

South Dublin County Council

An Rannóg Talamhúsáide, Pleanála agus Iompair

Land Use, Planning & Transportation Department

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Manahan Planners

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Dublin 2

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

Final Grant Order No.:	0645	Date of Final Grant:	25-May-2022
Decision Order No.:	0476	Date of Decision:	11-Apr-2022
Register Reference:	SD21A/0323	Date:	08-Mar-2022

Applicant: New Ireland Assurance Company PLC

Development: Construction of single storey drive through coffee shop pavilion within the existing carpark of Lucan Retail Park; building total floor area of 170.45sq.m and would operate for the sale and consumption, on and off the premises of food and beverages; development will include the reconfiguration of section of existing carpark; removal of 45 car parking spaces to make way for proposed building; vehicle circulation route and collection point; existing carpark to be reduced from 285 to 240 car spaces; all ancillary site works including drainage, external seating, cycle parking, signage location and landscaping.

Location: Lucan Retail Park, Ballydowd, Lucan, Co. Dublin

Time extension(s) up to and including:

Additional Information Requested/Received: 01-Feb-2022 / 08-Mar-2022

A Permission has been granted for the development described above, subject to the following conditions.

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 8th of March 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. Hours of Operation.

Prior to the commencement of development the applicant/developer shall submit the opening hours for the unit for the written agreement of the Planning Authority.

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

3. Landscape Plan

Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with the Public Realm Section if required, a fully detailed landscape plan, with full works specification, that accords with the specifications and requirements of the Council. The landscape plan shall include hard and soft landscaping including levels, sections and elevations. In addition the applicant is required to submit a fully detailed Planting Plan for boundary planting/hedgerows for the development. The site shall be landscaped strictly in accordance with the approved details in the first planting season after completion of the development, whichever is the sooner. Details shall include:

- (i) a scaled plan showing all existing vegetation and landscape features to be retained and trees and plants to be planted;
- (ii) location, type and materials to be used for hard landscaping including specifications, where applicable for:
 - (a) permeable paving
 - (b) tree pit design (to incorporate bioretention storage)
 - (c) Sustainable urban drainage integration
- (iii) a schedule detailing sizes and numbers/densities of all proposed trees/plants;
- (iv) specifications for operations associated with plant establishment and maintenance that are compliant with best practice; and
- (v) types and dimensions of all boundary treatments

All soft landscaping shall have a written five-year maintenance programme following planting. Any new tree(s) that die(s), are/is removed or become(s) severely damaged or diseased shall be replaced and any new planting (other than trees) which dies, is removed, becomes severely damaged or diseased within five years of planting shall be replaced.

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

4. Roads

(a) Prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority, following consultation with SDCC's Roads Department and Lighting Department if required:

- (i) A public lighting scheme for the development. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of SDCC's Lighting Department.
- (ii) Construction details of all items to be taken in charge. All items and areas for taking in charge shall be undertaken to SDCC's taking in charge standards.
- (iii) A developed Construction Traffic Management Plan. The written commitment of the applicant/developer to implement the agreed plan shall also be submitted.
- (vi) A developed Construction & Demolition Waste Management Plan. The written commitment of the applicant/developer to implement the agreed plan shall also be submitted.

(b) A Mobility Management Plan shall be completed within six months of opening the development. The Mobility Management Plan shall be submitted for the written agreement of SDCC's Roads Department. The written commitment of the applicant/developer to implement

the agreed plan shall also be submitted.

REASON: In the interests of visual and residential amenity, sustainable development and pedestrian and traffic safety.

5. 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.

6. Drainage

(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, 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 works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

7. Restrictions on Signage.

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

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

8. 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.

9. 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.

10. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

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, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

11. Restrictions on Advertising.

No planning permission is hereby granted for the application of any vinyl manifestations to the windows of the unit hereby approved. The glazing to all windows shall be kept free of all stickers, posters and advertisements.

REASON: In the interests of visual amenity and to ensure the provision of active frontages.

12. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €16,833.64 (sixteen thousand eight hundred and thirty three euros and sixty four cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.


NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto www.localgov.ie and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

 25-May-2022
for Senior Planner