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Dublin 3

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

Decision Order Number:	0379	Date of Decision:	11-Apr-2023
Register Reference:	SD22A/0285	Date:	14-Mar-2023

Applicant: Brian Mulvaney

Development: The extension and renovation of The Cuckoo's Nest public house but retaining the original front part of the building & re-establishing a public house/gastro pub use at ground & first floor level (c.464m²). The proposed development also consists of the construction of a 3 and 4 storey building to the side and rear of the existing building, which will accommodate public house use at ground floor, retail / shop local use (c. 283m²) also at ground floor, with 11 no. apartments overhead. The proposed residential accommodation is comprised of 5 no. 1 bed apartments and 6 no. 2 bed apartments. The proposed development will be a modification to a previously permitted development under Ref.s SD19A/0287 & ABP-30603019, with access to the development via an existing / permitted vehicular entrance off the Greenhills Road. The proposed development Includes for all associated site development works, surface car parking, 6icycle parking, communal open space & landscaping, pedestrian access to the adjoining Temple Woods development, bin storage and the retention of an existing cellar (84.1m²) underneath the public house which will be used as storage associated with the proposed public house use, all on a site area of 0.24ha.

Location: The Cuckoo's Nest Public House, Greenhills Road, Tallaght, Dublin 24.

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 18-Aug-2022/09-Dec-2022,

Clarification of Additional Information Requested/Received: 16-Jan-2023/14-Mar-2023,

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, and as amended by Further Information received on 09/12/2022, Clarification of Further Information received on 14/03/2023, 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. Architectural Conservation
The following shall be submitted to the Planning Authority, for written agreement, prior to the commencement of development:
 - A. The proposed interventions and works within the existing building shall be carried out adhering to good conservation and in accordance with good conservation practice and principles ensuring minimal intervention and no damage or risk to the original built fabric. Those areas being affected by new opes or widening of new opes shall be made good using the appropriate materials and methods. A Method Statement shall be submitted detailing the works proposed to the existing building and should include any energy efficiency and upgrading works in line with CDP Climate Change Policies.
 - B. Safety measures shall be put in place during the proposed works on site. A Safety Statement shall be provided detailing how the original built fabric of the existing building will be protected during demolition of existing additional structures, site clearance/excavation and construction.
 - C. Details of the materials, finishes and planting, in providing an overall improved design landscape within the site.

D. A schedule of materials and finishes shall be provided for the new elements being inserted into the existing building and the proposed new extension. Although details of materials and finishes have been indicated there are elements which need to be confirmed ensuring the full and proper execution of these high-quality designed elements. This shall include full details on materials and finishes for all elements of the proposed new extension and glazed link.

E. The proposed design for the front terrace area to the front of the existing building could be improved. The defined area at this location could cause a negative visual impact given its location to the front site of the historic structure. It was recommended that a more open plan area for customers with integrated planting and seating would limit any visual impact and allow the outdoor area to sit sensitively and improve the overall visual link along the streetscape. The applicant shall submit revised proposals incorporating these alterations to the landscaping along the Greenhills Road.

REASON: In the interests of architectural conservation and amenity.

3. Details

The applicant shall ensure the following:

A. All balconies shall be a minimum of 1.5m in depth.

B. The landscape plan shall be implemented in full, including the provision of hedgerow low hedge planting along the site boundary, as per drawing 'Landscape Plan Ground Floor', dated 07/06/2022.

C. Details of the signage or markings proposed for the car parking spaces shall be submitted to the Planning Authority for written agreement prior to the commencement of development.

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

4. Roads and Access

A. EV charging shall be provided in all residential, mixed use and commercial developments and shall comprise a minimum of 20% of the total parking spaces provided. The applicant shall provide a minimum of 4 no. EV charging points. The remainder of the parking spaces shall be constructed to be capable of accommodating future charging points as outlined in as outlined in SDCC CDP section 12.7.5.

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

C. 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

D. The applicant shall provide a Taking in Charge Map that distinguishes between all areas to be offered to SDCC.

E. Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the Public Lighting team of SDCC.

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

5. Environmental Health

A. All recommendations outlined in the acoustic noise assessment shall be implemented.

B. Construction Phase

a. Noise

i.

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

i. 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.

C. Operational Phase

a. Public House – Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

b. Bin storage – Bin storage facilities should be adequately serviced with a water supply, drainage and ventilation.

c. Fumes & Noise from Commercial Units:

i. The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.

ii. Any fumes emitted from the premises shall be minimised and if necessary treated using the Best Available Technology and emitted to the outer air.

iii. The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.

iv. Details to demonstrate compliance with above shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development.

D. The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise or noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining premises or public place in the vicinity.

REASON: In the interest of public health

6. 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.

e) Removal of the need for underground attenuation and replacement with Natural Suds as per SDCC guidance.

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

7. 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.

8. Removal of proposal for underground attenuation

The applicant shall incorporate additional natural SUDS features into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide for the removal of proposal for underground attenuation. Guidance on SuDS can be found on the South Dublin County Council Website searching SuDS Guide at [sdcc-suds-explanatory-design-and-evaluation-guide.pdf](#)

The applicant shall fill in Table 3.1 – SuDS Measures Rationale and Justification, located under 'Item 3 - Sustainable Urban Drainage Systems, Surface Water and Attenuation and Green Infrastructure' of the Chief Executives Report, in response to the clarification of additional information response. The applicant shall provide clear explanations/rationale for selecting/not selecting additional natural SUDS measures.

REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under the CDP

2022-2028.

9. Council Housing Strategy.

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 2022-2028, 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 (as amended) 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 2022-2028.

10. Financial - Contribution in Lieu of Public Open Space.

The developer shall pay to the Planning Authority a financial contribution of €40, 000 (Forty Thousand Euros), for the purpose of the acquisition or upgrading of small parks, local parks and neighbourhood parks, or to allow provision or upgrade of Regional Parks. The contributions under this condition shall be payable prior to commencement of development or as otherwise agreed in writing by the Council.

REASON: The acquisition and/or upgrade of such facilities will facilitate the proposed development. Per COS5 Obj. 5, it is considered reasonable that the payment of a contribution be required, in respect of public open space 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.

11. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €175, 707.47 (One Hundred and Seventy Five Thousand, Seven Hundred and Seven Euros and Forty Seven 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 Act 2000 (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.

12. Financial - Cash deposit

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 €49, 690.00 (Forty Nine Thousand Six Hundred and Ninety 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 €57, 150.00 (Fifty Seven Thousand, One Hundred and Fifty 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.

13. 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.

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

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

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.

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**

14-Apr-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