

**Simon Clear and Associates**  
**3, Terenure Road West**  
**Terenure**  
**Dublin 6W**

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

Final Grant Order No.:	<b>1075</b>	Date of Final Grant:	<b>23-Aug-2022</b>
Decision Order No.:	<b>0883</b>	Date of Decision:	<b>13-Jul-2022</b>
Register Reference:	<b>SD22A/0145</b>	Date:	<b>19-May-2022</b>

**Applicant:** Carl Properties Limited

**Development:** The development will consist of modifications to planning permission granted under SD20A/0306 as follows; Relocation of vehicular access from existing access road to the South to Whitehall Road West. Revised car parking layout providing 5 undercroft car parking spaces accessed directly from Whitehall Road West (no change to number of permitted parking spaces). Reconfiguration of ground floor level including omission of 1 one bed apartment to facilitate revised car parking layout (reduction from 14 units permitted to 13 units). Minor modifications to apartments on 1st, 2nd and 3rd floor level with associated changes to elevations. All associated site development works and services.

**Location:** 21 Whitehall Road West, Dublin 12.

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

**Additional Information Requested/Received:** /

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, 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. Previous Permission  
All conditions attached to the planning permission granted under Reg. Ref. SD20A/0306 to which this application will have the effect of creating modifications to, shall apply, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the previous permission.

### 3. Drawing Discrepancies

Prior to the commencement of development, the Applicant/Developer shall submit for the written agreement of the Planning Authority amended plan, sectional and elevational drawings which correct the following discrepancies:

(i) The Proposed Front (East) Elevation Drawing (Dwg No. PL-200) appears to continue to show an access door and glazing (similar to those on the external terraces above) which seems to be adjacent to 'Car Park Space 5'. It is preferable that this corrected and that this portion of the elevation be subject to a more appropriate materiality such as brick to match the façade or painted hardwood cladding to match the adjacent doors to the car park access.

(ii) Correct orientation/north point on the Proposed Site Layout Plan.

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

### 4. Vehicular Access and Parking

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 needed, accurate plans demonstrating:

(i) The provision of a visibility splay of 2.4m x 50m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).

(ii) The vehicular access point shall be limited to a width of 3.5 metres unless otherwise agreed with the Planning Authority.

REASON: In the interests of pedestrian and traffic safety.

### 5. Landscape & Sustainable Urban Drainage

(i) The Applicant/Developer shall submit for the written agreement of the Planning Authority a revised landscape masterplan which takes account of the proposed changes to the previously granted permission (SD20A/0306). This revised landscape masterplan once agreed shall be implemented in full within the first planting season following completion of the development (completion of construction works on site). THE Revised Landscape Masterplan shall demonstrate that:

a) All hard and soft landscape works shall be completed in full accordance with the approved landscape plans.

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.

(ii) The Applicant/Developer shall submit for the written agreement of the Planning Authority cross section details of the tree pits and growing mediums. The tree pits shall include storm water attenuation (sustainable urban drainage system) within the tree pits and clearly outline how this will function. The Applicant/Developer shall provide large trees a minimum of 18 to 20 centimeter girth.

(iii) The Applicant/Developer shall submit a fully detailed Planting Plan for the entire development. The planting plan should provide the following information:

a. Location of species types, schedule of plants noting species, planting sizes and proposed numbers/densities where appropriate

b. Implementation timetables.

c. Detailed proposals for the future maintenance/management of all landscaped areas  
d. The planting stock should be sourced from a reputable supplier and be of Irish origin/provenance.

(iv) 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. 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. If attenuation tree pits are proposed, their installation shall be supervised by the project landscape architect.

(v) A comprehensive SUDS Management Plan shall be submitted and agreed in writing with the Planning Authority to demonstrate the inclusion of natural SUDS features into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022. The SUDS Management Plan shall 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. In addition, the applicant shall provide the following:

- The applicant shall show further proposed SuDS features for the development such as Green roofs, grass areas, tree pits, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

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

6. 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.

7. 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.

#### 8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €83,487.51 (eighty three thousand four hundred and eighty seven euros and fifty one 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. 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 €64,597.00 (sixty four thousand five hundred and ninety

seven 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 €74,295.00 (seventy four thousand two hundred and ninety five 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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

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.

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: 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](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.

Z. McAuley 23-Aug-2022  
*for Senior Planner*