

An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department
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Terry O'Flanagan Ltd.
F1, Centrepoint Business Park
Oak Road
Dublin 12

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

Final Grant Order No.:	0873	Date of Final Grant:	13-Jul-2022
Decision Order No.:	0665	Date of Decision:	02-Jun-2022
Register Reference:	SD21A/0246	Date:	06-May-2022

Applicant: Beckett Developments Ltd.

Development: Construction of 8 houses comprising of 1 three bedroom two storey detached, Type B1 (c. 122sq.m) Site 1, 1 four bedroom 2 storey detached type B2 (c.134sq.m) Site 2, 6 four bedroom 2 storey semi-detached Type A1 (c.148sq.m) Sites 3-8 inclusive, all associated on and off site development works ,landscaping ,boundary treatments, removal of existing street boundary screen wall and the provision of vehicular and pedestrian access to Grangebrook Avenue on infill site of circa 0.226 ha.

Location: Palmyra, Whitechurch Road, Rathfarnham, Dublin 16

Time extension(s) up to and including:

Additional Information Requested/Received: 28-Oct-2021 / 06-May-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 as amended by Further Information received on the 6th of May 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. Materials and Finishes

Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority a schedule of materials for the development.

REASON: In order to ensure the delivery of a high quality development and in the interest of

the proper planning and sustainable development of the area.

3. Boundary Wall

(a) Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with SDCC's Architectural Conservation Officer, a safety statement detailing how the existing boundary wall with the 19th century burial site will be protected and safeguarded during the proposed development. Conservation repairs should be carried out using traditional methods and materials and a full schedule of works for repairs including a methodology and specification.

(b) Any further works, additional to what is permitted under this permission, to the existing boundary wall with the 19th century burial site will require planning permission.

REASON: To ensure the appropriate protection of the existing boundary wall with the 19th century burial site.

4. Archaeology.

(a) The applicant/developer shall employ a qualified Archaeologist, licensed to carry out Archaeological Monitoring of all sub-surface works carried out within the proposed development site. This will include the archaeological monitoring of the removal of topsoil, the excavation of trenches for foundations, services, access roadway, etc. associated with the proposed development.

(b) Should archaeological material be discovered during the course of Archaeological Monitoring, the applicant shall facilitate the archaeologist in fully recording the material. The applicant shall also be prepared to be advised by the Department with regard to the appropriate course of action, should archaeological material be discovered.

(c) The archaeologist shall prepare and submit a report, describing the result of the Archaeological Monitoring, to the Local Authority and the Development Application Unit of the Department of Environment, Heritage and Local Government within six weeks following completion of Archaeological Monitoring.

REASON: To facilitate the recording and protection of any items of archaeological significance that the site may possess.

5. Roads

(a) Prior to the commencement of development the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with SDCC's Roads Department if required, a drawing showing the details of how the footpath will continue past the existing ESB substation. There shall be a smoothed inflection in the footpath's alignment.

(b) 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.

(c) The vehicular accesses shall be limited to a width of maximum 3.5m wide.

(d) 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.

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

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

6. 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.

7. Surface Water

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 Water Services if required:

(a) A report showing the surface water attenuation calculations for proposed development. The report shall show the site area in m² or Hectares. Show the areas in m² of different surface types such as permeable paving, green roofs, buildings, hardstanding, and grass areas. The report shall show how much surface water attenuation is required and how much is provided in m³.

(b) A drawing showing the different surface SuDS types and show what surface water attenuation is provided in m³.

(c) Show in a report and drawing what the maximum surface water discharge rate will be from the overall site. The report shall demonstrate that the discharge rate will not be more than 2 litres/sec/hectare or greenfield run off rate whichever is greater from the entire site.

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

8. Flood & Drainage

(a) Finished floor levels shall be above the closest known 1 in 100 year river flood level data point with appropriate freeboard.

(b) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(c) 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.

(d) 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 drainage provision.

9. Landscape Plans

No development shall commence on site until a revised site landscape plan has been submitted to and has been agreed with the Planning Authority. The Landscape Plan shall be undertaken by a qualified and experienced landscape architect and address the following matters:

(a) No trees are to be felled on site until a rationale for the felling which clearly distinguishes between the condition of the trees and the impact of the proposed development has been proposed and agreed with the Planning Authority. The impact of the proposed development on the existing trees contained within the development site is not acceptable to the Public Realm Section; and would contravene policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 and other GI policies and objectives in the CDP. The current proposal will have a negative impact on existing trees within the development site area. The proposed development will require the removal of 58 no. trees, three groups of trees and the part removal of two groups of trees. Response should include a revised layout to significantly reduce the impact of the proposed development on the existing mature trees, especially those trees located along the western boundary which are proposed to be removed.

(b) Details of Soft Landscape Design to include a detailed Planting Plan and Planting Schedule

- as appropriate - stating species/varieties, indicative quantities, sizes, rootball presentation and spacings. Planting mixes should specify a diverse range of species/varieties/cultivars and a diversity of forms and plant sizes (multi-stems, feathered, semi-matures, etc.); using both native and exotic species and pollinator-friendly native species (in accordance with the All-Ireland Pollinator Plan 2015-2020), all designed to provide vegetation that is visually-appealing, bio-diverse, and easily managed.

(c) A full set of plans and details of Hard Landscape Design for boundary treatments, seating, kerbs, edges, surfaces, lighting, and showing how the proposal will be coordinated with services & civil engineering elements.

(d) Details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

(e) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS: 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).

(f) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction – Recommendations'

REASON: In the interest of visual amenity and to ensure the provision, establishment and maintenance of a reasonable standard of landscape.

10. SUDS

Prior to the commencement of development a comprehensive SUDS Management Plan shall be submitted to the Planning Authority for written agreement to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage/attenuation calculations for same.
- Additional Natural Suds measures should be provided in order to reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- A maintenance schedule for the proposed SUDS scheme.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

11. Arboricultural Method Statement

Prior to the commencement of development the applicant shall submit a detailed Arboricultural Method Statement (AMS) to the Planning Authority for written agreement. The

AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS. REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

12. Tree and Hedgerow Protection Measures

Prior to the commencement of development, the applicant/developer shall submit a tree protection plan for the written agreement of the Planning Authority, following consultation with SDCC's Public Realm Section if required. Tree protection measures shall be shown on a layout plan accompanied by descriptive text and shall include:

- (a) The location of the trees to be retained and their root protection areas and canopy spreads (as defined in BS 5837: 2012 Trees in relation to design, demolition and construction);
- (b) The position and construction of protective fencing around the retained trees (to be in accordance with BS 5837: 2012 Trees in relation to design, demolition and construction).
- (c) The extent and type of ground protection, and any additional measures required to safeguard vulnerable trees and their root protection areas.
- (d) An arboricultural impact assessment which evaluates the direct and indirect impacts of the proposed development on the trees to be retained and proposed mitigation.
- (e) An arboricultural method statement to demonstrate that operations can be carried out with minimal risk of adverse impact on trees to be retained.
- (f) A method statement for any works proposed within the root protection areas of the trees shown to be retained.
- (g) A meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and a Parks Superintendent from the Public Realm Section shall take place on-site to inspect that:
 - i. all tree pruning & tree felling has been carried out appropriately and
 - ii. that the protective fencing has been erected prior as per the submitted Tree Protection PlanThis fencing is to remain in place for the duration of the project.

The approved tree protection measures shall be retained in situ until the development has been completed.

REASON: In order to ensure adequate protection for the trees and hedges on the site during the construction of development, and in the interests of the visual amenity of the area.

13. Tree Bond and Arboricultural Agreement

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €59,865.60 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the

substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority. An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policies G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

14. Landscape Management and Maintenance

Prior to the commencement of development a Landscape and SUDS Management Plan which includes long term design objectives, management responsibilities and maintenance schedules for all landscape areas (other than small, privately owned, domestic gardens) shall be submitted for written agreement of the Planning Authority. The development shall be carried out in accordance with the approved Landscape and SUDS Management Plan.

REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.

15. Ecological Impact Assessment

The proposed recommendations and mitigation measures contained within the submitted Ecological Impact Assessment prepared by Forest, Environmental Research and Services Ltd shall be implemented in full.

REASON: To ensure the protection of the natural Heritage of the site in accordance with policies IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

16. Taking in Charge

(a) All areas not intended to be taken in charge by the local authority, shall be maintained by a legally constituted management company.

(b) A map delineating those areas to be taken in charge by the Local Authority and details of the legally constituted management company contract, and drawings/particulars describing the parts of the development for which the legally-constituted management company would have responsibility shall be submitted to, and agreed in writing with, the Planning Authority before any of the residential units are made available for occupation. The management scheme shall provide adequate measures for the future maintenance of public open spaces, roads and communal areas.

REASON: To provide for the satisfactory future maintenance of this development in the interest of residential amenity

17. Bird and Bat Boxes

Prior to the occupation of the buildings a scheme to provide bird boxes and bat boxes/tubes on the site shall be submitted to and approved in writing by the Planning Authority. The agreed scheme shall be implemented before the buildings are occupied and thereafter maintained.

REASON: To encourage wildlife on the site.

18. 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.

19. 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.

20. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €113,162.67 (one hundred and thirteen thousand one hundred and sixty two euros and sixty seven 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.

21. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

(A) Lodgement of a cash deposit of €55,952.00 (fifty five thousand nine hundred and fifty two euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €64,344.00 (sixty four thousand three hundred and forty four euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

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.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads

Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

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; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

- (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.

M. Dodrill

_____13-Jul-2022
for Senior Planner