

# Comhairle Chontae Atha Cliath Theas

**PR/1324/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0021      **Application Date:** 21-Jan-2022  
**Submission Type:** Additional Information      **Registration Date:** 20-Sep-2022

**Correspondence Name and Address:** Robert Fitzpatrick Suite B, 4, Stocking Wood Drive, Rathfarnham, Dublin 16

**Proposed Development:** Demolish existing shed in rear garden; construct a two storey, three bedroom detached dwelling in side garden; construct a new driveway for the proposed dwelling including permission from Council to extend the existing dish area of outside footpath; all ancillary site works.

**Location:** 2, Melrose Avenue, Dublin 22

**Applicant Name:** Pat Hogan

**Application Type:** Permission

(CM)

### **Description of Site and Surroundings:**

#### Site Description:

The site is a corner site accommodating a 2-storey semi-detached dwelling with pitched roof, grey pebble-dash finish and a single-storey side extension with lean-to hipped roof which wraps around the front of the dwelling as a canopy roof.

There is a gated access and screen wall to the rear garden at the side of the house. In the rear garden, there is a block shed.

There is an electric substation to the south-west of the site.

Site Area: 0.0428 Ha.

Site Visit: 07/03/2022

### **Proposal:**

Demolish existing shed in rear garden; construct a two storey, three bedroom detached dwelling in the side garden; construct a new driveway for the proposed dwelling including permission from Council to extend the existing dish area of outside footpath; all ancillary site works.

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### **Zoning**

The site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity.'

### **Screening for Strategic Environmental Assessment**

No overlap with the relevant environmental layers.

### **Consultations:**

Environmental Services:

Surface Water	Requests Additional Information.
Flood Risk	No Objection, subject to conditions.
Irish Water	Requests Additional Information.
Roads	No objection, subject to conditions.

### **Submissions/Observations /Representations**

None.

### **Relevant Planning History**

None.

### **Relevant Enforcement History**

None.

### **Pre-Planning Consultation**

None.

### **Relevant Policy in South Dublin County Development Plan (2016-2022)**

Chapter 1 Core Strategy

Policy CS1 Objective 1

Policy CS2 Objective 5

Chapter 2 Housing

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Chapter 11 Implementation

Section 11.3.0 Residential

Section 11.3.2 Residential Consolidation

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### **Infill Sites**

Development on infill sites should meet the following criteria:

Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual.

A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of architectural integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes. Larger sites will have more flexibility to define an independent character. Significant site features, such as boundary treatment, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street.

Where the proposed height is greater than that of the surrounding area a transition should be provided (see Section 11.2.7 Building Height).

Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.

Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.

### **(ii) Corner/Side Garden Sites**

Development on corner and/or side garden sites should meet the criteria for infill development in addition to the following criteria:

The site should be of sufficient size to accommodate an additional dwelling(s) and an appropriate set back should be maintained from adjacent dwellings,

The dwelling(s) should generally be designed and sited to match the building line and respond to the roof profile of adjoining dwellings,

The architectural language of the development (including boundary treatments) should respond to the character of adjacent dwellings and create a sense of harmony. Contemporary and innovative proposals that respond to the local context are encouraged, particularly on larger sites which can accommodate multiple dwellings,

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Where proposed buildings project forward of the prevailing building line or height, transitional elements should be incorporated into the design to promote a sense of integration with adjoining buildings, and

Corner development should provide a dual frontage in order to avoid blank facades and maximise surveillance of the public domain.

Section 11.6.1 (i) Flood Risk Assessment

Section 11.8.0 Environmental Assessment

### **Relevant Government Policy**

Ministerial Guidelines and Policy

**Project Ireland 2040 National Planning Framework**, Government of Ireland (2018).

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

**Rebuilding Ireland: Action Plan for Housing and Homelessness**, Government of Ireland (2016).

**Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities**, Department of Housing, Planning and Local Government (2020).

**Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas**, Department of the Environment and Local Government (2009).

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

**Urban Development and Building Heights Guidelines for Planning Authorities**, (2018)

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

**Design Manual for Urban Roads and Streets** Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

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**Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities**, Department of the Environment, Heritage and Local Government, (2009).

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Departmental Circulars**, Department of Housing, Planning and Local Government (2020) – as listed:

PL02/2020: Covid-19 Measures

PL03/2020: Planning Time Periods

PL04/2020: Event Licensing

PL05/2020: Planning Time Periods

PL06/2020: Working Hours Planning Conditions

PL07/2020: Public Access to Scanned Documents

PL08/2020: Vacant Site Levy

Circular NRUP 02/2021 - Residential Densities in Towns and Villages

### Assessment

The main issues for assessment are:

- Zoning and Council policy;
- Visual Impact and Residential Amenity;
- Boundary Issue;
- Access, Transport and Parking;
- Public Realm;
- Water;
- Environmental impact assessment; and
- Appropriate assessment.

### **Zoning and Council Policy**

The proposed development is consistent with zoning objective 'RES' – 'To protect and/or improve residential amenity'. Infill residential development is permissible in principle under this zoning objective, subject to the criteria laid down in Chapter 11 of the South Dublin County Development Plan 2016 – 2022, and other relevant policies and objectives of the Plan.

Development in corner gardens is guided by section 11.3.2 (ii) of the Plan.

### **Visual Impact and Residential Amenity**

The proposed development would provide for a detached 2-storey 3-bedroom house of 88sq.m. and a rear garden of approx. 65sq.m. The applicant has not provided details for the existing site and the remaining size of the existing rear garden. The house would be accessed

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from the front and a 2m boundary wall would be kept to the side. The house would have a pitched roof and would match the existing house in terms of height. Materials do not appear to be specified in the drawings.

### Residential Amenity

The house is slightly under the minimum size for a 3-bed house in the SDCC County Development Plan 2016 – 2022 (92m<sup>2</sup>) and the 2007 'Quality Housing for Sustainable Communities' guidelines. A slight shortfall on the minimum standard may be acceptable in an infill proposal where all other minimum standards are met. It is noted however that the house contains no separate storage accessible from a circulation area as per the guidelines. Given that there are other issues with the development, the applicant should be requested to consider alternative arrangements to provide dedicated storage areas within the house, by way of **additional information**.

### Private Amenity Space

The proposed private amenity space appears to meet the minimum standard for a 3-bed house; however, the applicant has not shown the dimensions or area for the remaining amenity space to the existing house. This should be required by **additional information**.

### Dual Frontage and Blank Facades

As per South Dublin County Development Plan 2016 - 2022 policy on dual frontage and blank facades (policy H7 objective 2, H15 Objective 2, Section 11.3.2 (ii)) and pedestrian comfort and safety (Policy TM3 Objectives 2 and 3), it is considered that the proposed blank side elevation and 2m boundary wall is inappropriate for the corner development and would, taking into consideration the combination of the wall height and the new building, provide for an imposing blank façade to the street without offering any gain in terms of passive surveillance or visual penetration through the corner site. The applicant should be requested to lower the boundary wall to the front of the site, from the point that is level with the central ridge of the proposed pitched roof. The applicant should also be requested to provide additional fenestration to habitable rooms at ground or first floor level, providing for passive surveillance of the street and to soften the overall boundary treatment. This can be submitted as **additional information**.

### **Public Realm**

The Public Realm Department has stated no objection subject to a condition to protect the adjacent street trees and for the payment of a tree bond of €3,000.00. This is noted.

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### Access, Transport and Parking

The Roads Department has stated no objection subject to the following conditions:

1. Provision of 2 No. on-curtilage car parking spaces at the proposed property in line with the SDCC County Development Plan 2016-2022
2. The vehicular access points shall be limited to a width of 3.5 meters.
3. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.
4. Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.
5. Any gates shall open inwards and not out over the public domain.
6. All vehicles parked in the driveways must exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time.

Condition 1 of the above list does not comply with the South Dublin County Development Plan 2016 - 2022, which specifies maximum car parking rates only. This house is in 'Zone 2' as per section 11.4.2 of the Plan and has close proximity therefore to the No. 13 bus which is a high quality bus route. The maximum parking provision at the site is 1.5 spaces, i.e., 1 space in the case of a single unit.

Condition 6 is unenforceable. Conditions 2 to 5 are appropriate and can be attached as **conditions** to any grant of permission.

The Roads Report notes that the proposed boundary wall is taller than the usually permitted maximum. The applicant should address this by way of **additional information**.

### Water

The SDCC Environmental Services Department has sought a 5m clearance between the proposed house and an existing 375mm pipe to the west of the site. The proposed house would be 2.5m from the existing pipe by the department's estimation, and the site boundary is 2m from the existing pipe. Their report also seeks details of SUDs and/or soakaway design details.

The applicant should be requested to provide section drawings showing foundations below a 45 degrees line drawn from the invert of the pipe, so as to ensure that no additional loading on the pipe arises from the development. It is not considered proportionate to require a 5m separation for access, considering that the existing pipe is 2m from the property boundary and no wayleave appears to be in place – i.e., there is no right of access at the present time.

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The Irish Water report also seeks additional information with alternative proposals as follows:

The applicant is required to submit a drawing in plan and cross-sectional views showing the distance between the proposed development and the existing 150mm watermain. The drawings shall also show the invert levels of the existing 150mm watermain and any adjacent proposed building foundations. A minimum clear setback distance of 3m is required between all building foundations and a watermain this size.

Alternatively obtain a letter of confirmation of feasibility from Irish Water for proposed development and submit same to South Dublin County Council.

It is considered that the above can be included as an item for **additional information**.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Conclusion**

The proposed development is acceptable in principle. There are a number of matters which require attention and can be revised through the **additional information** process.

### **Recommendation**

Additional information.

### **Additional Information**

Requested: 21<sup>st</sup> March 2022. Received: 20<sup>th</sup> September 2022.

### **Further Consultation**

Irish Water	Requests Additional Information.
Water Services	Recommends Refusal.
Roads	No objection, subject to conditions.



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### Assessment of Additional Information

#### **Item 1**

(a) The applicant is requested to submit a drawing in plan and cross-section showing the distance between the proposed development and the existing 150mm watermain in the adjoining public footpath. The drawings shall also show the invert levels of the existing 150mm watermain and any adjacent proposed building foundations. The foundations of the proposed building shall be laid at such a level as to ensure no additional loading on the watermain. The applicant should fully address the requirement from Irish Water for a minimum clear setback distance of 3m between the building foundations and a watermain of this size.

(b) Alternatively, the applicant may obtain a letter of confirmation of feasibility from Irish Water for proposed development and submit the same as additional information.

#### Response

Applicant has provided an Engineering cross section to show that the foundations of the proposed development would be outside of a 45 degrees line drawn from a vertical line at the invert level of the watermain. The drawing shows a separation distance of 1.7m between the pipe and the proposed house.

#### Assessment

An Irish Water report has been received. This report reiterates that a 3m separation distance should be provided. This distance is provided for the purpose of access to the pipe; however, to implement this would render the development unfeasible. The report also states that the applicant may alternatively obtain a letter of confirmation from Irish Water.

This can be dealt with by way a **condition** to obtain a connection agreement from Irish Water, or if necessary, a Diversion Agreement, as per Irish Water's requirements.

#### **Item 2**

(a) The applicant is requested to provide a drawing in plan and cross-section the relationship between the proposed building and the existing 375mm surface water pipe in the adjacent public footpath. The foundations of the proposed building shall be laid at such a level as to ensure no additional loading on the surface water pipe.

(b) The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to provide revised plans which would include Sustainable Drainage Systems (SuDS) features for the development.

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Examples of SuDS include:

- Rain Gardens
- Permeable Paving
- Planter boxes with overflow connection to the public surface water sewer.
- Grasscrete

(c) If instead of SuDs, a soakaway is proposed, the applicant is requested to submit a report showing percolation test results for same as per BRE Digest 365 Standards, and to submit plans and cross sections of proposed soakaway as per BRE Digest 365 Standards. Such a soakaway should have an overflow connection to the surface water drainage network.

### Response

(a) The applicant has provided an Engineer's cross section showing the level of the surface water pipe and location in relation to the foundations of the proposed building. It shows the water pipe to be 225mm diameter and that the proposed development would be outside of a 45 degrees line drawn from a vertical line at the invert level of the pipe, approximately 1700mm distant.

(b) and (c): the applicant has proposed to provide water butts and planter boxes with overflow.

### Assessment

The Water Services report recommends a minimum distance of 3.75m from the pipe. Following further consultation with the Department, they have confirmed that the layout might be adequate given the lack of obstructions on the public road.

In relation to SUDs, the proposed water butts and planters are welcomed but more information is required to show that such an arrangement would adequately deal with water run-off from the roof of the new development. A standard **condition** relating to SUDs can be applied.

### **Item 3**

(a) As per South Dublin County Development Plan 2016 - 2022 policy on dual frontage and blank facades (policy H7 objective 2, H15 Objective 2, Section 11.3.2 (ii)) and pedestrian comfort and safety (Policy TM3 Objectives 2 and 3), it is considered that the proposed blank side elevation and 2m boundary wall is inappropriate for the corner development and would, taking into consideration the combination of the wall height and the new building, provide for an imposing blank façade to the street without offering any gain in terms of passive surveillance or visual penetration through the corner. The applicant is requested to submit a revised plan and elevation drawings should a lower boundary wall to the front of the site, from the point that is level with the central ridge of the proposed pitched roof. This section of wall should be limited to a maximum height of 0.9m above ground.

(b) Revised plan and elevation drawings should also show additional fenestration to habitable rooms at ground or first floor level in the western side elevation, providing for passive surveillance of the street and to soften the overall boundary treatment.

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(c) The front boundary wall height of 1.15m is above the maximum recommended height for adequate forward visibility. The applicant shall provide revised drawings showing the front boundary wall to be no taller than 900mm above ground. Boundary pillars should be limited to a maximum height of 1.2m above ground.

#### Response

The applicant has altered the proposal to lower the boundary wall and provide windows at ground and first floor level on the side elevation. The front boundary wall is proposed to be lowered as per item 3(c).

#### Assessment

The response is acceptable, and the revised design would achieve the standards sought in the request.

#### **Item 4**

The applicant is requested to provide revised floor plans, showing the provision of 6sq.m of dedicated general storage space as per Table 5.1 of the 2007 'Quality Housing for Sustainable Communities - Best Practice Guidelines for Planning Authorities', and laid out with regard to the recommendations of Section 5.9 of those guidelines.

#### Response

The applicant has provided revised house plans showing storage provision in the kitchen, dining area, living room, under the stairs, and in each bedroom.

#### Assessment

The proposed development does not comply fully with national guidance on location and form of storage, but in the context of infill development of a single house, the proposals are acceptable.

#### **Item 5**

The applicant is requested to show on a Site Layout Plan, the area of both the proposed rear garden and the remaining rear garden for the existing house.

#### Response

The applicant has shown the new garden to be 80 sqm, and the existing rear garden as being reduced to 87 sqm.

#### Assessment

The rear garden calculations include the side passage of the house, and this should not be counted. Nonetheless, the drawings show that each house will achieve the minimum standards required under the South Dublin County Development Plan 2022 – 2028.

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### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Screening for Appropriate Assessment**

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Other Considerations**

#### **Bonds & Contributions**

<b>Planning Reference Number</b>	SD22A/0021
<b>Summary of permission granted &amp; relevant notes:</b>	
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	88
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	88
<b>Total development contribution due</b>	<b>€9,195.12</b>

#### **SEA Monitoring**

Development Type	Residential
Development Floor Area (m2)	88
Site Type	Brownfield / Urban Consolidation
Site Area (Ha.)	0.0428

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### **Conclusion**

The applicant has submitted an adequate response to the items of additional information. The proposed development would, subject to the conditions attached herewith, accord with the 'RES' land-use zoning objective and the other relevant objectives and policies of the South Dublin County Development Plan 2022 – 2028 and would accord with the proper planning and sustainable development of the area.

### **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 2022 - 2028 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.

### **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 20th September 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, or a Diversion Agreement(s), as per Irish Water's requirements.  
REASON: In the interest of public health and to ensure adequate water/wastewater facilities.
3. Drainage - Irish Water.
  - (a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
  - (b) There shall be complete separation of the foul and surface water drainage systems,

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both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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. Drainage - Surface Water.

(A) Prior to commencement of development, the applicant shall provide the Planning Authority with design details to show that the proposed SUDs would deal with all run-off from the roof, showing in particular any overflow connections between SUDs features, for written agreement of the Planning Authority.

(B) If proposing a soakaway to, the applicant shall, prior to commencement of development, submit soil percolation test results, design calculations and dimensions to the Planning Authority to demonstrate that the proposed soakaway is feasible in accordance with BRE Digest 365 – Soakaway Design. The applicant is required to submit a revised drawing showing plan & cross-sectional views, dimensions, and location of proposed soakaway to the Planning Authority. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

vi) At least 5m from any building, public sewer, road boundary or structure.

vii) Generally, not within 3m of the boundary of the adjoining property.

viii) Not in such a position that the ground below foundations is likely to be adversely affected.

ix) 10m from any sewage treatment percolation area and from any watercourse / floodplain.

x) Soakaways must include an overflow connection to the surface water drainage network.

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.

### 5. Roads.

(a) The boundary walls at both vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.

(b) The existing vehicular access point shall be limited to a width of maximum 3.5m wide for the proposed development.

(c) Footpath and kerb shall be dished and widened, and the dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicant's expense. The footpath and kerb shall be dished and widened to the full width of the proposed widened driveway entrance.

(d) Any gates shall open inwards and not out over the public domain.

REASON: To protect the amenities of the area, promote pedestrian safety and comfort

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and to avoid traffic hazard.

6. House Number.

The number of the house shall be 2A, and this number shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road. In the event that this number already exists no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;

- (a) a street name and dwelling/unit number plan to resolve any possible conflict and,
- (b) this has been acknowledged as acceptable in writing by the Planning Authority.

Following receipt of an acknowledgement of acceptability, the agreed number / name shall be placed on the completed house prior to occupation in a manner so as to be clearly legible from the public road.

The applicant is advised that the development number or name should

- (i) avoid any duplication within the county;
- (ii) reflect the local and historical context of the approved development;
- (iii) comply with Development Plan policy, the guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government,
- (iv) have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and;
- (v) preferably make exclusive use of the Irish language.

The applicant, owner or developer is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required plan.

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

7. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

8. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. XXXX.

REASON: In the interest of visual amenity.

9. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

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### 10. 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.

### 11. 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.



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### 12. Existing Street Tree Protection.

Prior to commencement of any works on site, a Bond or bank draft to the value of €3,000.00 shall be lodged with Planning Authority as a security for the protection of the existing street tree(s) in the grassed margin during the course of the development works. The release of this bond will be considered a minimum of twelve months after the completion of all site works, at the discretion of the Planning Authority. This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

**REASON:** In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

### 13. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €9,195.12 (Nine Thousand, One Hundred and Ninety-Five Euro, and Twelve 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.

**Comhairle Chontae Atha Cliath Theas**

**PR/1324/22**

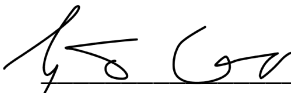
**Record of Executive Business and Chief Executive's Order**

**REG. REF. SD22A/0021**  
**LOCATION: 2, Melrose Avenue, Dublin 22**

  
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**Colm Maguire,**  
**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:** 17-10-22

  
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**Gormla O'Corrain, Senior Planner**