

Kieran O'Malley & Co. Ltd
St. Heliers
Stillogran Park
Blackrock
Co. Dublin

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

Decision Order Number: 0905	Date of Decision: 03-Aug-2023
Register Reference: SD22A/0323	Date: 07-Jul-2023

Applicant: Ciaran Reilly

Development: Demolition of a shed & workshop at rear of the Protected Structure to facilitate the provision of 18 car parking spaces; Construction of 12 dwellings comprising of 8 two storey with attic level accommodation, 4 bedroom semi-detached dwellings (c. 146sq.m each and 4 two storey with attic level accommodation, 3 bedroom semi-detached dwellings (c. 126 sq.m each) with vehicular access at main street; A pedestrian access to Forest Hills at the southern end of the site and ancillary site development works all within the curtilage of a Protected Structure.

Location: Main Street, Rathcoole, Co. Dublin

Floor Area:

Time extension(s) up to and including:

Additional Information Requested/Received: 03-Oct-2022 /07-Jul-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.
 - a) 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 the 7th of July 2023, save as may be required by the other conditions attached hereto.
 - b) The pedestrian/cycle connection route to the site to the south shall be implemented in full prior to occupation of any dwelling.
 - c) Prior to the commencement of development, revised drawings shall be submitted to the Planning Authority for written agreement showing the orientation of the northermost house (adjacent to the public open space) to have its front door adjacent to the public open space (on north elevation) and this agreed change shall be implemented in full on site.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Landscape Plan and Sustainable Urban Drainage Systems (SUDS)

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority,

 - (a) The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section, including:
 - i. a comprehensive Landscape Design Rationale which describes the proposed landscape and external works as part of this proposed housing development.
 - ii. a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.
 - iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.
 - iv. play and recreation opportunities for children and teenagers as appropriate to the scale and character of proposed development. Proposals shall be submitted in the form of a Proposed Play Rationale and Layout Plan (separate to, but related to the Landscape Masterplan), using Nature-based Solutions.

The Layout Plan shall comprise the following:-

- showing types of play and play area(s),
 - target age groups,
 - design and construction details of play opportunities and facilities in respect of landform, planting, boundaries, equipment and safety surface.
 - All play equipment and ancillaries shall conform to European Standards EN 1176 and EN 1177 Playground equipment and surfacing, and to BS/EN standards 2017/18 for Playground Installations for HIC (Head Injury Criterion) and CFH (Critical Fall Height).
- v. Street trees shall be provided fully in Public Realm areas and not within private or management company driveways and include SUDS features. All streets should be tree lined and include SUDs tree pits. DMURs requires street trees every 14-20 m along streets, a specific street tree planting plan should be submitted for agreement with the Public Realm.

vi. The applicant should consider using additional swales with check dams closer to the source of surface water occurring instead of pipe networks. Submit a revised drawing in plan and cross-sectional view showing additional SuDS such as:

- Green / Blue Roofs
- Swales
- Green areas
- Permeable Paving
- Grasscrete
- Ponds
- Other such SuDS

(b)

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

The applicant shall provide clear explanations/rationale for selecting/not selecting additional natural SUDS measures: SuDS Explanatory, Design & Evaluation Guide is available on below link: [sdcc-sustainable-drainage-explanatory-design-and-evaluation-guide.pdf](#)

REASON: To ensure that the development complies with the policies and guidelines as outlined in South Dublin County Council's Development Plan, SuDs Explanatory Design and Evaluation Guide.

3. Green Space Factor

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, details of proposals to increase the proposed GSF from 0.29 to 0.5 in order to comply with the Green Space Factor as outlined in the South Dublin County Development Plan 2022-2028.

REASON: To ensure that new development makes a positive contribution to the local environment with respect to biodiversity, amenity, air quality, stormwater management, temperature regulation and other ecosystem services.

4. Existing Trees and Hedgerows

Prior to the commencement of development the applicant/developer shall submit an up to date Tree Survey for the site area prepared by a suitably qualified Arboriculturist in accordance with British Standard 5837: 2012 ‘Trees in Relation to Design, Demolition and Construction – Recommendations’: The information required to be provided as part of the tree survey includes:

- (i) Arboricultural impact assessment
- (ii) Arboricultural method statement
- (iii) Tree retention / removal plan
- (iv) Tree protection plan

REASON: In the interest of visual amenity and of protection of existing trees and hedgerows and to ensure the continuity of amenity afforded by existing trees and hedgerows.

5. Architectural Heritage.

Prior to the commencement of development the applicant/developer shall submit, for the written agreement of the Planning Authority, the following;

(a) Appropriate measures as detailed in the further information submission should be put in place in order ensure the Protected Structure is safeguarded and protected at all times during the proposed development and proposed construction. A buffer zone should be set and marked around the perimeter of the Protected Structure ensuring that no construction vehicles or equipment are operated within the zone of protection. In addition, a Construction Management Plan should be submitted for agreement and approval on final details of protective measures for the Protected Structure.

(b) It is noted that the landscaping to the front of the Protected Structure is detailed in the response which refers to the proposed landscape plan, however it is considered that the front site and setting of the protected structure still lacks soft landscaping and therefore the design for this area should be revised in order to provide for a greater level of soft landscaping to improve the setting of the protected structure and streetscape setting within the ACA.

- The proposed railing design is shown as a parkland railing on the landscape drawings, however it is shown on the revised survey drawings as a more ornate railing type. Final details are required to confirm the proposed boundary treatment which will provide the boundary along the front site of a protected structure. Currently the overall design and boundary treatment does not reflect the overall context within the ACA with regard to providing a more appropriate boundary treatment and setting.

- It is also considered that the existing brick wall to the Main Street and front site of the Protected Structure does not provide an appropriate boundary at this location and therefore the existing wall should be rendered to match the finish of the protected structure and new pier proposed at the entrance to the new development. The applicant should be reminded that building materials should reflect the building materials/building stock found within the ACA.

- Full details and materials/finishes should be submitted for agreement and approval by the Councils Architectural Conservation Officer prior to commencement of works. Details should include a profile for the proposed railing design at this location and a Schedule of Materials to include images in relation to the materials and planting.

(c) The proposed dwellings are modern in form and design, however the materials and finishes should be revised to take account of the site context and reflect the existing materials and building stock within the Architectural Conservation Area of Rathcoole Village. A more modest modern design is required using simple materials and colour palette given its location to the rear of a Protected Structure and within a rural village. Revised design elements and the use of materials which reflects the design rationale and site context in providing a high quality housing development at this location should be submitted for written agreement. A schedule of materials should be included and should be sensitive in terms of finishes within an Architectural Conservation Area.

REASON: To ensure that any works relating to the Protected Structure are carried out correctly, that it is appropriately safeguarded to prevent any possible damage and that the materials and finishes for new development within the curtilage of a Protected Structure are appropriate in terms of finish and colour and are of a high quality, delivering the design ethos proposed.

6. Archaeological Conservation

Prior to the commencement of development:

(a) The applicant/developer shall engage a suitably qualified archaeologist to monitor (licensed under the National Monuments Acts) all site clearance works, topsoil stripping, groundworks, and/or dredging associated with the development. The use of appropriate machinery to ensure the preservation and recording of any surviving archaeological remains shall be necessary.

(b) Should archaeological remains be identified during the course of archaeological monitoring, all works shall cease in the area of archaeological interest pending a decision of the planning authority, in consultation with the Department of Housing, Local Government & Heritage, regarding appropriate mitigation (preservation in-situ/excavation).

(c) The applicant/developer shall facilitate the archaeologist in recording any remains identified. Any further archaeological mitigation requirements specified by the planning authority, following consultation with the Department of Housing, Local Government & Heritage, shall be complied with by the developer.

(d) Following the completion of all archaeological work on site and any necessary post-excavation specialist analysis, the planning authority and the Department of Housing, Local Government & Heritage shall be furnished with a final archaeological report describing the results of the monitoring and any subsequent required archaeological investigative work/excavation required. All resulting and associated archaeological costs shall be borne by the developer.

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

7. Roads.

(a) All items and areas for taking in charge shall be undertaken to a taking in charge standard.

(b) Prior to development the applicant shall submit the following for the written agreement of the Planning Authority:

- construction details of all items to be taken in charge.
- a developed Construction Traffic Management Plan

- a developed Construction Waste & Demolition Plan
- a Public Lighting Design

(f) Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (REGULATORY SIGNS) of the Traffic Signs Manual.

REASON: In the interests of traffic and pedestrian safety.

8. Irish Water Connection Agreement.

(a) Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water. - All development shall be carried out in compliance with Irish Water Standards codes and practices.

(b) Prior to the commencement of development the applicant or developer shall enter into a foul connection agreement(s) with Irish Water.- All development shall be carried out in compliance with Irish Water Standards codes and practices.

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

9. 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.

10. 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.

11. Water and Drainage

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) The applicant/developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(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.

12. 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 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.

13. Significant Noise Boundary.

The proposed development will fully implement the mitigation measures specified in Section 8.1 of the supporting Acoustic Design Statement submitted as further information.

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, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

14. Taking-in-charge/Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

15. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €184,459.70 (one hundred and eighty-four thousand, four hundred and fifty-nine euro and seventy 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 Act 2000 (as amended).

16. 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.

17. 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 €76, 934.00 (seventy-six thousand, nine hundred and thirty-four 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 €88, 473.00 (eighty-eight thousand, four hundred and seventy-three euro) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided , completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

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**

03-Aug-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