

Tom Phillips & Associates
80, Harcourt Street
Dublin 2

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

Decision Order Number:	0114	Date of Decision:	01-Feb-2023
Register Reference:	SD22A/0357	Date:	05-Jan-2023

Applicant: Cape Wrath ULC

Development: The proposed development comprises amendments to a Strategic Housing Development scheme permitted under ABP Ref. ABP-308088-20. consisting of modifications to the previously permitted development (ABP Ref. ABP- 308088-20), comprising: replacement of 2 one bedroom unit with 1 two bedroom unit and an entrance lobby / concierge at ground floor level within permitted Block C; replacement of 3 three bedroom units with 3 two bedroom units and additional residential amenity spaces at first, third and fifth floor levels within permitted Block C; replacement of 2 two bedroom units with 2 one bedroom units and additional residential amenity spaces at ground and third floor levels within permitted Block D; and the provision of an enlarged stretcher lift through all floor levels of permitted Blocks C and D. The total number of residential units proposed will decrease from 224 to 223 as a result of the proposed amendments; The proposed development will also consist of: amendments to the permitted car parking areas at basement levels resulting in a total loss of 29 car parking spaces (151 car parking spaces are provided in total at basement level); the provision of c. 275sq.m of residential amenity space (incl. reception, office, staff amenities, multi-purpose spaces, meeting rooms and lobbies) at basement level of permitted Block C and D; minor elevation amendments to permitted Block D; the provision of a new external stair well to the eastern elevation of permitted Block D providing access from the ground floor level to the basement level; reduction of the roofed area above the basement ramp of permitted Block A and B; the provision of sprinkler tank rooms, landlord plants, comms room and attenuation tanks at basement level of permitted Blocks A, B, C and D; the provision of PV solar panel at all roof levels; amendments to hard and soft landscaping areas; and all associated site excavation and development works above and below ground.

Location: Garters Lane, Saggart, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 07-Nov-2022 /05-Jan-2023

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 as amended by Further Information received on 05/01/2023, 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. 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.

3. 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.

4. Drainage - Irish Water.

Prior to commencement of development the applicant shall submit the following information to the Planning Authority for written approval:

(a). The use of concrete attenuation tanks is heavily discouraged by SDCC Drainage section. The applicant shall submit a drawing and report providing alternative means of attenuating surface water through the use of SuDS (Sustainable Drainage Systems).

Show on a drawing where attenuation is provided and what attenuation is provided in m³ for each SuDS element and attenuation system. Where SuDS has insufficient attenuation capacity only then shall surface water be attenuated by an arched type attenuation system.

Examples of SuDS include and this is not an exhaustive list:

- Green Roofs
- Swales
- Tree pits
- Permeable paving
- Grasscrete
- Green area detention basins

- Rain gardens
- Planter boxes
- Other such SuDS

(b). Prior to commencement of development the applicant shall submit to the Planning Authority for written approval a drawing and report which goes into greater detail regarding the attenuation capacity provided on site. Details required shall include a breakdown of the proposed attenuation capacity provided by drainage features given in units of m³. The applicant shall also clearly show in the aforementioned report and drawing the locations of “green podiums” as stated in the original attenuation calculations submitted.

(c). Prior to submission of revised documents the applicant shall contact water services in SDCC to discuss proposed surface water attenuation system.

(d). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

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

(f). Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water.

(g). Prior to the commencement of development the applicant or developer shall enter into a wastewater connection agreement(s) with Irish Water.

(h). All development shall be carried out in compliance with Irish Water Standards codes and practices.

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

(j). 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.

5. Roads Requirements.

(a). A right turning Lane shall be constructed on Garters Lane into the development at the main vehicular access point.

(b). The proposed junction radii need to be 6.0m off the main link street to aid bin lorry and fire tender access.

(c). There shall be a dedicated cycle lane along the western boundary of the proposed development which complies with the National Cycling Manual.

(d). The proposed development shall make provision for the charging of electric vehicles. A total of 100% of the apartment car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of the apartment car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

(e). Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written

agreement of the Planning Authority

(f). Prior to commencement of development, the applicant shall submit the Construction Traffic Management Plan for the written agreement of the Planning Authority.

(g). SDCC reserve the right to request the applicant to install traffic calming at the applicant's expense at locations to be agreed until such time as the roads is taken in charge. In the interests of traffic safety.

(h). The items to be Taken in Charge shall be as per drawing PA-003. All items for Taking in Charges shall be constructed to SDCC Taking in Charge Standards.

REASON: In the interest of sustainable transport and in the interest of proper planning and sustainable development.

6. Environmental Health Requirements.

(a). Noise: To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

- Before 07.00 hours on weekdays, Monday to Friday
- Before 09.00 hours on Saturdays.
- After 19.00 hours on weekdays, Monday to Friday.
- After 13.00 hours on Saturdays.
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

(b). Air Quality : During the construction / 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.

Reason: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity. 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.

REASON: In the interest of proper planning and sustainable development.

7. Previous An Bord Pleanala Conditions.

The proposed development shall comply with all conditions of An Bord Pleanala decision Ref. ABP-308088-20, unless otherwise required by the conditions in this permission.

REASON: In the interest of clarity.

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

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

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

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.

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**

01-Feb-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