

Armstrong Fenton Associates  
Unit 13,  
The Seapoint Building  
44/45, Clontarf Road  
Dublin 3

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

<b>Decision Order Number:</b>	<b>1201</b>	<b>Date of Decision:</b>	10-Oct-2023
<b>Register Reference:</b>	SD22A/0390	<b>Date:</b>	13-Sep-2023

**Applicant:** Nacul Developments Ltd

**Development:** Demolition of an existing two storey detached dwelling (162sq.m) and associated out-buildings on site and the construction of 7 two storey (plus dormer level); 5 bedroom houses comprised of 3 detached houses and 4 semi-detached houses on a site area of c. 0.3ha; all associated site development works, car parking, open spaces and landscaping etc; proposed access to the development will be via the existing vehicular entrance on the Lucan-Newlands Road / Esker Hill.

**Location:** Clonbrone, Lucan Newlands Road, Esker Hill, Lucan, Co. Dublin, K78 Y5C2

**Floor Area:**

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

**Additional Information Requested/Received:** 07-Dec-2022, /25-Apr-2023

**Clarification of Additional Information Requested/Received:** 22-May-2023/13-Sep-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 25/04/2023 and Clarification of Further Information received on 13/09/2023, 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. 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 proposed development 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.
3. Council Housing Strategy.  
That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:  
(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 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 2022-2028.

4. The mitigation measures and commitments identified in the Ecological & Bat Assessment, Appropriate Assessment and Archaeological Assessment and other plans and particulars submitted with the planning application, as amended by the additional information received on 25/04/2023, shall be implemented in full by the developer, except as otherwise may be required in order to comply with other conditions.  
REASON: In the interest of the protection of the environment.
5. Uisce Eireann 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.
6.
  - i) A Conservation Management Plan for the mill stone / sundial shall be prepared, following consultation with the Department of Housing, Local Government & Heritage, and submitted to the planning authority for their written agreement prior to commencement of development.
  - ii) The plan shall provide for the long-term maintenance and management of the mill stone / sundial to ensure that conservation of the mill stone / sundial can be achieved and maintained. The plan shall be agreed in advance of the commencement of construction works to ensure that the management and coordination of all phases of construction works are consistent with the policies and procedures for the long-term protection and preservation of the mill stone / sundial.  
The plan shall incorporate a landscaping plan and/or stabilisation works programme, as appropriate, for the mill stone / sundial that is sympathetic to the mill stone / sundial.
  - iii) Interpretative signage shall be installed at a relevant location. The design and content of this signage shall be prepared in consultation with this Department and should be approved by the planning authority. The final Conservation Management Plan, including details of implementation, shall be submitted to the planning authority and this Department.  
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.
  1. All items and areas for taking in charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed.
  2. Prior to the commencement of development, the applicant shall submit a Construction Traffic Management Plan for the written agreement of the Planning Authority. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.
  3. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department.  
REASON: In the interests of road safety.

8. Services to be Underground.

All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

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

9. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

10. 1. No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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 work outside of these hours shall only be permitted following a written request to the Planning Authority and 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 unwanted noise outside the hours stated above.

2. Noise levels arising from construction activities shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

3. Noise due to the normal operation of the proposed development, expressed as  $L_{Aeq}$  over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

4. 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.

5. A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

6. The applicant shall put in place a pest control contract for the site for the duration of the construction works. During the operational phase of the development pest control measures must be also be taken to prevent harbourage and food sources for rodents.

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

8. Signage and /or lighting to be used on site and in the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

REASON: In the interests of public health.

11. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;

(a) Development Plan policy, and

(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and

(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and

(d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

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

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

12. The proposed landscaping scheme shown on Landscape Plan (Dwg. No.

21378\_Clonbrone\_PA\_B\_LP) & associated Green Infrastructure Strategy document prepared by Gannon & Associates 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.

e) The height of proposed berms/mounding shall be increased and proposed boundary planting bulked up in order to reduce the visual impact of the proposed development.

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, improve amenity and reduce the visual impact of the development, in accordance with the policies and objectives contained within the CDP 2022-2028.

13. Retention of Landscape Architect & Certificate of Effective Completion

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.

14. The Developer/Owner shall submit the following for approval:

(i) A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

(ii) The submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details.

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

15. Prior to any occupation of the development, a scheme for the maintenance and management of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme. The scheme shall include the following:

i) methods for the proposed maintenance regime;

ii) detailed schedule;

iii) details of who will be responsible for the continuing implementation

iv) details of any phasing arrangements

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 of the County Development Plan 2022-2028.

16. No work shall be commenced on site until an updated detailed tree survey of the site comprising a plan and schedule indicating the precise location, species, spread, height and condition of each tree accurately plotted and showing those trees to be retained and those to be felled with a reason for felling has been submitted to and approved in writing with the Public Realm Section.

The following are required by the Public Realm Section and shall be contained within the Tree Survey Report submitted by the applicant:

- i. Tree Survey should be carried out in accordance with BS 5837: 2012
- ii. Tree Survey must be undertaken by a qualified arboriculturist;
- iii. Plans should be at 1:500, 1:200 or lower scale;
- iv. A 1:200 or 1:500 scale plan(s) showing the location of all existing trees on or adjacent to the site (both tree trunk and extent of crown spread), along with all existing hedgerows, prominent shrubs and woodland (plotted with at least boundary trees shown). Trees should be individually numbered (e.g. T1, T2, etc).
- v. Details of tree specifications: species, age range, health/ condition, height, diameter at 1.5m above ground level (DBH) and existing ground level at the base of the tree;
- vi. The desirability for retention (including the landscape potential), from an arboricultural point of view, of each tree, or group of trees, designated as per the requirements of BS 5837 (1991) Section 5.2.2, and any tree surgery that would need to be undertaken.

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with relevant policies of the CDP 2022-2028

17. No work shall be commenced on site until a detailed tree protection plan for all existing trees to be retained & protected during construction works in accordance with BS 5837:2012, Trees in relation to design, demolition and construction has been submitted to and approved in writing with the Public Realm Section. Prior to the commencement of any work, or any materials being brought on site, existing trees to be retained are to be protected with temporary fencing. This shall be maintained in good and effective condition until the work is completed. The protective fencing is to coincide, as far as is practical, with the root protection area (RPA), unless otherwise agreed. All weather notices shall be securely fixed to the fence with words such as 'construction exclusion zone - no access'. The following measures are particularly important:
- a. Materials are never to be stacked within the root spread of the tree;
  - b. No oil, tar, bitumen, cement or other material is to be allowed to contaminate the ground;
  - c. No fires shall be lit beneath or in close proximity to the tree canopy;
  - d. Trees to be retained should not be used as anchorages for equipment or for removing stumps, roots or other trees, or for other purposes;
  - e. No notices, telephone cables or other services should be attached to any part of the tree;
  - f. Cement mixing should not be carried out within the canopy/protected area of the tree;
  - g. Soil levels are to be maintained as existing within the root spread of the tree. Any alteration to soil levels in an area up to one and a half times the diameter of the tree.

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with relevant policies of the CDP 2022-2028.

18. The recommendations contained within the submitted Green Infrastructure Report prepared by Gannon & Associates shall be implemented in full by the applicant.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with relevant policies of the CDP 2022-2028

19. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €148,815.45 (One hundred and forty eight thousand eight hundred and fifteen euros and forty five cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

20. Regulation of Institutional Investment in Housing - Houses and/or duplex unit-type development.

(a) Prior to the commencement of the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each housing unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all residential units permitted to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.

(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each of the residential units for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.



(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified residential units, in which case the planning authority shall confirm in writing to the developer or any person with an interest in the land, that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.

REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.

21. 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 €48, 958 (fourty eight thousand, nine hundred and fifty eight 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 €56, 301(Fifty six thousand, three hundred and one 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.

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*      **11-Oct-2023**  
for **Senior Planner**

## 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