

Armstrong Fenton Associates
Unit 13, The Seapoint Building
44/45, Clontarf Road
Dublin 3

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

Decision Order Number:	0094	Date of Decision:	27-Jan-2023
Register Reference:	SD22A/0356	Date:	22-Dec-2022

Applicant: Capami Ltd

Development: Development on a site located south of Oldcourt Road, which forms part of all overall permitted residential development granted under Ref. SD17A/0468 & has the approved name of Ballycullen Gate; The proposed development consists of changes of dwelling type and increase in unit number from 17 permitted houses to 24 proposed houses; The proposed dwellings are comprised of the following: 5 three bed detached bungalows; 1 two bed detached bungalow; 2 two bed semi-detached bungalows; 1 two storey, 4 bed, detached house; 1 two storey, 3 bed, detached house; 2 two storey, 2 bed, semi-detached houses & 12 two storey, 3 bed, semi-detached houses; The proposed development also includes for all associated site development works, car parking, open spaces, and landscaping, on a site area of c. 0.88 ha. The proposed development will have the effect of modifying extant permission Ref. SD17A/0468 which has an overall site area of 3.8 hectares.

Location: Oldcourt Road, Firhouse, Dublin 24.

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 07-Nov-2022 /22-Dec-2022

Clarification of Additional Information Requested/Received:

DECISION TO: Pursuant to the Planning & Development Act 2000 (as amended), it is hereby decided, 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 conditions specified in the Second Schedule hereto, the reasons for the imposition of the said conditions being as set out in the said Second Schedule and the said decision is subject to the said conditions.

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 condition(s) set out hereunder is thereby 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 22/12/2022, 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. Parent Permission Conditions
All conditions of the parent permission, SD17A/0468, shall be complied with, save for any circumstances where alterations are permitted on foot of this current permission.
REASON: In the interests of clarity.
3. Amendments.
In order to ensure that residential development satisfies the Ballycullen/Oldcourt Local Area Plan and the South Dublin County Development Plan 2022 - 2028 to be sympathetic to the character of the area, including specific landscape characteristics, no two-storey dwellings shall be permitted on the upper slope lands. Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority in relation to house types permitted on the eastern portion of land:
Revised plans that incorporate all of the following amendments-
 - (a) The D house type unit shall be replaced with 1 no. C house type unit, orientated appropriately to maximise frontage onto The Close and The View
 - (b) The 6 no. A houses shall be replaced with 6 no. B houses.
 - (c) The E house type shall be replaced with a C house type, or appropriate dwelling given the sites larger plot and corner locationREASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.
4. Taking in Charge
The applicant shall submit a revised taking in charge drawing of not less than 1:200 scale which clearly shows all the areas, including the previously omitted area, to be offered for

taking in charge to South Dublin County Council. If it is not intended to offer this area for taking in charge then the applicant should clarify the reason for this.

REASON: In the interests of clarity

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, where not already covered as part of connection agreements relating to SD17A/0468.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

6. Street Trees

Where possible, additional street trees shall be provided fully in Public Realm areas and not within private or management company driveways and include SUDS features. All streets should be tree lined and include SUDs tree pits. DMURs requires street trees every 14-20 m along streets, and this has not been achieved. Prior to the commencement of development, a specific street tree planting plan shall be submitted for agreement with the Public Realm.

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with relevant policies and objectives contained within the CDP 2022-2028.

7. Landscape Plan

The layout of the area of public open space included within the application red line boundary has been altered. The applicant is required to ensure that all details relating to this area of public open space are consistent with the parent scheme, and any alterations shall be designed around maximum useability, including the provision of pedestrian facilities that maximise desire lines, enhancing permeability and accessibility to and from the site. Prior to the commencement of development the applicant shall submit a revised landscape plan, providing greater detail in relation to landscaping details for this area.

REASON: To ensure a cohesive landscape strategy that provides useability for future residents

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €281, 671.50 (two hundred and eighty one thousand and six hundred and seventy one euros and fifty 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.

9. Cash Deposit or Bond

No development shall be commenced until:

(A) Lodgement of a cash deposit of €159, 464.00 (One Hundred and Fifty Nine Thousand Four Hundred and Sixty Four 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 Council's 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 €183, 380.00 (One Hundred and Eighty Three Thousand Three Hundred and Eighty 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 is 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: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

The Developer is advised that under the provisions of the Construction Products Regulation 2013 (No.305/2011-CPR) All products sourced for use in building process must conform with the statutory requirements of the CPR. For more information on these responsibilities see <http://ec.europa.eu/enterprise/sectors/construction/legislation>.

From March 1, 2014, the Building Control (Amendment) Regulations 2013 (SI 80 of 2013) come into effect. All Commencement Notices for works greater than 40sq.m are obliged to be accompanied by a number of certified undertakings as described by these Regulations.

Please note that upon receipt of this document you are obliged to remove the planning site notice in compliance with Article 20 of the Planning and Development Regulations 2001, as amended.

Please note that any valid submissions or observations received in accordance with the provisions of the Planning and Development Regulations 2001, as amended, have been considered in the determination of this application.

Signed on behalf of the South Dublin County Council.

Pamela Hughes
for **Senior Planner**

30-Jan-2023

NOTES

(A) REFUND OF FEES SUBMITTED WITH A PLANNING APPLICATION

Provision is made for a partial refund of fees in the case of certain repeat applications submitted within a period of twelve months where the full standard fee was paid in respect of the first application and where both applications related to developments of the same character or description and to the same site. An application for a refund must be made in writing to the Planning Authority and received by them within a period of two months beginning on the date of the Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(A) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála. The applicant or ANY OTHER PERSON who made submissions or observations to the Local Authority may appeal within FOUR WEEKS beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received).
1. Every appeal must be made in writing and must state the subject matter and full grounds of appeal. It must be fully complete from the start. In the case of a third party appeal it must be accompanied by the acknowledgement by the Planning Authority of receipt of the submissions/observations. Appeals should be sent to:
 2. The Secretary, An Bord Pleanála, 64 Marlborough Street, Dublin 1.
3. An Appeal lodged by an applicant/ agent or by a third party with An Bord Pleanála will be invalid unless accompanied by the prescribed fee. A schedule of fees is at 7 below.
4. A party to an appeal making a request to An Bord Pleanála for an Oral Hearing of an appeal must, in addition to the prescribed fee, pay to An Bord Pleanála a further fee (see 7 (g) below).
5. A person who is not a party to an appeal must pay a fee to An Bord Pleanála when making submissions or observations to An Bord Pleanála in relation to an appeal.
6. If the Council makes a decision to grant permission/grant permission consequent on a grant of outline permission and there is no appeal to An Bord Pleanála against this decision, PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION will be granted by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If any appeal made in accordance with the Acts has been withdrawn, the Council will grant the PERMISSION/PERMISSION CONSEQUENT ON A GRANT OF OUTLINE PERMISSION/RETENTION as soon as may be after the withdrawal.
7. Fees payable to An Bord Pleanála from 10th December 2007 are as follows:
 - (a) Appeal against a decision of a Planning Authority on a planning application relating to commercial development made by the person by whom the planning application was made.
where the application relates to unauthorised development €4.500.00 or €9.000 if an E.I.A.R. is involved
 - (b) Appeal against a decision of a planning authority on a planning application relating to commercial development made by the person by whom the planning application was made.
other than an appeal mentioned at (a)..... €1.500.00 or €3,000.00 if an E.I.A.R. is involved
 - (c) Appeal made by the person by whom the planning application was made, where the application relates to unauthorised development other than an appeal mentioned at (a) or (b) €660.00
 - (d) Appeal other than an appeal mentioned at (a), (b), (c) or (f) €220.00
 - (e) Application for leave to appeal €110.00
 - (f) Appeal following a grant of leave to appeal €110.00
 - (g) Referral..... €220.00
 - (h) Reduced fee (payable by specified bodies)..... €110.00
 - (i) Submission or observations (by observer) €50.00
 - (j) Request from a party for an Oral Hearing €50.00

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at

Telephone 01-858 8100