

**Brock Finucane Architects**  
28, Lower Baggot St  
Dublin  
2

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

<b>Decision Order Number:</b> 0206	<b>Date of Decision:</b> 22-Feb-2023
<b>Register Reference:</b> SD22A/0403	<b>Date:</b> 27-Jan-2023

**Applicant:** Nicola Lynch, Brian Dunne, Ciara Lynch and Richard O' Farrell

**Development:** Two 2 storey dwellings and associated site works on the site and adjacent to an existing 2 storey dwelling. (For clarity the existing dwelling Lynbrook is to remain). Proposed dwellings A: 4 bedrooms 241sqm, B: 5 bedrooms 240sqm. Access is proposed to be by an existing driveway from the Whitechurch Road serving the existing dwelling on site. The driveway will be extended to serve the proposed dwellings, 4 car parking spaces, on site drainage treatment, additional soft and hard landscaping are proposed.

**Location:** Lynbrook, Whitechurch Road, Rathfarnham, D16T2P7

**Floor Area:**

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

**Additional Information Requested/Received:** 13-Dec-2022 /27-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 in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety fully 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. Vehicular Driveways.  
The construction of the proposed driveway(s) shall be cognisant of the concerns of the Surface Water Drainage Department. In particular, the driveways should be setback as far as possible from the stream's edge to safeguard any negative impacts on the riparian strip beside the stream.  
(i) the construction of the extended route of the existing driveway shall retain all natural features between the land adjoining the development site and the riparian strip beside the stream, with measures proposed to protect this sensitive area during the course of the development.  
REASON: In the interest of safeguarding the riparian corridor.
3. 1. Implementation of Landscape Plan  
The proposed landscaping scheme shown on drawing No. 22113\_LP01 (A2) 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 (drawing No. 22113\_LP01 (A2)) and associated Planting Plan (Drawing No. 22113\_LP\_011 (A2)).
  - 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 the CDP 2022-2028.

## 2. Practical Completion Certificate

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.

**REASON:** To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

## 3. Natural SUDS

There is a lack of SuDS (Sustainable Drainage System) shown for the proposed development. Natural SUDS features shall be incorporated 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 2022-2028 and the SDCC Sustainable Drainage Explanatory Design and Evaluation Guide 2022.

(a) 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.

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

## 4. SUDS Management Plan

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 rain gardens, detention basins, filter drains, swales etc.

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

## 5. Green Infrastructure and Green Space Factor (GSF)

The applicant shall submit the following information in terms of GI and the GSF in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:

(a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.

(b) To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC

**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.

## 6. Invasive Species Report

The applicant is requested to submit an Invasive Species Report which includes a detailed survey for the presence of invasive species within the subject site (as listed on

the third schedule of the European Communities (Birds and Natural Habitats Regulations 2011). If invasive species are found to be present within the subject site that the applicant shall submit a site specific Invasive Species Management Plan.

REASON: To ensure the protection of the natural Heritage of the site in accordance with relevant policies and objective of the CDP 2022-2028

#### 7. Riparian Corridor

As required under Section 12.4.3 Riparian Corridors of the CDP 2022-2028, The applicant is required to submit detailed information in relation to the following:

- (i) Demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydro morphology;
- (ii) what measures will be put in place to protect the existing native riparian vegetation along the Whitechurch Stream and ensuring that a minimum 10m vegetated riparian buffer from the top of the riverbank is maintained / reinstated along all watercourses within any development site.

REASON: To ensure the protection of Riparian Corridors in accordance with relevant policies and objective of the CDP 2022-2028.

#### 8. Tree Protection

All tree protection measures outlined in the submitted Arboricultural Report and on the Tree Constraints Plan (Dwg. No DR:0001-02) prepared by Dermot Casey Tree Care shall be implemented in full by the applicant. In addition:

- a) All trees to be retained shall be protected by secure, stout exclusion fencing erected at a minimum distance equivalent to the branch spread of the trees and in accordance with BS 5837 (2012) – Trees in Relation to Design, Demolition and Construction;
- b) No excavations for services, storage of materials or machinery, parking of vehicles, deposit or excavation of soil or rubble, or disposal of liquids shall take place within any area designated as being fenced off or otherwise protected in the approved protection scheme.
- c) Protective fencing shall be retained intact for the full duration of the development hereby approved and shall not be removed or repositioned without the prior written approval of the Public Realm Section.

Reason: To ensure the safety and well-being of the trees on the site that are to remain after building works are completed, in accordance with relevant policies and objectives of the CDP 2022-2028.

4. 1. All vehicles parked in the driveways must turn within the site and exit the site in a forward direction. No vehicles to reverse onto the public roadway at any time

#### 5. Noise

1. 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.

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.

#### Air Quality

2. During the operational 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 in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

#### Wastewater Treatment

3 The proposed wastewater treatment systems shall be located, installed and operated in accordance with the details submitted to the Planning Authority on 23/05/2022 and in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

REASON: In the interest of public health.

4 A maintenance contract for the lifetime of the treatment system shall be entered into with the suppliers of the wastewater treatment system or with an appropriate maintenance firm.

Documentary evidence of an on-going maintenance agreement shall be submitted to the Planning Authority within 4 weeks of the installation of the wastewater treatment system.

REASON: In the interest of public health in order to ensure adequate drainage provision.

5 Within three months of the first occupation of the house, the developer shall submit a report from a suitably qualified person with professional indemnity insurance certifying that

the wastewater treatment system has been installed and commissioned in accordance with the approved details and is working in a satisfactory manner, and that the polishing filter and/or percolation area is constructed in accordance with the requirements of the Code of Practice on Wastewater Treatment and Disposal Systems serving Single Houses issued by Environmental Protection Agency 2009.

REASON: In the interest of public health in order to ensure adequate drainage provision.

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

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

7. (a) External Finishes.

All external finishes shall harmonise in colour or texture that is complementary to the house or its context.

REASON: In the interest of visual amenity.

- (c) Drainage - Irish Water.

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

Irish Water.

(ii) 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.

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

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.

(d) 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.

(e) Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, 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 only be operated on the site between 7.00 hours and 19.00 hours weekdays and between 9.00 hours and 13.00 hours on Saturdays. No works shall take place 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 €57, 287.10 (Fifty seven thousand, two hundred and eighty seven euro and ten cent), 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.

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 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: 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; the applicant should apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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**

**22-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