construction Management Plan shall include details of construction specifications for the proposal, fire separation, details of all agreements necessary in respect of the building up of the party walls and necessary weather proofing.

REASON: In the interests of visual and residential amenity.

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4. Amendments - Glazing.

The side dormer window at attic level on the eastern elevation shall be fitted with obscure glazing, and such obscure glazing shall be maintained in perpetuity.

REASON: In the interest of residential amenity.

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 is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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REG. REF. SD22B/0257


LOCATION: 22, The Crescent, Millbrook Lawns, Dublin 24



Caitlin O'Shea
Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 28/7/22



Eoin Burke, Senior Planner