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

<b>Decision Order Number:</b> 0156	<b>Date of Decision:</b> 11-Feb-2019
<b>Register Reference:</b> SD18A/0335	<b>Date:</b> 15-Jan-2019

**Applicant:** David Kenny

**Development:** (i) Demolition of a single storey element of an existing two storey house; (ii) construction of two 2 bedroom 2 storey houses; (iii) removal of the front garden wall to provide vehicular access and provision of three additional car parking spaces; (iv) roof lights, private amenity space, boundary treatment, landscaping, SuDS drainage and all ancillary works necessary to facilitate the development.

**Location:** 17, Wheatfield Close, Dublin 22

**Floor Area:**

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

**Additional Information Requested/Received:** 09-Nov-2018 /15-Jan-2019

**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 2016 - 2022 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 15th January 2019, 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. Restriction on Use.  
Each house shall be used as a single dwelling unit and shall not be sub-divided by way of sale or letting (including short-term letting) or otherwise nor shall it be used for any commercial purposes.  
REASON: To prevent unauthorised development.
3. 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.
4. House Number.  
The numbers of the houses shall be 17A and 17B, and this number shall be placed on each of the completed houses prior to its occupation in a manner so as to be clearly legible from the public road.  
In the event that this number already exists no development shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;  
(a) a street name and dwelling/unit number plan to resolve any possible conflict and,  
(b) this has been acknowledged as acceptable in writing by the Planning Authority.  
Following receipt of an acknowledgement of acceptability, the agreed number/name shall be placed on the completed house prior to occupation in a manner so as to be clearly legible from the public road.

The applicant is advised that the development number or name should avoid any duplication within the county.

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

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

5. External Finishes.

All external finishes shall harmonise in colour and texture with the adjoining dwelling at No. 17.

REASON: In the interest of visual amenity.

6. 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.

7. 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.

8. Boundary Treatment.

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 lodge with the Planning Authority;

(i) A plan showing full details of the specific locations and extent of proposed walling in accordance with the Planning Authority's policy and requirements, and full details and specifications of site boundary treatment that accords with Development Plan policy and the requirements of the Council's Parks and Landscape Services Section, along with

(ii) Written confirmation of the agreement of the Council's Parks and Landscape Services Section to this plan,

(iii) A written commitment to implement the proposed development in accordance with this required plan, and

(iv) These requirements have been acknowledged in writing as acceptable by the Planning Authority.

This required plan should include for the provision of screen walls in block or similar durable materials 2 metres high, suitably capped and rendered. Timber fencing or other non-durable material is not acceptable.

REASON: In the interest of visual amenity and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

9. Dish Kerb and Footpath.

The kerb and footpath of the public road at the vehicle entrance(s) shall be,

(a) dished and a widened dropped crossing shall be constructed to the satisfaction of South Dublin County Council and at the applicants expense, and

(b) all works shall be completed in fully accordance with the terms of a Road Opening Licence to be obtained by the applicant, developer, or owner from the Council prior to commencement of any works in the public domain.

REASON: In the interest of public safety and the proper planning and sustainable development of the area, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10.

10. Gates.

No gate to be installed or erected shall be capable of opening across any public footpath, cycle-track, roadway or right of way, and any front entrance pillars shall be a maximum height of 1.2m .

REASON: In the interests of visual amenity and pedestrian safety.

11. Taking in Charge.

The applicant, developer or owner shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, surface water drains, attenuation infrastructure, manholes etc., forming part of the

approved development including where applicable any wayleaves in favour of SDCC or a management company that will be required.

Prior to commencement of 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 in writing.

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

## 12. Drainage

(a) 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 enter into a Connection Agreement(s) with Irish Water to provide for a service connection(s) to the public water supply and / or wastewater collection network.

(b) The applicant, owner or developer shall lodge with the Planning Authority a copy of the connection agreement with Irish Water.

(c) The water supply and drainage infrastructure, shall comply with the technical requirements of the Water Services Authority and/or Irish Water.

(d) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(e) All works for this development as approved shall fully comply with the requirements of Irish Water which can be viewed/downloaded from

[www.water.ie](http://www.water.ie), and The Greater Dublin Regional Code of Practice for Drainage Works which (as of February 2018) can be viewed /downloaded from the South Dublin County Council website at the following link

<http://www.sdcc.ie/sites/default/files/publications/greater-dublin-regional-code-of-practice-for-drainage-works.pdf>, the Irish Water Standard Details, (mandatory for all Irish Water Connection Agreement Offers issued after 6th June 2016 and available at <http://www.water.ie/help-centre/connections>) and the Building Regulations 2010 Technical Guidance Document B & H.

Where relevant the applicant / developer must comply with all the requirements regarding external fire mains and hydrant layout. Legged off hydrants are not permitted due to risk to water quality and public health in the event of a drop in mains pressure and back-siphonage of stagnant water. All proposals should be in compliance with Irish Water's Connection & Developer Services Water Infrastructure Standard Details in particular the requirements of STD-W-12: Restrictions on trees/shrub planting adjacent to watermains.

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.

13. Existing Street Tree Protection.

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 any works on site, a Bond or bank draft to the value of €1,338.24 shall be lodged with Planning Authority as a security for the protection of the existing street tree(s) in the grassed margin during the course of the development works.

The bond lodgement shall empower the planning authority to apply security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or the appropriate and reasonable replacement of that tree that dies, removed or become seriously damaged or diseased within a period of one year from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

The release of this bond will be considered a minimum of twelve months after the completion of all site works, at the discretion of the Landscape/Public Realm Section.

This will involve assessment of whether the trees specified for retention have been preserved in their prior condition and have suffered no damage and the developer has complied with the requirements of the Planning Authority in relation to tree protection.

REASON: In the interest of the proper planning and sustainable development of the area, street-tree protection, and the maintenance of the county's green infrastructure.

14. The developer shall pay to the planning authority a financial contribution of €16,546.86 (sixteen thousand five hundred and forty six euros and eighty six cents), in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2016 - 2020, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended). The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2016 - 2020.

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](mailto:customerservice@water.ie).

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 is advised that, in order to use the attic conversion as a habitable room, it must comply with the Building Regulations.

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: 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: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

NOTE: Irish Water Infrastructure capacity requirements and proposed connections to the Water and Waste Water Infrastructure will be subject to the constraints of the Irish Water Capital Investment Programme.

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

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.

An Rannóg Talamhúsáide, Pleanála agus Iompair  
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Comhairle Contae  
Átha Cliath Theas  
South Dublin County Council

Signed on behalf of the South Dublin County Council.

  
for Senior Planner

12-Feb-2019