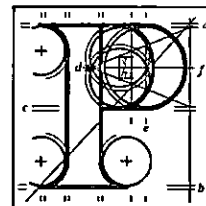


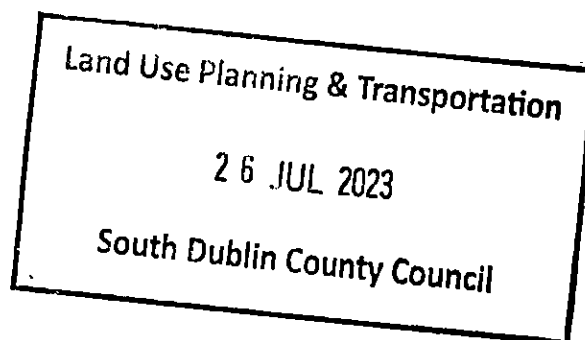
Our Case Number: ABP-317631-23

Planning Authority Reference Number: SD22A/0373



**An
Bord
Pleanála**

South Dublin County Council
Planning Department
County Hall
Tallaght
Dublin 24



Date: 25 July 2023

Re: Demolition of former two storey steelworks factory, construction of 3 three-storey houses and all associated site development works.
Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

Dear Sir / Madam,

Enclosed is a copy of an appeal under the Planning and Development Act, 2000, (as amended).

Submissions of documents etc., to the Board. N.B. Copies of I-plans are not adequate, all drawings and maps should be to scale in accordance with the provisions of the permission regulations.

1. The planning authority is required to forward specified documents to the Board under the provisions of section 128 and section 37(1)(b) of the Planning and Development Act, 2000, (as amended). Please forward, within a period of 2 weeks beginning on the date of this letter, the following documents:-

(i) a copy of the planning application made to the planning authority and a copy of any drawings, maps (including ordnance survey number) particulars, evidence, a copy of any environmental impact statement, other written study or further information received or obtained by your authority in accordance with regulations under the Acts. If practicable, the original of any drawing with coloured markings should be provided or a coloured copy,

(ii) a copy of any technical or other reports prepared by or for the planning authority in relation to the application,

(iii) a certified copy of the relevant Manager's Order giving the decision of the planning authority,

(iv) a copy of the notification of decision given to the applicant,

(v) particulars of the applicant's interest in the land or structure, as supplied to the planning authority,

(vi) a copy of the published notice and a copy of the text of the site notice erected on the land or structure.

(vii) a copy of requests (if any) to the applicant for further information relating to the application under appeal together with copies of reply and documents (if any) submitted in response to such requests,

Tel	Tel	(01) 858 8100
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Facs	Fax	(01) 872 2684
Láithreán Gréasáin	Website	www.pleanala.ie
Ríomhphost	Email	bord@pleanala.ie

64 Sráid Maoilbhríde	64 Marlborough Street
Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

(viii) a copy of any written submissions or observations concerning the proposed development made to the planning authority,

(ix) a copy of any notices to prescribed bodies/other authorities and any responses to same,

(x) a copy of any exemption application/certificate within Part V of the 2000 Act, (as amended), applies,

(xi) a copy of the minutes of any pre-planning meetings.

2. To ensure that the Board has a full and complete set of the material specified above and that it may proceed with full consideration of the appeal, please certify that the planning authority holds no further material relevant to the case coming within the above list of items by signing the certification on page 3 of this letter and returning the letter to the Board.

3. In addition to the documents mentioned above, please supply the following:-

Particulars and relevant documents relating to previous decisions affecting the same site or relating to applications for similar development in near proximity. "History" documents should include;

a) Certified Manager's Order,

b) the site location, site layout maps, all plans and

c) particulars and all internal reports.

Copies of I-plan sheets are not adequate.

Where your records show that a decision was appealed to the Board, it would be helpful if you would indicate the Board's reference.

Submissions or observations by the planning authority.

4. As a party to the appeal you may, under section 129 of the 2000 Act, (as amended), make submissions or observations in writing to the Board in relation to the appeal within a period of 4 weeks beginning on the date of this letter.

Any submissions or observations received by the Board outside of that period shall not be considered, and where none have been validly received, the Board may determine the appeal without further notice to you.

Contingency Submission

5. If the decision of your authority was to refuse permission, you should consider whether the authority wishes to make a contingency submission to the Board as regards appropriate conditions which, in its view, should be attached to a grant of permission should the Board decide to make such a grant. In particular, your authority may wish to comment on appropriate conditions which might be attached to a permission in accordance with section 48 and/or 49 of the 2000 Planning Act, (as amended), (Development / Supplementary Development Contributions) including any special condition which might be appropriate under section 48(2)(c) of the Act.

Any such contingency submission, in circumstances which your authority decided to refuse permission, would be without prejudice to your authority's main submission in support of its decision.

Teil	Tel	(01) 858 8100
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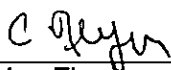
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Baile Átha Cliath 1	Dublin 1
D01 V902	D01 V902

Please quote the above appeal reference number in any further correspondence. I hereby certify that the planning authority has complied with section 128 and section 37(1)(b) of the 2000 Act, (as amended), and that all material relevant to (ABP-317631-23) the request at 1 on page 1 of this letter has been forwarded.

SDCA/0323

Signed: _____
Print: (_____)
Date: _____

Yours faithfully,



Catherine Flynn
Administrative Assistant
Direct Line: 01-8737143

BP07

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LIAM MADDEN
EU REGISTERED ARCHITECT NETHERLANDS REG. NO. 1.180615.001
UK REGISTERED ARCHITECT REG. NO. 0461701
ENVIRONMENTAL SCIENTIST PLANNING CONSULTANT
LEGAL ADVISOR S.I. 8/2017 Sch 5

AN BORD PLEANÁLA	
REG. NO. 0461701 <u>0625225-23</u>	
24 JUL 2023	
Fee: € <u>110</u>	Type: <u>CHQ</u>
Time: _____	By: <u>REG POST</u>



19 July 2023

An Bord Pleanála,
64 Marlborough Street,
DUBLIN 1.
D01 V902

P.A. ref : SD22A/0373 South Dublin County Council
Bord Pleanala ref : ABP-317424-23

Re : Proposed demolition of former two storey steelworks factory (465 sq.m.) and proposed erection of 3 no. terraced three storey three bedroom houses (160 sq.m. each), with external terraces and associated site works at manor Avenue, Terenure, Dublin 6W. 52
Applicant : Patricia Carmody

Dear Sir/Madam,

this is an appeal by Collette Cregg, 52 College Drive, Terenure, Dublin 6, D6W TN84 against the decision by South Dublin County Council made by order dated 31 May 2023 to grant permission for the above proposed development, subject to conditions.

Attached are :

- (a) An Bord's appeal fee €110-00,
- (b) decision to grant permission.
- (c) Bord Pleanala Order dated 17th July 2023, received by this writer on 18th July 2023, to grant leave to appeal under Section 37(6) of the Planning and Development Act 2000, as amended.

Set out below are the full grounds for this appeal.

1.0 GENERAL DESCRIPTION OF PROPOSED DEVELOPMENT

The application site is c. 0.133 ha.

The proposal is 'backyard' development.

The site has a disused steelworks industrial building c. 465 sq.m.

The proposal is for 3 no. terraced houses with a total area more or less the same as the industrial building to be demolished.

The application site is enclosed by a high masonry wall which bounded a former 19th century orchard and Elm Grove House and Coach House. The site can be identified on the Geohive Archive Map Viewer.

L. MADDEN B. ARCH. NUI, M.APPL.ENVIR. SC., CERT. ARCH. PROF., DIP. MICRO-PROC. TECH.
2 THE GATE LODGE, WINDSOR CLOSE, 81 LOWER WINDSOR AVENUE, BELFAST BT9 7DX
POSTBUS 41882, 1009 DB AMSTERDAM, NEDERLAND
RESIDENCE : VITRUVIUS HIBERNICUS, CONVENT ROAD, LONGFORD N39 EE72 Tel./Fax 043-33 41151

2.0 PLANNING HISTORY

The only relevant planning history is Grant ABP 304447-19 (SD18A/0356).

The Planner's and Bord Inspector's Reports in each are pertinent.

An Bord decided to grant a permission for 3 no. of the then proposed 4 no. houses, subject to 13 no. conditions. An Bord, as it is entitled to do, overturned its Inspector's recommendation to refuse to grant permission.

The Inspector's Report focused on :

- a. national policy regarding higher urban densities,
- b. design of the proposed 4 no. houses,
- c. overlooking and adverse impact on nearby houses,
- d. retention of historic orchard wall and original coach house facade wall,
- e. c. 200m long access, potential to block fire engine access by (intensive) parking layout together with narrow road 3.0m width at one point.

The Inspector found a., b., and d. satisfactory and c. and e. unsatisfactory.

An Bord's Order and Direction took a pragmatic view, solving the concerns of its Inspector by the omission of one of the proposed four houses by Condition and attaching 12 other Conditions. Permission 304447 is still live till end of 2024 and may be availed of. Indeed it may be possible to extend the duration.

3.0 22A/0373 Bord ref : 317424-23

For all intents and purposes this application is the same as 18A/0356 (ABP 304447)

Three houses are proposed.

The same five planning considerations - a. to e., above - are pivotal.

The P.A.'s assessment focused on the same five considerations having due regard to An Bord's Grant in 304447-19.

- a. urban density is OK.
The site is disadvantaged by the overly long narrow driveway which gobbles up a disproportionate amount of land before you even reach the houses.
- b. The contemporary design has found favour with the P.A. This is fine.
Slavishly following traditional semi-d styling is not necessary.
- c. Overlooking - the single biggest concern of my client.
- d. Retention of the orchard and original coach house walls is paramount.
- e. Notwithstanding the concerns expressed by the Roads Dept. of the P.A., the long narrow road may even enhance the overall development.

4.0 F.I. SUBMISSION

Following on a F.I. request from the P.A., the applicant submitted F.I. drawings upon which was superimposed a RED line showing the profile of adjoining structures and the ridge profile/outline of the houses approved in 304447.

The height of this proposal 22A/0373 is significantly higher than the ridge in 304447.

Taken by itself, the height is not the issue ; because height can be 'housed' in a pitched roof.

The P.A. almost got it right : it attached Condition 16(b) to its decision.

16(b) was a brave effort to address c. above and accommodate the applicant's ambitions.

However, my client did not have a say in protecting her privacy.

5.0 COLLETTE CREGG

My client, like many people, has one principal asset : her house and garden.

Protecting that asset is of paramount importance to her.

My client is conscious that the applicant, Patricia Carmody, also has an asset: her land which she wishes to develop. She has every entitlement to develop her site and my client hopes she can convert her asset into one € million or more.

My client prefers not to seek a refusal. She seeks to have a design – whether traditional or contemporary – which does not diminish the value of her only material asset.

6.0 DESIGN SOLUTION

On the basis that there is in place a live permission 304447, there is a presumption of a further grant of permission, provided that my client's concerns are addressed.

All that is required, as my client sees it, is a re-modelling of the design.

Attached are photos of my client's rear garden taken from the rear of her house.

It is idyllic. Without the idyllic garden, her house is near worthless.

Her existing c. 5m high boundary wall goes a long way to protecting the garden.

Adjoining gardens enjoy similar mature well-kept and maintained gardens.

The adjoining gardens and the rear windows overlooking their own gardens are as good and private as anyone could hope for in an urban setting.

The problem with the applicant's design, as amended by Condition 16(b), is that the topmost floor has large living area windows and roof top terraces directly overlook my client's and others' gardens. My client's garden would, if the design remains as is, be the worst affected by the western-most roof terrace and south top floor window.

My client's rear windows, ground and first floor would be directly 'spied' on.

Look at section D in the F.I. drawing.

This cuts both ways, of course. Every house on the west and south of the application site would be able to 'spy' directly into the applicant's top floor windows and terraces.

The well-intented but flawed Condition 16(b) takes all control of the design remedy out of my client's hands.

The Council's decision and its conditions are now annulled by the lodging of this appeal.

7.0 ROCKET SCIENCE

The solution here is not rocket science.

I suggest that it must be possible to amend the scheme to eliminate the undeniable adverse effects on my client's, and others', adjoining properties.

Imagination is all that's needed.

My client suggests that An Bord invite the applicant to submit an amended design.

My client will not be found wanting in giving her written agreement to an acceptable amendment.

Only in the absence of a satisfactorily amended design would my client call for a REFUSAL on the basis that development plan aim/objective/policy is to protect and/or improve residential amenities.

This writer will be happy to liaise with the applicant's agent.

Yours faithfully ,

Liam Madden,
Convent Road,
LONGFORD
N39 EE72

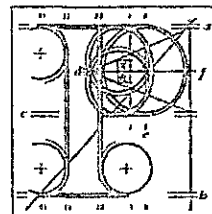


043-33-41151
vitruvius.hibernicus@hotmail.com

Our Case Number: ABP-317424-23

Planning Authority Reference Number: SD22A/0373

Your Reference: Collette Cregg



An
Bord
Pleanála

Liam Madden
Vitruvius Hibernicus,
9 Convent Road
Longford

Date: 17 JUL 2023

Re: Demolition of former two storey steelworks factory, construction of 3 three-storey houses and all associated site development works.
Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

Dear Sir / Madam,

An order has been made by An Bord Pleanála under section 37(6) of the Planning and Development Acts 2000 to 2022 determining the application for leave to appeal relating to the above-mentioned proposed development.

In a case where the Board grants leave to appeal under section 37(6) of the 2000 Act, the person to whom the leave is granted may appeal to the Board against the planning decision of the planning authority within two weeks from receipt of the notification that leave to appeal has been granted. In addition to the two week period for making an appeal, any such appeal must also comply with the other statutory requirements of the 2000 Act for making appeals. In this regard, the Board wishes to draw your attention to section 127 of the Act which sets out the principal provisions as to making appeals. You should note, however, that section 127(1)(e) (relating to the appeal being accompanied by the acknowledgement by the planning authority of receipt of submissions or observations) does not apply to a planning appeal where the Board has granted leave to appeal.

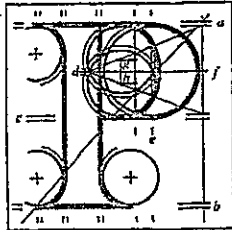
Failure to comply with all the relevant statutory requirements will render a planning appeal invalid.

You should also note that documents or other information lodged with the application for leave to appeal will not be taken into account in any planning appeal unless such documents are lodged with, and are relevant to, the appeal.

I enclose for your information a copy of the Board's leaflet "Making A Planning Appeal".

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An
Bord
Pleanála

Board Order
ABP-317424-23

Planning and Development Acts 2000 to 2021

Planning Authority: South Dublin County Council

Planning Register Reference Number: SD22A/0373

Application for Leave to Appeal against the decision of the planning authority by Colette Cregg care of Liam, Madden of Vitruvius Hibernicus, Convent Road, Longford, having an interest in land adjoining the land in respect of which South Dublin County Council decided on the 31st day of May, 2023 to grant subject to conditions a permission to Patricia Carmody care of Sam Le Bas of 149 Foxrock Park, Dublin.

Proposed Development: Demolition of the existing former two-storey steelworks factory (465 square metres) and build on resultant cleared site of circa 0.133 hectares, and construction of three flat roof, terraced, three-storey, three bedroom houses (160 square metres each, 480 square metres total) with external terraces at first and second floor levels and all associated site development works above and below ground, at former steelworks factory, Manor Avenue, Terenure, Dublin.


Decision

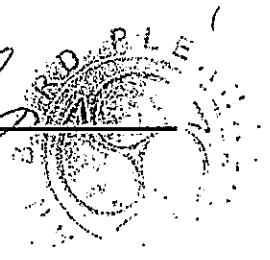
GRANT leave to appeal under section 37 (6) of the Planning and Development Act, 2000, as amended, based on the reasons and considerations set out below.

Reasons and Considerations

Having regard to the submissions and documents received in connection with the application for leave to appeal and the conditions set out in the planning authority's decision, it is considered that it has been shown that -

- (i) the development, in respect of which a decision to grant permission has been made, will differ materially from the development as set out in the application for permission by reason of condition numbered 16(b) imposed by the planning authority to which the grant is subject, and
- (ii) the imposition of condition numbered 16(b) will materially affect the applicant's enjoyment of the land adjoining the land in respect of which it has been decided to grant permission or reduce the value of the land.


Eamonn James Kelly
Member of An Bord Pleanála
duly authorised to authenticate
the seal of the Board.



Dated this 17th day of July, 2023.

Sam Le Bas
149, Foxrock Park
Dublin 18

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

Decision Order Number:	0625	Date of Decision:	31-May-2023
Register Reference:	SD22A/0373	Date:	04-May-2023

Applicant: Patricia Carmody

Development: Demolition of the existing former two storey steelworks factory (465sq.m) and build on resultant cleared site of circa 0.133 hectares; Construction of 3 flat roof, terraced, three storey, three bedroom houses (160sq.m each, 480sq.m total) with external terraces at first and second floor levels and all associated site development works above and below ground.

Location: Former steelworks factory, Manor Avenue, Terenure, Dublin 6W

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 23-Nov-2022 /04-May-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, and as amended by Further Information received on 4th May 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. Prior to the commencement of development, the Applicant shall obtain a road opening licence for laying of Surface water sewer on the public road.
REASON: In the interests of the proper planning and sustainable development of the area.
3. Drainage - Irish Water.
 - (a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
 - (b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use.
 - (c) All works for this development shall comply with the requirements of 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.
4. 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.
5. The proposed landscaping scheme shown on the Plans and Particulars submitted with the Application and the Additional Information submission received on 4th May 2023 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 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.

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.

6. The Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish.

A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

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.

7. Unless otherwise agreed in writing and prior to the commencement of development, the Applicant shall provide for the written agreement of the Planning Authority a Site Layout and Drainage Plan demonstrating the provision of additional natural SUDS features as part of proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Removal of proposal for underground attenuation.
- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.

As per Section 12.11 (iii) of CDP 2022-2028 only exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort. The Development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage. The applicant shall submit a revised drawing in plan and cross-sectional view showing additional SuDS which removes the requirement for underground attenuation tanks such as:

- Green / Blue Roofs
- Swales
- Green areas
- Permeable Paving
- Tree Pits
- Pond/s

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 the policies and objectives of the County Development Plan 2022-2028.

Permission Required for Class 1 & 3 Exemptions.

Notwithstanding the exempted development provisions of the Planning and Development Regulations, 2001 as amended, and any statutory provision replacing or amending them, no development falling within Class 1 or Class 3 of Schedule 2, Part 1 of those Regulations and any statutory provision replacing or amending them shall take place within the curtilage of the 3 No. permitted dwellings without a prior grant of planning permission.

REASON: In order to ensure that a reasonable amount of rear garden space is retained for the benefit of the occupants of the dwelling, compliance with Development Plan policy, and in order to protect the residential amenity of the area.

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €57,168.00 (Fifty Seven Thousand, One Hundred and Sixty Eight Euros), 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. Proposals for an estate/street name, house numbering scheme and associated signage shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. Thereafter, all estate and street signs, and house numbers, shall be provided in accordance with the agreed scheme. The proposed name(s) shall be based on local historical or topographical features, or other alternatives acceptable to the planning authority. No advertisements/marketing signage relating to the name(s) of the development shall be erected until the developer has obtained the planning authority's written agreement to the proposed name(s).

REASON: In the interest of urban legibility and to ensure the use of locally appropriate placenames for new residential areas.

10. Restriction on Use and Occupancy.

Each of the residential units shall be used and occupied as a single dwelling unit for residential purposes and shall not be sub-divided or used for any commercial purposes, (including short-term letting).

REASON: To prevent unauthorised development.

11. Construction Traffic Management Plan

Prior to the commencement of development the Applicant shall submit for the written agreement of the Planning Authority a Construction Management Plan which outlines the management of Construction traffic arising from the site and how it shall be managed in accordance with a method statement for the management of the construction phase.

In this regard within a maximum of two weeks from the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of works on site the applicant, owner or developer shall lodge with the Planning Authority for written agreement:

A site specific Construction Traffic Management Plan that accords with the Council's Traffic Section requirements.

The required Construction Traffic Management Plan shall include:-

(i) Details of the agreed number, location and use of suitable facilities for vehicle cleansing and wheel washing provided on site prior to commencing of construction and a written commitment that such facilities will be maintained in a satisfactorily operational condition during all periods of construction, and;

(ii) Location of all on-site car parking facilities provided for site workers during the course of all construction activity, and;

(iii) Provision for dust suppression measures in periods of extended dry weather, and;

(iv) Provision for the flexible use of a road sweeper if an acute situation on the adjoining public road requires it, and;

(v) Location of materials compound and site huts, and;

(vi) Details of security fencing, and;

(vii) Name and contact details for site manager, and;

(viii) Methodology for the use and control of spoil on site during construction, and;

(ix) Details of access arrangements/routes to be used by construction traffic, to include details of arrangements to manage potential conflicts with site specific issues i.e. schools, playing pitches etc..

(x) Measures to obviate queuing of construction traffic on the adjoining road network.

In this regard the applicant owner or developer shall consult with the Council's Traffic Section before any works are carried out, and;

(xi) Details of measures to protect watercourses on or adjoining the site from the spillage of deposit of clay, rubble or other debris,

(xii) Alternative arrangements to be put in place for pedestrians and vehicles in the case of the closure of any public road or public footpath during the course of site development works;

The plan should also be informed by any Project Construction Waste and Demolition Management Plan required to be prepared and agreed that addresses intended construction waste management and any traffic issues that may arise from such a plan.

A record of daily checks that the works are being undertaken in accordance with the site specific Construction Traffic Management Plan shall be kept for inspection by the Planning Authority.

Storage of construction materials is not permitted on any public road or footpath, unless agreed in writing with the Planning Authority, having regard to the prior reasonable justification and circumstances of any such storage.

REASON: In the interests of residential amenity, public safety, compliance with Development Plan policy and the proper planning and sustainable development of the area.

12. Construction Waste Management Plan.

Prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a Construction and Demolition Resource Waste Management Plan (RWMP) as set out in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021) including demonstration of proposals to adhere to best practice and protocols. The RWMP shall include specific proposals as to how the RWMP will be measured and monitored for effectiveness; these details shall be placed on the file and retained as part of the public record. The RWMP must be submitted to the planning authority for written agreement prior to the commencement of development. All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.

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

13. 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.

14. 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.

15. All service cables associated with the proposed development (such as electrical, telecommunications and communal television) shall be located underground within the site. Ducting shall be provided by the developer to facilitate the provisions of broadband infrastructure within the proposed development.

REASON: In the interests of visual and residential amenity.

16. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

- (a) The proposed entrance gates to the development hereby consented shall be omitted
- (b) Details of the height, design and treatment of the screening to the proposed roof terraces

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

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 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/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

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.

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

02-Jun-2023