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

Final Grant Order No.:	<b>0104</b>	Date of Final Grant:	<b>30-Jan-2023</b>
Decision Order No.:	<b>1536</b>	Date of Decision:	<b>05-Dec-2022</b>
Register Reference:	<b>SD22A/0082</b>	Date:	<b>07-Nov-2022</b>

**Applicant:** Suites Hotel Management CLG

**Development:** Change of use from existing short term tourist accommodation units to full apartment type living accommodation units consisting of 10 two bed ground floor units and 10 two bed duplex type units at first floor level (20 units in total); also, include small elevational changes to facilitate balcony extensions at first floor level and new balcony areas at ground floor level in order to accommodate private amenity space for the individual units; omit Planning Condition 6 of Planning Ref. S01A/0051 (which links the use of units to the City West Hotel); new bicycle shelter and all associated site development works, parking, landscaping and boundary treatment works.

**Location:** Westpark Crescent, Garters Lane, Saggart, Dublin 24

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 18-May-2022, 07-Sep-2022 / 11-Aug-2022,  
07-Nov-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 11th of August 2022 and Clarification of Further Information received on the 7th of November 2022) within 6 months of the grant of permission, or other timeframe agreed with the Planning Authority in writing, 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. Implementation of Landscape Plan

The landscaping scheme shown on drawing No. 2251\_LP\_C Landscape Plan shall be

implemented in full, within the first planting season following completion of the development, in addition:

(a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Plan (Dwg. No. 2251\_LP\_C).

(b) 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).

(c) 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.

(d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022

### 3. Retention of Landscape Architect

(i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

(ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

(iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

### 4. Green Infrastructure

The applicant shall submit a green infrastructure plan showing connections through the site and connections to wider GI network.

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

### 5. Landscape Management

Prior to commencement of development a landscape management plan, including long term design objectives, levels and gradients, management responsibilities and maintenance schedules for all for all public open space areas shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved management plan.

REASON: To ensure satisfactory landscape treatment and that the maintenance of all public open space areas to be TIC is feasible, in accordance with the policies and objectives contained within the CDP 2022-2028.

### 6. SUDS

A comprehensive SUDS Management Plan shall be submitted 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, 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.
- The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
- Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with the policies and objectives contained within the CDP 2022-2028.

#### 7. Tree Protection

(i) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Survey and Tree Protection Plan. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

#### 8. Taking in Charge.

Prior to the commencement of development, the applicant/owner shall submit the following for the written agreement of the Planning Authority:

A plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority, such areas shall be fully consistent with the Planning Authority's Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:

(a) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.

(b) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being

offered for Taking-in-Charge.

(c) Site features to be retained and protected within any part of the approved development intended to be offered for Taking-in-Charge.

(d) Any external common areas of the development as approved that it is intended to be retained in private ownership.

REASON: In the interest of the proper planning and sustainable development of the area and to provide clarity on the nature and extent of areas intended to be offered for Taking-in-Charge to the Planning Authority.

9. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

10. Irish Water Connection Agreement.

If any changes to existing connection agreement(s) is proposed, 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.

11. Drainage - Irish Water.

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

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

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

12. 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.

13. 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.

14. Pedestrian Access

Within 6 months of the grant of permission, or other timeframe agreed with the Planning Authority in writing, the applicant/developer shall submit to the Planning Authority for agreement provision of a pedestrian access from the subject site to Garter Lane.

Reason: To improve pedestrian permeability and accessibility to and from the site.

15. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €190, 547.96 (One hundred ninety thousand five hundred forty-seven euros and ninety-six 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.

**NOTES :**

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.

- (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](http://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. Crowley*

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for Senior Planner 31-Jan-2023