

Comhairle Chontae Atha Cliath Theas

PR/0041/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22B/0079 **Application Date:** 22-Feb-2022
Submission Type: Clarification of **Registration Date:** 08-Dec-2022
Additional
Information

Correspondence Name and Address: JE Architecture Park House, Ballisk Court,
Donabate, Co. Dublin

Proposed Development: Retention for detached single storey shed/gym/office
to the rear of the garden with ancillary works.

Location: 23, Churchview, Gibraltar, Dublin 22

Applicant Name: Anthony Sterio

Application Type: Retention

Description of Site and Surroundings:

Site Area:

Stated as 0.032 Hectares.

Site Description:

The subject site is located within an established residential area at No. 23 Church View, Gibraltar, Dublin 22. The site is bound to the east and west by residential dwellings at Nos. 22 and 24 Church View, to the south by a road known as 'Oak Way' and to the north by a neighbourhood centre containing a number of shops and takeaway food units. The wider surrounding context of the subject site includes the N7 approximately 400m to the south, Corkage Park approximately 400m to the west and the Sacred Heart Church approximately 80m to the northwest.

The subject site is comprised of an existing two-storey terraced dwelling with a single storey rear extension and a detached single storey shed structure in the rear garden (43 sq.m).

The surrounding streetscape is generally characterised by dwellings of a similar scale and architectural design.

Proposal:

Retention permission is sought for the following:

- A shed in the rear garden with an approximate floor area of 43 sq.m, an approximate width of 7.5m and an approximate length of 7.1m. The shed has a flat roof profile, with a parapet height of approximately 3m. There are 2 No. doors and an access door in the northern elevation and 1 No. window with opaque glazing in the southern elevation.

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- According to the floorplans provided with the Planning Application, the shed structure contains a home office, gym, storage area and a toilet.

Zoning:

The site is located in an area that is zoned 'RES' 'to protect and/or improve residential amenity' in the South Dublin County Development Plan 2016-2022.

Consultations:

Drainage and Water Services Department: Additional Information required.

Irish Water: Additional Information required.

Roads Department: No objection.

Parks Department: No objection.

Submissions/Observations /Representations

Final date for submissions/observations – 28th March 2022.

A number of submissions were received, the key points of which are briefly summarised below:

- Structure was constructed without the benefit of Planning Permission.
- The structure is excessive in scale and height.
- Overshadowing of surrounding properties caused by shed structure.
- Unsightly structure which rises above the boundary fence.
- Site Notice was placed within the curtilage of the property, requiring members of the public to enter the property to view it.

Relevant Planning History

Subject site

No relevant Planning History for the subject site.

Relevant Enforcement History

S8878 – Structure to the rear that may require planning permission.

Pre-Planning Consultation

None was recorded for the subject scheme.

SEA Sensitivity Screening

No overlap indicated with the relevant environmental layers.

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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 1:

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 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Section 11.3.1 (v) Privacy

Section 11.3.3 Additional Accommodation

Section 11.3.3 (i) Extensions

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

The South Dublin County Council House Extension Design Guide (2010)

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

Elements of Good Extension Design:

- *'Respect the appearance and character of the house and local area;*
- *Provide comfortable internal space and useful outside space;*
- *Do not overlook, overshadow or have an overbearing affect on properties next door;*
- *Consider the type of extension that is appropriate and how to integrate it; and*
- *Incorporate energy efficient measures where possible'.*

Overbearing Impact

- *Locate extensions, particularly if higher than one storey, away from neighbouring property boundaries. As a rule of thumb, a separation distance of approximately 1m from a side boundary per 3m of height should be achieved.*
- *Use light coloured materials on elevations adjacent to neighbouring properties.*

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Relevant Government Guidelines:

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

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

Urban Design Manual, 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).

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

OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021)

Planning Note

Article 23(1)(c) of the Planning and Development Regulations 2001 (as amended) states that:

‘The site layout plan and other plans shall show the level or contours, where applicable, of the land and the proposed structures relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate’

Whilst some levels have been included on the Site Layout Plan, no details in relation to the separation distance to nearby structures and the existing ground level of surrounding properties have been included. A number of the submissions mention that there is a change in level between the subject site and the rear gardens of the properties adjoining the western boundary. In this regard, to facilitate a complete assessment of the potential impact of the proposed development on the visual and residential amenity of these properties, the Applicant should be requested to submit a revised Site Layout Plan, cross sections, elevations and plans that accurately show the levels/contours of the site.

Assessment

The main issues for the assessment are:

- Zoning and Council Policy
- Visual and Residential Amenity
- Roads
- Parks
- Drainage and Water Services

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- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

The proposed development comprising the retention of a shed structure is consistent with zoning objective 'RES'– 'To protect and/or improve residential amenity'. As the shed structure is ancillary to the main residential use, it is considered to be permissible in principle under this zoning objective, subject to their being in accordance with the relevant provisions of the South Dublin County Council House Extension Design Guide 2010 and the South Dublin County Development Plan 2016-2022.

Visual and Residential Amenity

The proposed development shall also be assessed against the relevant policy, including but not limited to the South Dublin County Development Plan 2016-2022 and the South Dublin County Council House Extension Design Guide (2010).

A shed with an approximate floor area of 43 sq m has been constructed in the rear garden of the existing dwelling, without the benefit of Planning Permission. The purpose of this Planning Application appears to be to seek Retention Permission for the structure, to regularise its planning status. The shed has an approximate width of 7.5m and an approximate length of 7.1m. The shed has a flat roof profile, with a parapet height of approximately 3m. There are 2 No. doors and an access door in the northern elevation and 1 No. window with opaque glazing in the southern elevation.

A number of the submissions have raised concerns regarding the potential for the structure to have an overbearing and overshadowing impact on adjacent properties, particularly the rear amenity spaces of the residential dwellings directly adjoining the western boundary of the subject site. As previously noted, the Site Layout Plan is deficient in information regarding the levels/contours of surrounding properties and thus it is difficult to assess the proposed development in the context of the change in level. According to the drawings provided by the Applicant, the proposed shed structure has a height of approximately 3m however this may read as taller from adjoining properties owing to the change in levels. In this regard, the Applicant should be requested to provide **ADDITIONAL INFORMATION** in the form of a full suite of contiguous, elevational and sectional drawings (from all aspects), which indicate the existing ground level of the subject site and the adjoining properties. The revised plans shall also outline the entire context of the site including the existing and surrounding dwellings and include any other structures on the subject site.

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The Application does not state that the shed shall be operated as a separate dwelling to the main dwelling. According to the floorplans provided with the Planning Application, the shed structure contains a home office, gym, storage area and a toilet. As such, it would appear that the shed is not intended for use as a dwelling. However, should permission be granted for the proposed development, a **CONDITION** should be attached ensuring that the shed cannot be utilised as a dwelling without the benefit of appropriate permission being obtained in a separate Planning Application.

Roads

A report received from the Roads Department indicates that they have no objections to the proposed development.

Parks and Public Realm

A report received from the Parks and Public Realm Department indicates that they have no objections to the proposed development.

Drainage and Water Services

The Drainage and Water Services Department and Irish Water have reviewed the proposed development and have requested the following **ADDITIONAL INFORMATION**:

- There are no soil percolation test results, design calculations or dimensions submitted for the proposed soakaway. The applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
- The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - At least 5m from any building, public sewer, road boundary or structure.
 - Generally, not within 3m of the boundary of the adjoining property.
 - Not in such a position that the ground below foundations is likely to be adversely affected.
 - 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - Soakaways must include an overflow connection to the surface water drainage network.

The applicant is required to submit a drawing in plan and cross sectional views clearly showing additional proposed Sustainable Drainage Systems (SuDS) features for the development such as green roofs, water butts and rain planter boxes.

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The Applicant has not submitted foul and surface water drainage plans for the proposed development. The applicant is required to submit a drawing showing existing and proposed foul and surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie

- The Applicant has not submitted water supply drawings for the proposed development. The Applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie
- All development shall be carried out in compliance with Irish Water Standards, Codes and Practices.

The above outlined information should be requested by way of **ADDITIONAL INFORMATION** from the Applicant.

Screening for Appropriate Assessment

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 retention of a shed structure.

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.

Environmental Impact Assessment

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need

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for environmental impact assessment can therefore be excluded at the preliminary examination and a screening determination is not required.

Conclusion

Having regard to the 'RES' land-use zoning of the area, the relevant policies and objectives of the South Dublin County Development Plan 2016 – 2022 and the recommendations and the South Dublin House Extension Design Guide 2010 it is considered that **ADDITIONAL INFORMATION** is required to facilitate a complete assessment of the proposed development.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. The Planning Authority considers that the applicant has not demonstrated that the proposed development does not adversely impact on the residential amenity of neighbouring properties in the area. In this regard, the applicant is requested to submit a full suite of contiguous and sectional drawings (from all aspects), which indicate the existing ground level of the subject site and the adjoining properties. The revised plans shall also outline the entire context of the site including the existing and surrounding dwellings and include any other structures on the subject site and separation distances to nearby structures.
2. The following additional information in relation to the drainage and water services infrastructure is required to facilitate a complete assessment of the proposed development:
 - The Applicant is required to submit a report showing site specific soil percolation test results and design calculations for the proposed soakaway in accordance with BRE Digest 365 – Soakaway Design.
 - The Applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - At least 5m from any building, public sewer, road boundary or structure.
 - Generally, not within 3m of the boundary of the adjoining property.
 - Not in such a position that the ground below foundations is likely to be adversely affected.
 - 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - Soakaways must include an overflow connection to the surface water drainage network.
 - The Applicant is required to submit a drawing in plan and cross sectional views clearly showing additional proposed Sustainable Drainage Systems (SuDS) features for the development such as green roofs, water butts and rain planter boxes.

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- The Applicant is required to submit a drawing showing existing and proposed foul and surface water drainage layouts up to and including the point of connection to the public surface water sewer. The drawing shall include the location of all AJs, manholes, pipe size, material type and direction of flow. The drawing shall clearly show that the foul and surface water systems are discharging to separate pipe networks. Maps of the mains foul and surface water drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie
- The Applicant is required to submit a drawing in plan outlining the existing and proposed water supply layout for the development. Maps of the public watermains and Wastewater drainage networks may be obtained, if available, for required locations in South Dublin County Council by emailing: servicemaps@sdblincoco.ie.

Additional Information

Additional Information was requested on 19th April 2022.

Additional Information was received on 13th July 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received at the time of writing this Report.

Planning Note

The South Dublin County Development Plan 2022-2028 was adopted on 3rd August 2022. As such, the final decision in relation to this Planning Application will be assessed against the policies and objectives of the current Development Plan.

Assessment

The following Additional Information was received from the Applicant on 13th July 2022:

- Cover Letter prepared by Joseph English Architecture dated 10th July 2022.
- Drawing No. PLAN-01 Revision 00 prepared by Joseph English Architecture.
- Shadow Analysis Study prepared by Joseph English Architecture.
- Storm Water Soakaway Design BRE Digest 365 Report prepared by Stingray Environmental Engineering Limited.
- Drawing No. 693-C01 – Proposed Site Layout Plan prepared by Stingray Environmental Engineering Limited.

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- Drawing No. 693-C02 – On-Site Storm Water Disposal System Details prepared by Stingray Environmental Engineering Limited.
- Irish Water Web Map.
- Rainfall details.

The Additional Information provided by the Applicant will be assessed below in the context of the 2 No. items of Additional Information requested by the Planning Authority on 19th April 2022:

Additional Information Item No. 1

In response to Additional Information Item No. 1 the Applicant has provided amended drawings and a Shadow Analysis Study prepared by Joseph English Architecture. The amended drawings appear to the levels of the subject site, existing dwelling and shed structure and separation distances to nearby structures. However, the following deficiencies in the amended drawings are noted:

- The Proposed Site Plan does not include levels/contours of adjoining sites. This is required to facilitate an assessment of the potential impact of the structure on adjoining properties. The Applicant should be requested to provide **CLARIFICATION OF ADDITIONAL INFORMATION** in the form of a detailed Site Survey drawing which clearly demonstrates the levels/contours of the subject site and surrounding context, relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate.
- There is a discrepancy between the height of the single storage shed structure shown in the original drawings submitted with the Application and the drawings submitted by way of response to the request for Additional Information.

The original drawings submitted with the Application appear to show the structure is 2.9m above ground level. However, the elevations provided in response to the request for Additional Information appear to show the structure as 2.7m above ground level. Furthermore, it is noted that there is a discrepancy between site levels shown on the original drawing submitted with the Application and the drawings submitted in response to the request for Additional Information. However, no explanation is offered for the difference in the levels shown. In this regard, **CLARIFICATION OF ADDITIONAL INFORMATION** is required to ascertain the correct height of the structure and the correct site levels to facilitate a complete assessment of the potential impact on surrounding properties.

Overall, it is considered that Additional Information Item No. 1 has not been satisfactorily addressed as the Applicant has not sufficiently demonstrated that the proposed development does not adversely impact on the residential amenity of neighbouring properties in the area. In

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this regard **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought from the Applicant in relation to the above outlined issues.

Additional Information Item No. 2

In response to Additional Information Item No. 2 the Applicant has provided an Engineers Report and accompanying drawings prepared by Stingray Environmental Engineering Limited.

The Drainage and Water Services Department have assessed the Applicant's Response and indicated that the following **CLARIFICATION OF ADDITIONAL INFORMATION** is required:

The applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:

- (i) At least 5m from any building, public sewer, road boundary or structure.
- (ii) Generally, not within 3m of the boundary of the adjoining property.
- (iii) Not in such a position that the ground below foundations is likely to be adversely affected.
- (iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
- (v) Soakaways must include an overflow connection to the surface water drainage network.

Whilst the amendments applied by the Applicant are deemed to have largely addressed Additional Information Item No. 2, **CLARIFICATION OF ADDITIONAL INFORMATION** is required in relation to the proposed soakaway.

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2022-2028 and the South Dublin County House Extension Design Guide (2010) and the deficiencies and discrepancies in the drawings provided by the Applicant, the Additional Information items have not been satisfactorily addressed. In this regard **CLARIFICATION OF ADDITIONAL INFORMATION** should be sought, to facilitate a complete assessment of the proposed development and to ensure adherence to the key policies, objectives and guidance contained within the Development Plan 2022-2028 and the House Extension Design Guide (2010).

Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

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1. The Planning Authority considers that the applicant has not demonstrated that the proposed development does not adversely impact on the residential amenity of neighbouring properties in the area. In this regard, the Applicant is requested to provide a detailed Site Survey drawing which clearly demonstrates the levels/contours of the subject site and surrounding context and the correct height of the shed structure, relative to Ordnance Survey datum or a temporary local benchmark, whichever is more appropriate.
2. The Applicant is required to submit a revised drawing showing plan and cross-sectional views, dimensions, and location of proposed soakaway. Any proposed soakaway shall be located fully within the curtilage of the property and shall be:
 - i) At least 5m from any building, public sewer, road boundary or structure.
 - ii) Generally, not within 3m of the boundary of the adjoining property.
 - iii) Not in such a position that the ground below foundations is likely to be adversely affected.
 - iv) 10m from any sewage treatment percolation area and from any watercourse / floodplain.
 - v) Soakaways must include an overflow connection to the surface water drainage network.

Clarification of Additional Information

Additional Information was requested on 9th August 2022.

Additional Information was received on 8th December 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received at the time of writing this Report.

Assessment

The following Clarification of Additional Information was received from the Applicant on 8th December 2022:

- Cover Letter prepared by Joseph English Architecture dated 6th December 2022.
- Drawing No. PLAN-01 prepared by Joseph English Architecture.
- Drawing No. 693-C01 – Proposed Site Layout Plan prepared by Stingray Environmental Engineering Limited.
- Drawing No. 693-C02 – On-site Storm Water Disposal System Details prepared by Stingray Environmental Engineering Limited.
- Storm Water Soakaway Design BRE Digest 365 prepared by Stingray Environmental Engineering Limited.

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- Topographic Survey.
- Irish Water Web Map.
- Met Eireann Rainfall Depths.

The Additional Information provided by the Applicant will be assessed below in the context of the 2 No. items of Clarification of Additional Information requested by the Planning Authority on 9th August 2022:

Clarification of Additional Information Item No. 1

In response to Clarification of Additional Information Item No. 1 the Applicant has provided a Topographical Survey showing the levels of the subject site and surrounding context. The Applicant has also provided revised Architectural drawings prepared by Joseph English Architecture, showing the proposed development relative to the levels of the topographic survey drawing.

Regrettably, it is noted that the Topographical Survey drawing provided by the Applicant does not provide the ground levels of all surrounding properties, namely those located to the west of the subject site. It is therefore considered that the Applicant has not satisfactorily addressed Clarification of Additional Information Item No. 1. However, the submission provided by the owner of No. 18 Church View indicates that the structure has a height of 3.2m from the ground level of the garden to the rear of No. 18 Church View. As such the Planning Authority is considered to have sufficient information to make a decision. The proposed structure is considered acceptable in terms of its relationship with the dwellings and their gardens to the west. As such retention permission is recommended.

Clarification of Additional Information Item No. 2

In response to Additional Information Item No. 2 the Applicant has provided an Engineers Report and accompanying drawings prepared by Stingray Environmental Engineering Limited.

The proposed soakaway appears to be at least 5m from any building, public sewer, road boundary or structure, not within 3m of the boundary of adjoining properties, is not in such a position that the ground below foundations is likely to be adversely affected and includes an overflow connection to the surface water drainage network.

It is considered that the Applicant has satisfactorily addressed Clarification of Additional Information Item No. 2.

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Other Considerations

Development Contributions

As the current development is for retention permission for a non-habitable single storey structure which is ancillary to the main existing dwellings, no development contributions arise in accordance with the South Dublin County Council Development Contribution Scheme 2021-2025.

SEA Monitoring

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Retention of a Single Storey Shed Structure	43 sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.032 Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2022-2028 and the South Dublin County House Extension Design Guide (2010) and the Clarification of Additional Information provided by the Applicant, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to 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 Retention 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.

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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 13th July 2022 and Clarification of Further Information received on 8th December 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. (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 shed structure 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 shed structure shall not be sold, let (including short-term letting), leased, used for the operation of a commercial business 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 for demolition.

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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.

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

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: The applicant/developer of these lands is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22B/0079

LOCATION: 23, Churchview, Gibraltar, Dublin 22



Conor Doyle,
Assistant Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention 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: 13/01/23



Gormla O'Corrain,
Senior Planner