

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/0979/21

Reg. Reference: SD21A/0132 **Application Date:** 25-May-2021
Submission Type: New Application **Registration Date:** 25-May-2021

Correspondence Name and Address: Rory Kissane, McGrane & Partners Paradigm House,
Dundrum Office Park, Dublin 14

Proposed Development: Retention of 2 apartments previously used as a two storey retail premises comprising a 1 one bedroom apartment at ground floor level and 1 two bedroom apartment at first floor level; Permission for internal amendments and minor elevational alterations at first floor level to the southern and western elevations along with proposed new bin storage, bicycle parking and all other ancillary site development works.

Location: Millstone House, Old Nangor Road, Clondalkin, Dublin 22

Applicant Name: Conor Broderick

Application Type: Permission and Retention

(EW)

Description of Site and Surroundings:

Site Area: 0.01182 Hectares.

Site Description:

The site is located on the Old Nangor Road, Clondalkin and contains a former retail unit which is now in use as a residential apartment unit at both ground (1-bed) and first floor (2-bed). The existing building adjoins Greenhills Engineering Ltd. immediately to the west which appears to have a light industrial use. Immediately to the east is a three-storey residential apartment unit. Clondalkin Leisure Centre is located to the south (rear) of the site. There is also public open space a car park located to the south (rear) of subject site.

Background

The applicant had submitted a similar proposal under SD19A/0378 and was Refused Retention Permission. Under this proposal, the first floor proposes a one-bedroomed apartment instead of a two-bedroomed apartment.

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The applicant had submitted a similar proposal under SD20A/0227 and was Refused Retention Permission. Under this proposal, was a first floor one-bedroomed apartment and a one-bed ground floor apartment, however habitable apartment standards were not met.

Proposal:

- Retention of 2 apartments previously used as a two storey retail premises comprising a
 - (a) 1 one-bedroom apartment at ground floor level and
 - (b) 1 two-bedroom apartment at first floor level;Permission for internal amendments and minor elevational alterations at first floor level to the southern and western elevations along with proposed new bin storage, bicycle parking and all other ancillary site development works.

Zoning:

The proposed site is subject to zoning objective 'RES'- to protect and/or improve residential amenity, in the South Dublin County Development Plan 2016-2022.

Consultations:

Irish Water - No objections subject to conditions.

Surface Water Drainage –Additional Information requested; insufficient space for proposed soakaway to meet BRE Digest 365 Standards and insufficient drawings for surface water layout and upkeep of drainage system.

Roads – No objections.

EHO – No report received.

SEA Sensitivity Screening: Indicates no overlap with relevant layers.

Submissions/Observations /Representations

None received.

Relevant Planning History

SD20A/0227 - SDCC Refused Retention Permission for conversion of retail premises to (a) first floor 1-bedroom apartment and (b) ground floor 1-bedroom apartment.

Reasons:

1. Having regard to:
 - The insufficient residential amenity for the first floor apartment due to the limited natural light in the living room (western window facing the two storey arched roof of the adjoining structure),
 - First-floor apartment refuse storage facilities, which impinge on the residential amenity of the ground floor apartment;

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- Ground-floor apartment refuse storage facilities, which requires the traversing of a bedroom, a long hall way and a living room to pace to the front of the property, it is considered that the development the subject of this retention permission represents substandard development, would be seriously injurious to the residential amenity of existing and any future occupants, would contravene the zoning objective 'RES' for the area which seeks 'to protect/and or improve residential amenity' in the South Dublin County Council Development Plan 2016 - 2022 and is contrary to the proper planning and sustainable development of the area.
2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.
 - 3 Insufficient, inconsistent and inaccurate information has been submitted with the application:
 - The site layout plan does not clearly illustrate the relationship between the subject site and the adjoining properties, it does not illustrate the roof structures and the full extent of built structures in the vicinity of the site, in particular, the structure to the west at Greenhills Metal Fabrication business.
 - The site layout plan does not illustrate the entirety of the proposed development i.e. the rear balcony and its proximity to the tree lined southern boundary.
 - The existing front ground floor door and two windows is not consistent with the window ope in the ground floor plan.
 - The north point on floor plans as notated on Drawing No. 20/PL/01 is incorrect and is 180 degrees out.
 - Front elevational scaled drawings of the proposed bin storage and the rear bin storage in context have not been submitted.
 - The floor plans as notated on Drawing No. 20/PL/01 do not comprise adjoining properties and do not illustrate their relationship with the subject site.In the absence of accurate and sufficient information, the Planning Authority considers that the applicant has not substantially demonstrated that the proposed development will not adversely impact on residential amenity and/or the visual amenity of the area. The proposed development would therefore be contrary to the proper planning and development of the area

SD19A/0378 - SDCC Refused Retention Permission for the conversion and change of use of retail premises to first floor two-bedroom apartment and ground floor one-bedroom apartment.

Reasons:

1. Having regard to the
 - insufficient residential amenity for the first floor apartment due to the absence of natural light in the living room;
 - non-compliance with the minimum floor area requirements for apartment 2 at first floor;
 - the absence of any private amenity space;
 - no refuse storage facilities;it is considered that the development the subject of this retention permission represents

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substandard development, would be seriously injurious to the residential amenity of existing and any future occupants, would contravene the zoning objective 'RES' for the area which seeks 'to protect/and or improve residential amenity' in the South Dublin County Council Development Plan 2016 - 2022 and is contrary to the proper planning and sustainable development of the area.

2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

SD05A/0492 - SDCC Granted Permission for the demolition of the existing bungalow and construction of a two-storey building consisting of two retail units namely a newsagent and a beauty salon and two first floor offices on the adjacent site to the east. This development is currently being carried out.

Adjacent sites

SD13A/0087: A-One Curtains & Blinds, Old Nangor Road, Clondalkin, Dublin 22.

SDCC Refused Permission for a terrace retail unit to 2 storeys 1-bedroom own door duplex apartment; removal of shop signage to the front, internal alterations and all ancillary site works.

SD09A/0204: A-One Curtains & Blinds, Old Nangor Road, Clondalkin, Dublin 22.

SDCC Granted Permission for the construction of a second floor consisting of a storage room and staff kitchen with smoking area to rear, internal alterations and all ancillary siteworks.

SD07A/0636: 'The Bungalow', Old Nangor Road, Clondalkin, Dublin 22.

SDCC Granted Permission for the construction of a three storey mixed-use development consisting of a beauty salon at ground floor level, 2 no. 1-bedroom apartments with balconies to the rear at first floor level and a 2-bedroom apartment at second floor level with balcony set-back from the front/side, parking for 3 cars to the rear, roof garden to the rear and all ancillary siteworks.

SD06A/1058: The Bungalow, Nangor Road, Clondalkin, Dublin 22.

SDCC Refused Permission consisting of a convenience store at ground floor level, storage, and offices at first floor level and a retail unit at third floor level. Permission is also being sought to form a loading bay to the front, associated landscaping to the side and rear and all ancillary siteworks.

Relevant Enforcement History

S4474: file now closed.

Pre-Planning Consultation

None.

Relevant Policy in South Dublin County Council Development Plan 2016 - 2022

Policy H6 Sustainable Communities

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It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H8 Residential Densities

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

Policy H10 Mix of Dwelling Types

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Section 2.3.0 Quality Of Residential Development

Policy H11 Residential Design and Layout

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Public Open Space

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.

Policy H14 Objective 1:

“To ensure that all residential units and residential buildings are designed in accordance with the relevant quantitative standards, qualitative standards and recommendations contained in

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**Sustainable Urban Housing: Design Standards for New Apartments (2015), the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (2009), the companion Urban Design Manual and have regard to the standards and targets contained in Quality Housing for Sustainable Communities (2007), particularly the standards and recommendations that relate to internal amenity/layout, overall unit size, internal room sizes, room dimensions, aspect, sound insulation, communal facilities, storage, sustainability and energy efficiency.”*

**(The 2015 Apartment Guidelines have since been superseded)*

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy H15 Privacy and Security

Policy H15 Objective 3

Policy H15 Objective 4

Section 3.2.0 Community Facilities

Policy C1 Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

Section 3.13.0 Open Space Management & Use

Policy C12 Open Space

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

Section 6.3.0 Walking And Cycling

Policy TM3 Walking and Cycling

It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising

Section 6.4.3 Road and Street Design

Policy H12

It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

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Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 10.0 Energy

Policy E4 Energy Performance in New Buildings

Section 11.2.0 Place Making and Urban Design

Section 11.2.1 Design Statements

Section 11.2.2 Masterplans

Table 11.17: Masterplan Considerations

Section 11.2.7 Building Height

Section 11.3.1 Residential

- (i) Mix of Dwelling Types*
- (ii) Residential Density*
- (iii) Public Open Space/Children's Play*
- (iv) Dwelling Standards*
- (v) Privacy*
- (vi) Dual Aspect*
- (vii) Access Cores and Communal Areas*

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(viii) *Clothes Drying Facilities*

Table 11.20: Minimum Space Standards for Houses

Table 11.21: Minimum Space Standards for Apartments

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.24: Maximum Parking Rates (Residential Development)

Section 11.4.3 Car Parking for Electric Vehicles

Section 11.4.4 Car Parking Design and Layout

Section 11.4.5 Traffic and Transport Assessments

Section 11.6.1 (i) Flood Risk Assessment

Section 11.6.1 (ii) Surface Water

Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)

Section 11.6.1 (iv) Groundwater

Section 11.6.1 (v) Rainwater Harvesting

Section 11.6.1 (vi) Water Services

Section 11.7.1 Energy Performance In Existing Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Section 2.4.0: Residential Consolidation – Infill, Backland, Corner Sites

Policy H17 Residential Consolidation

Section 11.3.1 Residential

Section 11.3.1 (iv) Dwelling Standards

Table 11.20: Minimum Space Standards for Houses

Section 11.3.1 (v) Privacy

Section 11.3.2 Residential Consolidation

Section 11.3.2 (i): Infill Developments

Section 11.3.2 (iv): Dwelling sub-division and Upper Floors

“Dwelling sub-division and ‘over the shop’ accommodation should accord with the relevant guidelines and standards contained in this Development Plan relating to apartments and contribute positively to the established character and amenities of the area. The design of ‘over the shop’ housing should include mitigation measures to address possible sources of external noise. A separate, distinctive point of entry with an identifiable address should also be provided. Dwelling sub-divisions should preserve the established character and amenities of the area.

*At the discretion of the Planning Authority and subject to appropriate safeguards to protect residential amenity, **reduced internal space, open space and car parking standards may be considered in exceptional circumstances** for dwelling subdivisions or ‘over the shop’*

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accommodation, subject to compensating amenity features that maintain the residential amenities of the development and/or the area."

9.1.0 Built Heritage And Architectural Conservation

9.1.2 Protected Structures

9.1.3 Architectural Conservation

9.1.4 Older Buildings, Estates and Streetscapes

Relevant Government Guidelines

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2018).

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government *and Department of Transport, Tourism and Sport* (2013)

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Assessment

The main issues for consideration are:

- Zoning and Council policy,
- Visual Impact, design and residential amenity,
- Access and Parking,
- Compliance with Part V,
- Services and Drainage.

Zoning and Council Policy

The proposed site is subject to zoning objective 'RES'- to protect and/or improve residential amenity. The proposal for retention for change of use of a retail premises to residential apartments

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are permitted in principle subject to its accordance with the relevant provisions in the South Dublin County Development Plan 2016-2022.

Change of Use

The subject application comprises of retention for a conversion and change of use of a retail premises to 1 one-bedroom apartment at first floor level and 1 one-bedroom apartment at ground floor This is a total of two apartments.

The proposal to change the use from retail to residential is considered acceptable in principle owing to the 'RES' zoning of the site, and the nature of development in the surrounding area.

Visual Impact, Design and Residential Amenity

The assessment of this Retention proposal is in context to the existing County Development Plan, it is subject to compliance with detailed policy provisions in relation to design that will be considered below.

It is noted that the applicant previously submitted a similar Retention proposal under SD19A/0378 and SD20A/0227. The proposal under SD19A/0378 comprised of the conversion and change of use of the retail premises to a two-bedroom apartment at first floor level and a one-bedroom apartment at ground floor level. Retention proposal under SD20A/0227 saw the two-bedroom apartment at first floor level changed to a one bedroom. This was Refused Retention Permission due to concerns regarding residential amenity and undesirable precedent.

Under the current Retention proposal, the development incorporates a layout modification, which shall be assessed with the same criteria under the South Dublin County Council Development Plan 2016-2022.

Apartment sizes

The one-bedroom apartments at first and ground floor level should be consistent with Table 11.21 Minimum Space Standards for Apartment's. The Retention proposed development shall also be consistent with the Development Plan provisions and comply with the Design Standards for New Apartments March 2018. For a one-bedroom apartment it must have an overall minimum floor area of 45sq.m.

- Apartment 1 (Ground Floor) one-bedroom apartment has a minimum floor area of approximately 63sq.m, which would comply.
- Apartment 2 (First Floor) which is a two-bedroom apartment has a minimum floor area of approximately 73sq.m, which would comply.

Private amenity space

To comply with the Design Standards for New Apartments March 2018 a one-bedroom apartment must have a minimum area of private amenity space of 5sq.m.

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- Apartment 1 (Ground Floor) apartment has minimum private amenity space of approximately 19.3sq.m under a rear balcony which would comply.
- Apartment 2 (First Floor) apartment has minimum private amenity space of approximately 8.6sq.m by way of a rear balcony which would comply.

Storage

To comply with the Design Standards for New Apartments March 2018 where the minimum storage required for a one-bedroom apartment is 3sq.m.

- Apartment 1 (Ground Floor) apartment has minimum storage space of approximately 3sq.m, which would comply.
- Apartment 2 (First Floor) apartment has storage space of approximately 3sq.m, which would comply.

Refuse Storage Facilities

The application for retention for a change of use now includes for the provision of refuse storage facilities in self-contained wooden bin storage containers to the front of the development. The proposal states that they are secure and for both the ground and first floor apartments.

The applicant has overcome previous refusal reasons for refuse storage under Section 4.8 of the Sustainable Urban Housing: Design Standards for New Apartments that states that 'Provision shall be made for the storage and collection of waste materials in apartment schemes, this is now considered acceptable.

Residential Amenity

The ground floor apartment is now considered acceptable.

The addition of a second bedroom at first floor level has now limited the light entering the main living room area and created a tunnel effect with only the two bedrooms gaining access to natural day light and the main living area dependent on two roof lights. This is not acceptable and may be rectified by the omission of the rear bedroom.

It is noted that the applicant has blocked up the western first floor window located on the boundary with the adjoining property as it is dependent on the adjoining site for ventilation and light and to give a right to light and would infringe upon the potential of the adjacent site.

The Planning Authority has serious concerns that apartment 2 at first floor level (2-bedroom apartment) has an insufficient level of residential amenity due to the fact that there is no natural light in the living area. This significant adverse impact on the residential amenities of the existing and any future occupants would contravene the zoning objective 'RES' for the area which seeks 'to

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protect/and or improve residential amenity', contravene the South Dublin County Development Plan 2016 - 2022 and the proper planning and sustainable development of the area.

In the interest of the zoning objective 'RES' for the area which seeks 'to protect/and or improve residential amenity', it is considered appropriate to request the first-floor apartment to be reduced to a one-bedroomed dwelling unit by way of a request for **Further Information**.

Access and Parking

A report received from the Roads Department states no objection.

There is no proposal for any on curtilage car parking at the development. There are marked on street parking along Old Nangor Road. As this is small infill development and in accordance with the section 4.27 of the 2018 Apartment Guidelines the Roads Department will relax the on-curtilage parking standards.

Water Services

The Water Services report notes that further information is required in relation to the the insufficient space for proposed soakaway to meet BRE Digest 365 Standards. And insufficient drawings for surface water layout and a report to show who and how proposed surface water system will be maintained.

In the interest if public health and safety, it is considered appropriate to acquire the above information by way of a request for **Further Information**.

In relation to foul drainage and water supply, Irish Water has no objections subject to standard **conditions** being applied in the event of a grant of retention permission.

Compliance with Part V

A Certificate of Exemption has not been granted under Section 97 of the Planning and Development Act, 2000 (as amended). Therefore, in the event of a grant of permission the Standard Part V **condition** shall be attached.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Environmental Impact Assessment

Having regard to the documentation submitted with the application and to the nature, scale and location of the proposed development, it is considered that there is no real likelihood of significant effects on the environment arising from the proposed development.

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Development Contributions

Development Contributions Assessment Overall Quantum

- Retention for conversion of retail use to residential for 2 one-bedroom apartments measuring a total of 144sq.m.
- Development contributions assessable on 144sq.m.

SEA Monitoring Information

Building Use Type Proposed: Change of Use to Residential
Floor Area: 144sq.m
Land Type: Brownfield/Urban Consolidation.
Site Area: 0.011ha

Conclusion

Having regard to the:

- provisions of the South Dublin County Council Development Plan 2016-2022,
- Interests of the proper planning and sustainable development of the area,
- The 'RES' land-use zoning objective for the area,
- the overall design of the development proposed.

it is considered that the development the subject of this retention permission by reason of insufficient residential amenity for the first-floor apartment due to the absence of natural light in the living room; it is not consistent with the proper planning and sustainable development of the area. The applicant is requested to reduce the first-floor apartment to a one bedroom by Additional Information, as to remain as two bedroom apartment in the subject retention proposal would be seriously injurious to the residential amenity of existing and any future occupants.

Recommendation

I recommend that **ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:

1. Having regard to the insufficient residential amenity for the first-floor apartment due to the absence of natural light in the living room; it is considered that the first floor two-bedroomed apartment the partial subject of this retention permission represents substandard development, would be seriously injurious to the residential amenity of existing and any future occupants, would contravene the zoning objective 'RES' for the area which seeks 'to protect/and or improve residential amenity' in the South Dublin County Council Development Plan 2016 - 2022 and is contrary to the proper planning and sustainable development of the area.

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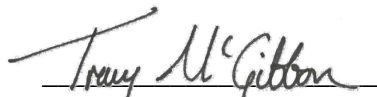
- (i) The applicant is therefore requested to redesign and reduce the first-floor apartment from a two-bed apartment to a one bedroom apartment.
 - (ii) The applicant is requested to submit revised plans, elevational and cross-sectional drawings that clearly show the redesigned one bedroomed apartment and demonstrate how natural light penetrates the centre of the residential property (into the living roomkitchen, as well as bedroom).
2. The Water Services Department note insufficient space for proposed soakaway to meet BRE Digest 365 Standards.
- The applicant is requested to submit:
- (i) a revised drawing showing an alternative surface water layout for proposed development.
 - (ii) a report to show how the proposed surface water system will be maintained.

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REG. REF. SD21A/0132

LOCATION: Millstone House, Old Nangor Road, Clondalkin, Dublin 22



**Tracy McGibbon,
A/Senior Executive Planner**

ORDER: I direct that **ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Date: 19th July 2021



Eoin Burke, Senior Planner