



James A. Keaney Associates,
49 Upper Mount Street
Dublin 2.

NOTIFICATION OF DECISION TO GRANT PERMISSION

PLANNING & DEVELOPMENT ACTS 2000 - 2014 AND REGULATIONS MADE THEREUNDER

Decision Order No. PF/1189/15	Decision Date 6 October, 2015
Register Ref. F15A/0194	Registered 10 September, 2015

Applicant Mr & Mrs Thomas Kiernan

Development 1) The erection of 1 no. detached and 4 no. semi-detached 2 storey residential units (plots 1,4 & 5 will have single storey home office structures in gardens). New combined vehicular/pedestrian access from Fairways, Donabate, Co. Dublin. Connection to foul and surface water sewer network in Fairways. Associated landscaping, boundary treatments, lighting, and all ancillary drainage, engineering and ancillary site development works to facilitate the development.

Location Lands to the rear of 'Skomer', Portrane Road, Donabate, Co. Dublin.

Floor Area 663.75 Sq Metres

Time extension(s) up to and including

Additional Information Requested / Received 23-Jun-2015 / 10-Sep-2015

In pursuance of its functions under the above mentioned Act, as Planning Authority, the County Council for the County of Fingal did by Order dated as above make a decision to **GRANT PERMISSION** in respect of the above proposal.

Bosca 174, Áras an Chontae, Sord, Fine Gall, Co. Bhaile Átha Cliath / P.O. Box 174, County Hall, Swords, Fingal, Co. Dublin
Swords Office t: Registry (01) 890 5541 Decisions (01) 890 5670 Appeals (01) 890 5724 f: (01) 890 6779
e: planning@fingal.ie www.fingal.ie

Bóthar an Gharráin, Baile Bhlainséir, Átha Cliath 15 / Grove Road, Blanchardstown, Dublin 15
Blanchardstown Office t: (01) 870 8436 f: (01) 890 5832 e: blanch.planning@fingal.ie

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Subject to the **(22)** conditions on the attached Pages.

Conditions and Reasons

1. The development shall be carried out in its entirety in accordance with the plans, particulars and specifications lodged with the application and additional information received on 10th September 2015, 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. This decision permits 5 no. dwelling units only.

REASON: In the interest of clarity.

3. This permission relates solely to that detailed in the statutory public notices and does not refer to any other aspects of the development that may be shown in the lodged plans.

REASON: In the interest of clarity.

4. The following engineering requirements of the Transportation Planning Section shall be complied with in full:

The details of the footway cross-overs and the kerbing at the northern end of the cul-de-sac shall be agreed in writing with the Planning Authority prior to the commencement of development.

REASON: In the interest of traffic safety and to ensure adequate infrastructure provision.

5. The following engineering requirements of the Water Services Planning Section shall be complied with in full:

(a) Overflow from water butts to rear shall connect to filter drains in rear gardens.

(b) No surface water/ rainwater shall discharge into the foul sewer system under any circumstances.

(c) The surface water drainage shall be in compliance with the 'Greater Dublin Regional Code of Practice for Drainage Works Version 6.0' FCC April 2006.

REASON: In order to comply with the Sanitary Services Acts.

6. The following shall be complied with in full:

a) Where the developer proposes to connect directly or indirectly to a public water/ wastewater network operated by Irish Water, the developer shall sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

b) In the interest of Public Health and Environmental Sustainability, Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure shall be subject to the constraints of the Irish Water Capital Investment Programme.

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

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7. Full details of the external treatment of all houses shall be submitted for the written agreement of the Planning Authority prior to the commencement of development. Such details to be submitted in the form of trade brochures/ details and which shall clearly indicate the colour and type of material.

REASON: In the interest of visual amenity.

8. The 'home offices' shall be used solely for use incidental to the enjoyment of the dwelling house and shall not be sold, rented or leased independently of the house and shall not be used for the carrying on of any trade or business that the public may visit.

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

9. The boundary between the existing houses on the Fairways and the proposed houses shall consist of a rendered/ plastered block wall suitably capped to a height of 1.8 m from the front building of the existing houses to the rear boundary of the site. The existing boundary from the front building line shall be retained as is.

REASON: In the interest of residential amenity.

10. That each proposed house be used as a single dwelling unit.

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

11. That public lighting is provided as each street is occupied in accordance with a scheme to be approved by the County Council so as to provide street lighting to the standard required by the County Council.

REASON: In the interest of amenity and public safety.

12. That no dwelling be occupied until all services have been connected thereto and are operational.

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

13. That an acceptable street naming and house numbering scheme be submitted to and approved by the Council well in advance of commencement of any works on site or marketing.

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

Note: Failure to have a naming and numbering scheme approved in time could result in a delay in marketing or the provision of utility company services to the site. It is suggested that a number of alternative names be submitted together with a brief history of their origin, which should be of local historical significance. The street naming scheme should be in both English and Irish and the Irish version should be an Official translation, which can be obtained by contacting the Official translator, Dail Éireann.

14. That the developer shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, sewers,

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watermains or drains, forming part of the development, until taken in charge by the Council.

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

15. All bathroom/ en suite windows shall be fitted and permanently maintained with obscure glass. The use of film is not acceptable.

REASON: In the interests of residential amenity.

16. That all public services to the proposed development, including electrical, telephone cables and associated equipment be located underground throughout the entire site.

REASON: In the interest of amenity.

17. That all necessary measures be taken by the contractor including wheel wash facilities, to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works.

REASON: To protect the amenities of the area.

18. Prior to the commencement of development, a detailed landscaping plan shall be submitted for the written agreement of the Planning Authority and shall include a tree survey detailing all trees to be retained /removed and detailing all measures ensuring existing trees which are to be retained are protected during construction works.

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

19. Prior to commencement of development, a Construction Management Plan shall be submitted to the Planning Authority for written agreement. This plan shall provide details of the following:
- a) Intended construction practice for the development, including hours of working.
 - b) Noise management measures.
 - c) Details of the location of a storage compound on site.
 - d) Off-site disposal of construction/demolition waste.
 - e) A scheme for dust and dirt control including the provision of an on-site wheel wash.
 - f) Details of the Construction Traffic Plan, including identification of the construction traffic route, parking on site and location of loading/ unloading on site.

Development shall not commence on site in advance of the written agreement of the Planning Authority being received in relation to the foregoing

REASON: In the interest of amenities and public safety.

20. The following requirements shall be complied with in full;

(i) The hours of operation on all construction sites shall be restricted to 8.00a.m. to 7.00p.m., Monday to Friday, and 8.00 a.m. to 2.00p.m. on Saturdays.

(ii) No activities shall take place on site on Sundays or Bank Holidays.

(iii) No activity, which would reasonably be expected to cause annoyance to residents in the vicinity, shall take place on site between the hours of 7.00pm and 8.00am.

(iv) No deliveries of materials, plant or machinery shall take place before 8.00a.m. in the morning or after 7.00p.m. in the evening.

(v) If there is any occasion when work must be carried on outside daytime hours, the Environmental Health Officer, local residents and businesses in areas which are likely to be affected by noise from the proposed works shall be notified in advance e.g. in letter or leaflet or advertisement form, of:

- a) Name, address and telephone number of company carrying out works
- b) Nature of and reason for works
- c) Likely duration and times of work

(vi) No outdoor burning shall occur on site. Site shall be secured to prevent access.

(vii) During any demolition and the construction phase, all necessary steps shall be taken to contain dust and airborne pollutants arising from the site and to prevent nuisance to persons in the locality. This shall include i) covering skips, ii) covering slack heaps, iii) netting of scaffolding, iv) regular road and pavement damping and sweeping, v) use of water spray to suppress dust, vi) proper paved or hard stand access for trucks and vehicles to and from the site to prevent dirt and dust from the site being carried from the site on to public roads etc.

In the interests of both public health and the environment the above guidelines shall be included in the work policy of those undertaking all large and small building. These details shall be made known to all developers contractors and sub-contractors.

REASON: In the interests of public health.

21. The developer shall pay the sum of € 51,699.00 to the Planning Authority as a contribution towards expenditure that was and/or that is proposed to be incurred by the planning authority in respect of public infrastructure and facilities benefiting development in the area of the Authority, as provided for in the Contribution Scheme for Fingal County made by the Council. The phasing of payments and the provision of security to ensure payment shall be agreed in writing with the planning authority prior to the commencement of development.

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

Note on above Condition:

Please note that with effect from 1st January 2014, Irish Water are now the Statutory Body responsible for both water and waste water services (excluding surface water). Accordingly, the contribution payable has been reduced by the amount of the contribution associated with these services. A separate charge will be levied by Irish Water in relation to the provision of water and/or wastewater treatment infrastructure and connections to same. Further details are available on the Irish Water website www.water.ie, Tel. (01) 6021000.

Note 1: The applicant is advised that under the provisions of Section 34(13) of the Planning and Development Act 2000 a person shall not be entitled solely by reason of a permission to carry out any development.

Note 2: The issue of encroachment or oversailing is a civil matter the applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

22. That no development under any permission granted pursuant to this decision be commenced until security for the provision and satisfactory completion of services, including maintenance, to the taking in charge standard of the Local Authority for roads, open spaces, car parks and drains has been given by:-
- A. Lodgement with the Council of a Bond in the sum of €40,000 which shall be kept in force by him until such time as the Roads, Open Spaces, Car Parks and Drains are taken in charge by the Council.....OR/
- B. Lodgement with the Council of a Cash Sum of €25,000 to be applied by the Council at its absolute discretion if such services are not duly provided to its satisfaction on the provisions and completion of such services to standard specification.

REASON: To ensure that a ready sanction may be available to the Council to induce the provision of services and prevent disamenity in the development.

Signed on behalf of the Fingal County Council



for Senior Executive Officer

6 October, 2015

NOTES:

A number of the conditions attached to the planning permission may need compliance submissions to be lodged and agreed prior to commencement of development. Failure to comply with a condition of the planning permission is an offence under Section 151 of the Planning and Development Act 2000. Copies of each compliance submission should be made in triplicate.

The applicant is required to remove Site Notice on receipt of Notification from Planning Authority of decision.

Please note all observations/submissions have been taken into consideration when making this decision.

Please also note that consent under the above Planning legislation does not imply consent under the Building Control Regulations. The onus is on all practitioners to ensure full compliance with the Building Control Regulations (In certain circumstances design changes may require planning permission).

It should be further noted that planning permission is required in respect of changes to a Protected Structure or the exterior of a building in an Architectural Conservation Area which materially affects the character of the building/ structure.



Information Note - Public Water and Waste Water Networks

Connections

On the 1st of January 2014 Irish Water became the statutory body with the responsibility for all water services, both water and waste water. The provision of a water services connection will be carried out by Irish Water in partnership with each Local Authority.

Any persons seeking a connection to any of Irish Water's networks should make an application in the first instance to their Local Authority who will act on behalf of Irish Water in processing the application.

A Connection Agreement between Irish Water and the applicant will be required, prior to any connection being agreed, and will set out the conditions and charges to be applied to the connection. Details, including availability of application forms, are to be found on each Local Authority website.

It should be noted that Planning Authorities can no longer levy water and wastewater development charges and that these will now be incurred as part of the connection charge, if applicable.

Under the provisions of Section 55(1)(a) of the Water Services Act 2007 (the Act) it is an offence for a person to cause or permit the connection of a premises to the public water supply network, either directly or indirectly, or to otherwise take a water supply without the agreement of Irish Water.

Similarly under the provisions of Section 61(1) (a) of the Act, it is an offence for a person to cause or permit the connection of a premises to the public waste water collection network, either directly or indirectly, without the agreement of Irish Water.

INFORMATION for the purposes of Building Control;-

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- **IMPORTANT NOTE NOW THAT YOU HAVE RECEIVED PLANNING PERMISSION or ARE INTENDING TO CARRY OUT BUILDING WORKS.**

BEFORE ANY BUILDING WORKS TAKES PLACE ON YOUR SITE YOU WILL NEED TO CHECK THE FOLLOWING Pre-Development Planning Conditions, Commencement Notice, Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011) .

- **IF SOME OR ANY OF THESE ARE OMITTED YOUR BUILDING MAY BE AN UNAUTHORISED BUILDING AND YOU MAY BE GUILTY OF AN OFFENCE AND/OR YOU MAY BE SUBJECT TO PENALTIES.**
- **YOU SHOULD ALSO BE AWARE THAT IF YOU OMIT TO SUBMIT A VALID COMMENCEMENT NOTICE TO YOUR LOCAL AUTHORITY YOU MAY BE UNABLE TO GET A COMPLETION CERTIFICATE AND THIS MAY HAVE SERIOUS LONG TERM CONSEQUENCES.**

(The information is for guidance purposes only and does not purport to be a legal interpretation or constitute legal or professional advice.)

1. Pre-Development Planning Conditions;

1. If there are any Pre-Development conditions on the schedule of conditions attached to your planning permission you should give your immediate attention to them prior to the commencement of your development.

Note: All conditions must be complied with in full as failure to do so will render your permission invalid and may result in the initiation of enforcement proceedings for compliance with same

2. Commencement Notice; www.localgov.ie

In accordance with the Building Control Regulations you are obliged to submit a Commencement Notice prior to commencement of the development and it must be received by the BCA not less than 14 days and not more than 28 days before you wish to commence. Commencement Notice forms may be downloaded from www.localgov.ie, @ BCMS. Please complete same and submit on-line to BCMS.

- (a) A completed copy of the commencement notice which must be signed by the owner of the works and must (refer to section 9 S.I. No 9 of 2014) be to be accompanied by the following;
 - a. General Arrangement Drawings
 - b. A schedule of design documents as are currently prepared or to be prepared
 - c. An online- assessment via the Building Control Management System of the proposed approach to compliance with the requirements of the Building Regulations 1997 to 2014;
 - d. The preliminary inspection plan
 - e. A Certificate of Compliance (Design)
 - f. Notices of Assignment in respect of the Builder who will carry out the works and of the Assigned Certifier who will inspect and certify the works, and
 - g. Certificates of Compliance signed by the Builder and the Assigned Certifier undertaking to carry-out their roles in accordance with the requirements of the Building Regulations.

With regard to the above, please note that:

1. The Designer and the Assigned Certifier must be a Chartered Engineer, or Registered Architect or Registered Surveyor
2. A Competent Builder must execute the work

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3. Your drawings must show details of how your Building will comply with the Building Regulations - drawings submitted for planning permission purposes are not typically building control compliance drawings.
4. The commencement notice and accompanying documentation must be filed electronically via the online Building Control Management System. Where notices and documentation are submitted in written format, the building control authority will arrange for scanning and uploading of same for which an administrative charge will apply and statutory deadlines relating to such notices may be delayed by up to seven days.

(Note: Statutory approvals relating to fire safety and disabled access continue to apply where relevant and are not affected by the above changes).

For more information; <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

3. Construction Products Regulations (CPR) (Regulation (EU) No. 305/2011)

CE MARKING of construction products covered by harmonised European Standards is mandatory, when the construction product is placed on the market.

You need to ensure that you appoint competent professionals.

Whilst the CPR concerns itself with the conditions which apply when placing a construction product on the market, clients, specifiers, designers and builders etc. should be aware of the following when incorporating construction products into building works:

1. When drawing up specifications, refer to the harmonized technical specifications and specifically to the performance requirements of individual characteristics when necessary,
2. When choosing the products most suitable for their intended use in construction works, review the manufacturer's Declaration of Performance,
3. Check National Annexes or Standard Recommendations which give guidance on appropriate minimum performance levels for specific intended uses of the product in Ireland. NSAI host this information at www.nsa.ie, and

NOTE; All works should be carried out using "proper materials...which are fit for the use for which they are intended and for the conditions in which they are to be used" to ensure compliance with the Building Regulations. For further information on the Building Regulations see <http://www.environ.ie/en/DevelopmentHousing/BuildingStandards/>

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 relate 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 eight weeks beginning on the date of Planning Authority's decision on the second application. For full details of fees, refunds and exemptions the Planning & Development Regulations, 2001 should be consulted.

(B) APPEALS

1. An appeal against the decision may be made to An Bord Pleanála by the applicant or ANY OTHER PERSON who made submissions or observations in writing to the Planning Authority in relation to this planning application within four weeks beginning on the date of this decision. (N.B. Not the date on which the decision is sent or received). A person who has an interest in land adjoining land in respect of which permission has been granted may within the appropriate period and on payment of the appropriate fee apply to the Board for Leave to Appeal against that decision.
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. Appeals should be sent to:
The Secretary, An Bord Pleanála, 64 Malborough Street, Dublin 1.
2. An appeal lodged by an applicant or his 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. In the case of third party appeals, a copy of the acknowledgement of valid submission issued by F.C.C. must be enclosed with the appeal.
3. 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 (f) below).
4. Where an appeal has already been made, another person can become an "observer" and make submissions or observations on the appeal. A copy of the appeal can be seen at the Planning Authority's office.
5. If the Council makes a decision to *grant permission/ retention/ outline/ permission consequent on the grant of outline* and there is no appeal to An Bord Pleanála against this decision, a final grant will be made by the Council as soon as may be after the expiration of the period for the taking of such an appeal. If every appeal made in accordance with the Acts has been withdrawn, the Council will issue the final grant as soon as may be after the withdrawal.
6. Fees payable to An Bord Pleanála from 5th September 2011 are as follows:

Case Type

Planning Acts

(a) Appeals against decisions of Planning Authorities

Appeal

(i) 1 st party appeal relating to commercial development where the application included the retention of development	€4,500 or €9,000 if an EIS or NIS involved
(ii) 1 st party appeal relating to commercial development (no retention element in application)	€1,500 or €3,000 in EIS or NIS involved
(iii) 1 st party appeal non-commercial development where the application included the retention of development.	€660
(iv) 1 st party appeal solely against contribution condition(s) – 2000 Act Section 48 or 49	€220
(v) Appeal following grant of leave to appeal (An application for leave to appeal is also €110)	€110
(vi) An appeal other than referred to in (i) to (v) above.	€220
(b) Referral	€220
(c) Reduced fee for appeal or referral (applies to certain specified bodies)	€110
(d) Application for leave to appeal (section 37(6)(a) of 2000 Act)	€110
(e) Making submission or observation (specified bodies exempt).	€50
(f) Request for oral hearing under Section 134 of 2000 Act	€50

NOTE: the above fee levels for planning appeals and referrals remain unchanged from those already in force since 2007 (but note the addition of NIS in (i) and (ii) above).

Fees apply to: All third party appeals at 7(a)(iv) above except where the appeal follows a grant of leave to appeal; First party (section 37 appeals) planning appeals not involving commercial or retention development, an EIS or NIS. All other (non section 37) first party appeals.

These bodies at 7(c) above are specified in the Board's order which determined fees. They include planning authorities and certain other public bodies e.g. National Roads Authority, Irish Aviation Authority.

NB. This guide does not purport to be a legal interpretation of the fees payable to the Board. A copy of the Board's order determining fee under the Planning Act is obtainable from the Board. Further information about fees under other legislation may be found in the appropriate legislation and is also available from the Board.

If in doubt regarding any of the above appeal matters, you should contact An Bord Pleanála for clarification at **(01) 8588 100**.