

**An Rannóg Talamhúsáide, Pleanála agus Iompair
Land Use, Planning & Transportation Department**

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**Cairn Homes Properties Limited
Main Street,
Newcastle,
Co. Dublin.**

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

| | | | |
|------------------------|-------------------|----------------------|--------------------|
| Final Grant Order No.: | 0112 | Date of Final Grant: | 28-Jan-2022 |
| Decision Order No.: | 1586 | Date of Decision: | 14-Dec-2021 |
| Register Reference: | SD21A/0247 | Date: | 24-Nov-2021 |

Applicant: Cairn Homes Properties Limited

Development: Demolition of existing derelict dwelling and the construction of a replacement two storey, four bedroom detached dwelling (169.97sq.m) together with all associated landscape, boundary, site and development works.

Location: Main Street, Newcastle, Co. Dublin.

Time extension(s) up to and including:

Additional Information Requested/Received: 28-Oct-2021 / 24-Nov-2021

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 24th November 2021, 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. Bats/Bat Emergence Survey
 - (a) Bats/Bat Emergence Survey
 - (i) No demolition works / site clearance works shall take place on the site until a full Bat Emergence Survey of the existing derelict cottage has been completed and that there is assurance that there are no bats roosting within.
 - (ii) The Bat Emergence Survey and assurance required under item (i) shall be submitted to the Planning Authority prior to any works taking place on the site.
 - (iii) The Bat Emergence Survey shall be carried out at an appropriate time of the year.
 - (b) All mitigation measures outlined in the bat survey (which are noted in the bat survey letter,

dated 7th February 2019 by Dr. Tina Aughney) shall be fully implemented.

(c) External lighting proposals during and post construction shall strictly follow the guidelines set out in the bat report by Bat Eco Services.

REASON: In the interest of bat protection, as any interference with protected species such as bats and disturbances or destruction of their roosting sites, in particular, is a prosecutable offence under the EU Habitats Directive and S.I. No. 477 of 2011 (European Communities (Birds and Natural Habitats) Regulations 2011).

3. Archaeological Monitoring, Recording and Reporting.

(i) The applicant shall employ a qualified archaeologist, licensed to carry out Archaeological Monitoring, to monitor all groundworks associated with the development.

(ii) Should archaeological material be found during the course of monitoring, the archaeologist may have work on the site stopped, pending a decision as to how best to deal with the archaeology. The developer shall be prepared to be advised by the Department of Culture, Heritage and the Gaeltacht with regard to any necessary mitigating action (e.g. preservation in situ, or excavation) and should facilitate the archaeologist in recording any material found.

(iii) The Planning Authority and the Department of Culture, Heritage and the Gaeltacht shall be furnished with a report describing the results of the monitoring.

REASON: To ensure the continued preservation (either in situ or by record) of places, caves, sites, features or other objects of archaeological interest.

4. Restriction on Use.

The house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.

REASON: To prevent unauthorised development.

5. Tree Bond.

(i) 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 €15,000 with the Planning Authority.

(ii) 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.

(iii) Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

(iv) An Arboricultural Assessment Report and Certificate shall be signed off by a qualified Arborist after the period of 3 years of completion of the works.

(v) Any remedial tree surgery, tree felling works recommended in the Arboricultural Assessment Report (required under Item iv) 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 the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site and in compliance with the policies and objectives of the Newcastle Local Area Plan.

6. Three Year Post Completion Tree Survey.
Prior to the commencement of development an agreement shall be reached with the Planning Authority that a three year post completion tree survey shall be conducted. This survey shall be submitted and agreed in writing with the Planning Authority before any bond is released by South Dublin County Council.
REASON: To ensure the protection, safety, and long-term viability of trees to be retained.
7. Tree/Hedgerow Protection
Prior to the commencement of development the tree and hedgerow protection measures as outlined in the arboricultural report shall be implemented.
REASON: In the interests of protecting the existing tree and hedgerows.
8. Retention of the Landscape Architect.
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 shall be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of SDCC Public Realm Section and in accordance with the permitted landscape proposals.
REASON: To ensure full and verifiable implementation of the approved landscape design.
9. Landscaping and replacement trees
 - (i) The garden (both front and rear) shall be fully landscaped,
 - (ii) A minimum of one semi mature tree shall be planted in the front garden,
 - (iii) The back garden shall be landscaped with planting as recommended in the Bat Report by Bat Eco Services, and shall include native tree, shrub and plant species.
 REASON: to compensate for the removal of the existing ash tree and to encourage foraging areas for local bat populations.
10. Dish Kerb and Footpath.
The kerb and footpath of the public road at the vehicle entrance(s) shall be,
 - (a) dished and a widened dropped crossing and shall be constructed to the satisfaction of the Planning Authority and at the applicant's expense, and
 - (b) all works shall be completed fully in accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement of any works in the public domain.
 REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.
11. Gates.
 - (i) No gate to be installed or erected shall be capable of opening across any public footpath, cycle-track, roadway or right of way,
 - (ii) any front entrance pillars shall be a maximum height of 1.2m and front boundary walls shall be a maximum height of 0.9m.
 - (iii) The vehicular access point shall be a maximum width of 3.5 meters.
 REASON: In the interests of visual amenity and pedestrian safety.
12. 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, if required.

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

13. Drainage and Water Services

- (a) The water supply and drainage infrastructure, shall fully comply with all the technical requirements of the Water Services Authority and/or Irish Water.
- (b) Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.
- (c) Prior to the commencement of development the applicant or developer shall enter into wastewater connection agreement(s) with Irish Water.
- (d) 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.
- (e) Water butts shall be incorporated into the proposed development as part of SuDS (Sustainable Urban Drainage Systems).

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.

14. House Number/Name.

Prior to the commencement of development, the number/name of the house shall be agreed with the Planning Authority and this number/name shall be placed on the completed house prior to its occupation in a manner so as to be clearly legible from the public road.

The Applicant is advised that the development number or name should:

- (i) avoid any duplication within the county;
- (ii) reflect the local and historical context of the approved development;
- (iii) comply with Development Plan policy, the guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government,
- (iv) have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and;
- (v) preferably make exclusive use of the Irish language.

The Applicant, owner or developer is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required plan.

REASON: In the interests of the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

15. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

- (i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and
- (ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

16. 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.

17. 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.

18. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €16,383.41 (sixteen thousand three hundred and eighty three euros and forty 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 contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

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.

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: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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: The Applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

- (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.

 31-Jan-2022
for Senior Planner