

# Comhairle Chontae Atha Cliath Theas

## Record of Executive Business and Chief Executive's Order

### PR/1293/21

**Reg. Reference:** SD21A/0216      **Application Date:** 04-Aug-2021  
**Submission Type:** New Application      **Registration Date:** 04-Aug-2021

**Correspondence Name and Address:** John O'Neill Associates Architects & Interior Designers Ltd. 1, Irishtown Road, Dublin 4

**Proposed Development:** Mixed development consisting of 1 public house and 29 apartments comprising of: the demolition of the existing single storey public house (area 910sq.m); construction of a 4 storey apartment block within the footprint of the site (site area 1267sq.m), comprising a total of 29 apartments (9 one bedroom units, 20 two bedroom units) and smaller Public House at ground level (area 178sq.m), (total area 2562sqm); all apartments have balconies/terraces to all elevations; carpark for 14 cars (including 1 disabled space), bin store and bicycle stands at ground level; communal areas include 1st floor courtyard above carpark and 3rd floor roof terraces for apartment; streetscape proposals within site boundaries to facilitate and enhance the public realm.

**Location:** The Finches Public House, Finches Shopping Centre, Neilstown Road, Dublin, D22 H7X9

**Applicant Name:** Old Nangor Road Ltd.

**Application Type:** Permission

(COS)

### Description of Site and Surroundings

Site Area: stated as 0.1267 Hectares on the application.  
Site Visit: 20<sup>th</sup> of August 2021

### Site Description

The subject site is located on the corner of the roundabout at Neilstown Road and Collinstown Road. The site consists of a single storey public house and off-licence. Adjoining the site to the south and to the east of the site are three storey buildings with retail units at the ground floor and apartments on the upper floors. There is an area of surface car parking to the south-east of the site.

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### Proposal

Permission is being sought for the construction of a mixed development consisting of 1 public house and 29 apartments comprising of:

- The demolition of the existing single storey public house (area 910sq.m);
- Construction of a 4 storey apartment block within the footprint of the site (site area 1267sq.m), comprising a total of 29 apartments (9 one bedroom units, 20 two bedroom units) and smaller Public House at ground level (area 178sq.m), (total floor area 2562sqm);
- All apartments have balconies/terraces to all elevations;
- Carpark for 14 cars (including 1 disabled space), bin store and bicycle stands at ground level;
- Communal areas include 1st floor courtyard above carpark and 3rd floor roof terraces for apartment;
- Streetscape proposals within site boundaries to facilitate and enhance the public realm.

### Zoning

The subject site is subject to zoning objective 'LC': *'To protect, improve and provide for the future development of Local Centres'*.

### Consultations

Water Services – no objections subject to conditions.

Irish Water – no objections subject to conditions.

Roads Department – no objections subject to conditions.

Public Realm Department – further information requested.

Housing, Social and Community Development – no report received.

County Architect – report received, comments made.

H.S.E. Environmental Health Officer – further information requested.

Housing Strategy Unit – no objections subject to conditions.

SEA Sensitivity Screening – no overlap is recorded in the SEA monitoring system.

### Submissions/Observations /Representations

A number of third party submissions were received, which raised the following concerns in summary:

- Placement of site notices
- Rear access is proposed over a privately owned piece of land the existing right of way of which is strictly for access to the current business premises on the site.
- Proposed development and design are not suitable for this particular site.
- Is there adequate car parking for the size of the development
- The apartments are single aspect, not dual aspect.

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- The development would block light into neighbouring apartments, 9 and 11 Chaplin's Court to front and rear
- How would work be carried out without substantial interference to the local residents surrounding the new development.
- New location of vehicular access to the site is via an access under the control of Rowlagh Village Management Company Ltd. No permission has been sought to use this access.
- The existing footpath along this access carries a considerable volume of pedestrian traffic and a vehicular access along this would be a danger to pedestrians. Also cause issues in regard to public liability insurance.
- While the proposed development would improve the aesthetics of the area and provide much needed housing, it cannot be granted permission in its current guise.

Cllr Madeleine Johansson also provided a representation raising the following concerns:

- Locating apartments above a public house could cause significant noise disturbance and safety concerns. Location of entrance to apartment near to the entrance to the public house is not appropriate and could be a safety issue.
- Location of private open space along a busy roundabout at ground floor does not provide adequate privacy for residents.

These submissions are noted and have been taken in consideration in the assessment of the proposed development.

### Relevant Planning History

*Subject site*

SD03A/0075

Alterations to the existing elevations new signage, a new entrance porch, new railings and landscaping on the north and west sides. **Permission granted.**

S01A/0884

Construction of new shop front and entrance and associative alterations to existing elevations.

**Permission refused.** It was considered that the design of the shop front and clock tower would be incompatible with the previously approved permission and would materially inhibit the redevelopment of the site as approved. The development would be visually obtrusive, area behind the shop front could not be accessed, railings would result in littering and maintenance issues as well as being visually defensive in an excessive manner.

S00A/0051

Additional first floor for use as a bar, restaurant and creche and associated extensions and alterations to the existing ground floor elevations. Also internal alterations to the existing ground

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floor including enlarging the off- licence, relocating the existing toilets and provision of catering facilities. **Permission granted. The additional floor was not constructed.**

### *Adjacent and surrounding sites*

S01A/0122 Buildings to south (Chaplains' Court) and east (Chaplain's Place) of subject site  
To construct 1 no. supermarket (944m<sup>2</sup>) with associated storage and office space (510m<sup>2</sup>), 8 no. shop units (801m<sup>2</sup>), 1 no. restaurant (174m<sup>2</sup>), 20 no. three bedroom residential units, decked carpark (59 spaces) and 18 surface carparking spaces, in 2 no. three storey buildings. **Permission granted by An Bord Pleanala.**

S01A/0125 & ABP Ref. PL 06S.125927 Building to the north (Chaplain's Terrace)  
To construction 20 no. residential units in a two/three storey building. **Permission granted by An Bord Pleanala.**

### **Relevant Enforcement History**

None recorded for subject site according to APAS.

### **Pre-Planning Consultation**

Ref. PP103/20

Demolition of existing public house and the redevelopment of the site on the same footprint. The redevelopment will consist of a smaller public house and approx. 29 apartments- 5 apartments on the ground floor and 8 apartments on each of the upper floors. The number of upper floors to be discussed. Car parking and open space requirements were to be discussed.

### **Relevant Policy in South Dublin County Council Development Plan 2016 – 2022**

#### *2 Housing*

#### *Section 2.2.2 Residential Densities*

#### *Policy H 8 Residential Densities*

#### *Section 2.2.3 Residential Building Height*

#### *Policy H 9 Residential Building Heights*

#### *Section 2.2.4 Mix of Dwelling Types*

#### *Policy H 10 Mix of Dwelling Types*

#### *Section 2.3.0 Quality of Residential Development*

#### *Section 2.4.0: Residential Consolidation – Infill, Backland, Subdivision & Corner Sites*

#### *Policy H 17 Residential Consolidation*

#### *H 17 Objective 2:*

*To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 11 Implementation.*

#### *H 17 Objective 4:*

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*To promote and encourage residential uses on the upper floors of appropriate buildings located in Town, District, Local and Village Centres within the County save for public houses and nightclubs and other inappropriate places where similar business is conducted.*

### *5 Urban Centres & Retailing*

#### *Section 5.1.4 Local Centres*

##### *Policy UC 5 Local Centres*

#### *Section 5.1.5 Building Height in Urban Centres*

##### *Policy UC 6 Building Heights*

### *7 Infrastructure & Environmental Quality*

#### *Policy IE 1 Water & Wastewater*

#### *Policy IE 2 Surface Water & Groundwater*

#### *Policy IE 3 Flood Risk*

#### *Policy IE 7 Environmental Quality*

### *8 Green Infrastructure*

#### *Policy G 1 Overarching*

#### *Policy G 5 Sustainable Urban Drainage Systems*

### *9. Heritage, Conservation & Landscapes*

#### *Policy HCL 2 Natura 2000 sites*

### *11 Implementation*

#### *Section 11.2.7 Building Height*

#### *Section 11.3.1 Residential*

##### *Section 11.3.1 (iv) Dwelling Standards*

##### *Table 11.21: Minimum Space Standards for Apartments*

##### *Section 11.3.1 (v) Privacy*

#### *Section 11.3.2 Residential Consolidation*

##### *Section 11.3.2 (i) Infill Sites*

#### *Section 11.3.6 Retail Development*

#### *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 11.4.4 Car Parking Design and Layout*

### *Section 11.6.0 Infrastructure and Environmental Quality*

#### *Section 11.6.5 Waste Management*

#### *Section 11.7.2 Energy Performance in New Buildings*

#### *Section 11.8.1 Environmental Impact Assessment*

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### *Section 11.8.2 Appropriate Assessment*

#### **Relevant Government Guidelines**

- Project Ireland 2040 National Planning Framework, Government of Ireland, (2018).
- Regional Spatial & Economic Strategy 2019 - 2031, Eastern & Midlands Regional Assembly, (2019).
- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy 2019 – 2031.
- Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).
- 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, (2009).
- Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).
- Sustainable Urban Housing: Design Standards for New Apartments, Department of Housing, Local Government and Heritage, (2020)
- Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).
- Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

#### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Landscape;
- Access and Parking;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

#### ***Zoning and Council Policy***

The proposed development is consistent in principle with zoning objective 'LC': *'To protect, improve and provide for the future development of Local Centres'*. A Public House and residential development are Permitted in Principle under this zoning objective.

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### *Visual and Residential Amenity*

The proposed development would provide for a public house and 29 apartments. The existing public house located at the ground floor would be reduced to 178sq.m in size.

### Existing Residential Amenity

The closest buildings to the subject site are the three-storey building, Chaplain's Court, located immediately to the south and the three storey building, Chaplain's Place, located to the east. The proposed building would be setback approx. 8.0 to 8.5m from western elevation of Chaplain's Place. This elevation of the neighbouring building has windows at the first and second floors. Based on a planning history search of this site these windows appear to be to habitable rooms of apartments. Given the proximity of the proposed development to this building the Planning Authority has concerns with regard to potential for overlooking from the proposed apartments at the first and second floors and the eastern roof terrace at third floor level. **The applicant should be requested to address this via Additional Information.** At the third-floor roof terrace screening across the full width of its eastern elevation should be provided. This could include the use of planting.

The proposed building would adjoin Chaplain's Court to the south. The proposed courtyard at first floor level and one of the roof terraces at third floor level would adjoin this neighbouring building. Based on a planning history search of this neighbouring building the windows on the northern elevation (facing west within an indent) appear to be to habitable rooms to apartments. There would also be an 'open yard' to the south of the proposed development, accessible from the proposed public house, that is within the abovementioned indent. It is not clear what the open yard is to be used for and whether it would be accessible to patrons of the public house. This space is directly under windows on the adjoining building. **The applicant shall be requested to clarify what the open yard is intended to be used for.**

The Planning Authority notes services/extractor fans located on the northern elevation of the development located immediately to the south of the subject site. It is unclear where these items will be relocated to. **ADDITIONAL INFORMATION.**

### Building Heights

The proposed development would be 4 storeys in height. The building would step down to 3 storeys at the south and east to accommodate roof terraces. This is an increase in height from the current single storey public house onsite. Under the County Development Plan the height of any building will be determined by, in summary, the prevailing building height in the area, proximity of housing and Protected Structures, and the formation of a cohesive streetscape pattern. The existing building heights adjoining or in close proximity to the site are three storey buildings to the south and west. The buildings around and near the Neilstown and Collinstown roundabout are two and three storeys. Further from the site, in the surrounding area, are one and two storey buildings and two storey terraced housing. There is a row of two storey terraced housing on Neilstown Road opposite

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the subject site. However, the proposal would be setback approx. 27m from these houses. There are no Protected Structures adjoining or in close proximity to the subject site.

In principle, the Planning Authority considers that the subject site can accommodate the proposed building height at this location. Concerns remain that the increased height at certain locations may give rise to a negative impact on existing residential amenity through potential limiting of daylight to habitable rooms and significant shadowing on neighbouring residential units. The neighbouring buildings to the south and east of the site both have residential apartments on the upper floors with windows on the elevations facing the subject site, specifically Chaplain's Place. **The applicant should be requested to address this via Additional Information.**

### Amenity of Future Occupiers

The proposed development would provide for 9 one bedroom apartments and 20 two bedroom apartments. Table 11.21 of the County Development Plan and the 2020 Apartment Guidelines set out minimum space standards for apartments. The proposed apartments are assessed against these requirements. It is noted that the applicant has not specified this is a Build-To-Rent proposal as defined by the Apartment Guidelines. The proposed development has been assessed as a Build-To-Sell development in this report.

A housing mix of 9 one bedroom and 20 two bedroom apartments equates to approx. 30% of the development as one-bedroom apartments. While there is existing apartment development proximate to the site, it is noted that the overall surrounding area is dominated by larger houses with three or more bedrooms. The proposed mix is therefore considered to be in compliance with Council policy and the Apartment Guidelines in this instance.

### Dwelling Tenure

#### One-Bedroom Units:

The proposed 1 bedroom apartments would have the following approx. areas:

- Floorspace: Ranging from 51.3 to 59.0sq.m
- Private open space: Ranging from 5.0 to 5.2sq.m
- Storage: 3.0sq.m
- Width of living/dining room: Ranging from 3.3 to 4.9m
- Aggregate floor area of living/dining/kitchen area: Ranging from 24.0 to 28.5sq.m
- Size of bedroom: Ranging from 13.0 to 13.3sq.m
- Bedroom width: Ranging from 2.8 to 3.4m

#### Two-Bedroom Units:

The 3 2 bedroom apartments at ground floor level are shown as 3 person apartments, however, it is noted that the second bedrooms meet the requirements for a double bedroom and therefore should



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be assessed as 4 person apartments. The proposed 2 bedroom apartments would have the following approx. areas:

- Floorspace: Ranging from 73.2 to 80.5sq.m
- Private open space: Ranging from 7.0 to 8.5sq.m
- Storage: Ranging from 5.0 to 6.0sq.m. Apartment Nos. 1, 2, 3, 8, and 17 would be under the 6.0 minimum requirement for storage under the County Development Plan and Apartment Guidelines.
- Width of living/dining room: Ranging from 3.6 to 3.95m
- Aggregate floor area of living/dining/kitchen area: Ranging from 30.0 to 33.6sq.m
- Size of bedrooms: Master bedrooms would range from 11.4 to 14.2sq.m and the second Bedrooms would range from 11.4 to 13.7sq.m. Apartment Nos. 8 and 17 are noted as having master bedrooms of 11.4sq.m in size, however, in these cases Bedroom 2 is approx. 13.7sq.m, which meets the minimum space requirements for a main bedroom under the County Development Plan.
- Bedroom width: 2.8m

The Apartment Guidelines require the majority of the apartments to exceed the minimum floor area standard for any combination by a minimum of 10%. The majority of the proposed apartments exceed the minimum floor area by at least 10% and the proposal therefore compiles with this requirement. The proposed floor to ceiling heights would be approx. 3.1m at ground floor level and approx. 2.7m for the remaining upper floors. This complies with the Apartment Guidelines. The floor to ceiling height of the ground floor apartments should be conditioned to be a minimum height of 3.1m in the interest of robustness and future adaptability of premises at this important nodal point.

Of the 29 apartments 18 would be single aspect and 11 would be dual aspect, equating to a 37.9 % dual aspect ratio. The single aspect apartments would be facing north, west or south. The Apartment Guidelines state north facing single aspect apartments may be considered, where overlooking a significant amenity such as a public park, garden or formal space, or a water body or some other amenity feature. In this case the 6 single aspect north-facing apartments would be overlooking the street (Collinstown Road). This is not considered acceptable and would lead to a low level of daylight and amenity for these apartments. **The applicant should be requested to address this via Additional Information. A daylight analysis shall be requested and any recommendations resulting from this analysis should be implemented into a revised scheme, if necessary. It is also noted that the proposal has long internal corridors from west to east with no natural light. This may be revised as part of any necessary revisions.**

The proposed 29 residential units on an approx. 0.1267 ha site equates to a residential density of 229 residential units per ha. Notwithstanding the location of the site within a zoned Local Centre, proximate to local shops and facilities within this centre and high capacity bus services with stops

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along Neilstown Road, the proposed density is considered to be quite high, giving the number of dual aspect apartments, the potential limiting of natural daylight to existing residential properties and the construction to the eastern edge of the site. The applicant should be requested to submit revised proposals that reduce and mitigate any negative impacts that would arise from the current proposal. ADDITIONAL INFORMATION.

### Design and Visual Impact

The proposed development would be built to a similar building footprint to the existing development onsite. The existing building lines, including on the frontages to Neilstown and Collinstown Roads would be largely similar. The existing railings along these frontages would be removed, which is welcomed. Along these frontages it is proposed to have raised plant beds and seating to provide privacy along the ground floor private amenity spaces and enhance the public realm. There is an opportunity to minimise the use of a shared entrance by providing own door apartments along the frontages in line with Council policy. This would also help enhance the public realm by creating a strengthened streetscape and bring more active uses to the ground floor, particularly along the Collinstown Road frontage. **This should be investigated by way of Additional Information.**

The proposed facades along Neilstown and Collinstown Roads would be projecting in parts and alternate materials between a brick and coloured render finish. The design and use of differing materials would create non-monolithic facades and are considered of an appropriate design at this highly visible site. All elements of the proposed building would have a flat roof. This is typical of existing buildings at this location and is therefore considered appropriate. The Architecture Department have stated that the qualitative aspects of the proposed development have been implemented to minimum permissible standards of architectural design and there are no compensating factors in the design. This report is noted, and it is considered Additional Information in regard to further improvements to the public realm would improve the design of the proposal.

### **Eastern Elevation – Access Laneway**

The Planning Authority is concerned that the construction of the eastern building facade of the three storey element up to the boundary with the access laneway, which is provided with a narrow footpath, rising and dropping (on the western side of the laneway) and with no pathway (on the eastern side of the laneway) would represent substandard design/development, especially considering the location of a ground floor bedroom at this location. The Planning Authority would require a full redesign at this location to 1) increase the size of the footpath and 2) to provide a minimum of 0.9m privacy strip/defensible space between the footpath and the eastern façade. ADDITIONAL INFORMATION.

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### Access to Apartments and Public House

#### Public House:

Pedestrian access to the public house would be via the western elevation and a separate entrance is proposed to connect the undercroft carparking area with the storeroom. It appears that this is where deliveries may be carried out. Clarification of how deliveries can take place in this tight space when car parking spaces are fully in operation. **ADDITIONAL INFORMATION.**

#### Apartments:

The entrance to the apartments is located adjacent to the proposed public house entrance. As raised by the submissions the Planning Authority agrees that the location of the apartment entrance adjacent to the public house is not an appropriate location. In addition, the apartment entrance is also overly narrow and concealed. The Planning Authority recognises that the location of the site at this important nodal point would require a more substantial design feature, which a redesigned entrance could deliver. In this regards the applicant should be requested to submit a full redesign of the north-western corner to provide for a more substantial and welcoming entrance to the apartments. This revised feature should be well light and provided with ample natural light.

In addition to the above, the Planning Authority is concerned with the length of the internal corridors which provide access to the apartment units and provided with no natural light. This is considered to be of a substandard design. These concerns may be overcome with a redesign of the apartment block area to provide a naturally lit stairwell in the north-western end of the development, complemented with windows in the eastern end of the corridors. This will result in the loss of, or reconfiguration of the eastern apartments. **ADDITIONAL INFORMATION.**

#### Bin Storage

Bin store is proposed in a room off the proposed car park area at ground floor. It is not clear whether this is for the apartments or the public house or both. **The applicant should be asked to clarify this and submit detail confirming that sufficient bin store can be provided for both uses and demonstrate how it is proposed to define both uses.**

#### Communal and Public Open Space

The proposed development would provide a courtyard of approx. 226sq.m at first floor, over the ground floor level car parking. There would be two roof gardens at third floor level approx. 50sq.m and 70sq.m in size. Under the Apartment Guidelines the minimum floor area requirement for communal amenity space for the development is 182sq.m. While the communal open space meets the quantitative requirements, the Planning Authority has concerns in regard to the quality of this space. The location of the courtyard at first floor and to the north of the adjoining three storey building might limit the amount of sunlight hours received in this space, impacting negatively on its usability and functionality. **The applicant should submit a sunlight analysis of the open spaces of the proposed development by way of Additional Information.** Any recommendations from

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this analysis should be implemented to ensure quality open space would be provided for the benefit of future occupiers. This may require significant redesign proposals to be submitted.

Additionally, all new residential development is required to incorporate a minimum of 10% public open space. No public open space has been indicated as part of the proposed development. Further detail on this should be provided. If no public open space is proposed the applicant should provide a rationale for why this is appropriate in this instance and demonstrate proximity to public parks and amenity areas.

### *Landscape*

Section 11.3.1 of the County Development Plan requires a detailed Landscape Plan that outlines the extent of open space and details for its treatment are required for residential developments of this scale. Given the Planning Authority's concerns in regard to the quality of the open space proposed further detail is required. A landscape plan has not been submitted with this application and therefore should be requested. This aligns with the Public Realm Department's report and request for further information:

*1. Landscape Plan and Detailed Planting Plan*

*a) The applicant should provide a fully detailed landscape plan with full works specification and a fully detailed planting plan that accords with the specifications and requirements of the Council's Public Realm Section.*

*The Landscape Proposals should include the following information:*

*i. Landscape Masterplan*

*ii. Detailed Planting Plan – planting should be predominantly native and pollinator friendly where possible. If street trees are proposed they should be a minimum 18-20cm girth and where possible should contain SUDS features.*

*iii. Detailed Cross Sections/Elevations through the landscape proposals*

*iv. Hard & Soft Landscape Details/Specifications*

*v. % of Public Open Space provision.*

### *Summary*

*The Public Realm Section requires additional information at a detailed level to ascertain whether the landscape proposals are in accordance with the County Development Plan and best practice guidelines.*

The report from the Public Realm Department is noted. **This information should be provided by way of Additional Information.**

### *Access and Parking*

The proposed development would include 14 car parking spaces at the ground floor level of the site. This car parking area would be accessed via the accessway off Collinstown Road. The application states that no car parking is proposed for the public house element of the proposal. It is noted that there are no existing car parking spaces onsite for the current use of the public house. Given this

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and the proposed reduction in size of the public house, which would result in a maximum car parking requirement under the County Development Plan of 4 (4.45) car parking spaces, no designated car parking provision for the public house might be appropriate in this instance. However, it is not clear from the application material how deliveries would be unloaded and loaded for the public house. **The applicant shall be requested to address this via Additional Information.**

The proposed 14 spaces are therefore intended for the residential use of the scheme. The County Development Plan maximum requirement for the proposed apartments is 27 (26.75) spaces. A reduced number of car parking spaces is considered appropriate in this instance due to the site's location within a local centre and proximity to public transport.

The proposal would provide for 45 bicycle parking spaces within the proposed ground floor car parking area. The minimum requirements for the public house under the County Development Plan are 1 long term parking space per 5 staff and 1 short stay per 150sq.m. For the proposed apartments 6 (5.8) long term spaces and 3 (2.9) short stay spaces are required. The proposed bicycle parking therefore exceeds the minimum requirements.

Third party submissions received on this application raise concerns regarding the safety in regard to and use of the accessway to the east off Collinstown Road. It is also noted that on the drawings the site boundary (red line) is irregular in the north-eastern corner of the site along this accessway. The boundary appears to project inwards at a point. **The applicant shall be requested via Additional Information to clarify the right to use the accessway to the east and regarding the site boundary at the north-eastern corner.**

The Roads Department has reviewed the proposed development and has no objections subject to conditions:

*Access:*

*Vehicular access to the proposed development is currently at the rear, accessed from a service laneway off Collinstown Road. The applicant has proposed to maintain this access for carparking and refuse collection.*

*Car Parking:*

*The proposed development includes 14 no. ground level private car parking spaces including 1 mobility impaired parking space. Proposed car park is screened by the ground level apartments and public house fronting onto the street.*

a. *The maximum car parking standards are set out below:*

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		<i>Parking Spaces per Unit</i>	<i>Total Spaces required</i>
<i>Input no. of 1 bed</i>	9	0.41	4
<i>Input no. of 2 beds</i>	20	0.56	11
<i>Total Residential Units</i>	29		
<i>Bar/Club</i>	<i>G.F.A (sq.m)</i>	178	4
		<i>Total Spaces</i>	19

*The parking provision is 74% of the amount required.*

- *Condition: The proposed development shall make provision for the charging of electric vehicles. 100% of surface car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of surface car parking spaces for the apartments must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development. REASON: In the interest of sustainable transport.*

*Bicycle Parking:*

*The applicant has proposed 45 covered bicycle parking at ground floor level, bicycle parking is located in the car park and submitted proposed site layout shows that it is accessible from the street with direct access to the internal circulation of the building.*

*Pedestrian Permeability:*

*Pedestrian permeability around the site is adequate, all walkways and footpath should be 1.8m wide at a minimum and 2.0m where possible.*

*Fire Tender and Bin Collection Access:*

*Bin storage is provided on ground level. A clear bin management strategy is required with a bin set down and turning area identified. Swept path analysis has not been provided detailing the refuse vehicle and emergency vehicles access to the proposed development.*

*Public Lighting:*

*A lighting design drawing has not been submitted. Details of the lighting shall be submitted, and design must be approved by SDCC lighting department prior to commencement.*

*Taking In Charge:*

*No taking in charge drawings have been submitted.*

*No Roads objections subject to the following conditions:*

- 1. The applicant shall maintain minimum 1.8 meter width of footpath along service laneway off Collinstown Road to aid mobility impaired users.*
- 2. The proposed development shall make provision for the charging of electric vehicles. 100% of surface car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of surface car parking spaces for the apartments must be provided with electric vehicle charging points initially. Details of how it is*

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*proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.*

*REASON: In the interest of sustainable transport.*

3. *Prior to commencement the applicant shall submit revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e. Auto-track or similar) demonstrating that fire tenders and large vehicles can access/egress the site.*

4. *Prior to commencement the applicant shall submit a detail for the proposed development refuse/bin management plan.*

5. *Prior to commencement the applicant shall submit hours of operation of the public house (details of frequency of functions held on site/noise overspill for residents, number of staff on site and delivery times).*

6. *A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed with the roads department and 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.*

7. *Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.*

8. *Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority.*

9. *Prior to commencement of development a Construction Traffic Management Plan shall be agreed with the roads department. 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.*

10. *All items and areas for taking in charge including areas currently in SDCC's 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.*

11. *Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.*

This report is noted and shall be conditioned as such in the event of a grant of permission. However, the Planning Authority considers it necessary to seek further information in regard to deliveries to the public house and use of the accessway.

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### *Services and Drainage*

The proposed development would provide for an 'extensive' sedum type green roof to allow for surface water interception and disposal through transpiration and evaporation. Water Services has advised that a drawing in plan and cross section showing design details of this roof and a drawing of any other SuDS should be submitted prior to commencement of development as part of a condition. **However, having regard to Council policy in regard to surface water the Planning Authority considers that this information should be submitted by way of Additional Information.** For clarity, Water Services' report states the following:

*1.1 An arched type attenuation system shall be used instead of a concrete tank.*

*Prior to commencement of development submit a revised drawing showing detailed surface water layout and connection to revised storm water attenuation system. This system shall not be a concrete tank but an arched type system instead.*

*Show how surface water will enter and leave revised arched attenuation system and show in plan and cross section design details of same.*

*Submit a drawing showing the surface water layout for the development up to and including the point of connection to the public sewer. The drawing should include the location of all Aj's, manholes, pipe size, material type and direction of flow.*

*1.2 Prior to commencement of development submit a drawing in plan and cross section showing design details of proposed SuDS on roof of proposed structure. Also submit a drawing showing what if any other SuDS are proposed for the development.*

Irish Water has reviewed the proposed development and state no objections subject to conditions. This involves the submission of a Pre-Connection Enquiry in order to determine the feasibility of connection to the public water supply and foul water infrastructure. This report is noted and shall be conditioned as such in the event of a grant of permission.

### *Environmental Health*

The H.S.E. Environmental Health Officer has reviewed the proposed development and request further information:

*No detailed information or drawings were submitted with this application in consideration for the nature and extent and potential for excessive noise from the operation of a public house which also includes the use of outdoor areas such as seated roof terraces and courtyards which would likely impact on residents causing noise nuisance. It is also unclear whether there are mitigation measures proposed to deal with amplified music and crowd noise from the public house causing noise nuisance to residential units within and around the curtilage of the complex.*

*The risk of noise nuisance to residents of the proposed development must be strongly considered. Design and structural noise mitigation measures must be incorporated to reduce the potential noise impact on the proposed residential properties.*



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*In order to achieve appropriate noise levels within the internal living areas of the proposed residential developments further information is requested regarding the specification of the glazing and any other design features proposed for the development.*

*Additional information comprising of*

- *An acoustic assessment undertaken by a suitably qualified acoustic consultant describing and assessing the potential noise impact of the public house aspect of the proposed development on the apartments above and adjacent.*
- *A statement outlining recommended acoustic control measures that should be incorporated into the design and construction of the proposed residential units and/or public house to ensure the use will not create adverse noise impacts on the occupiers of the apartments.*

The report from the H.S.E. Environmental Health Officer is noted. From a review of the proposed drawings it does not appear as though the patrons of the public house would have direct access to the courtyard and roof gardens; however, this should be clarified. The open yard to the south would be accessible from the public house and the Planning Authority has concerns in regard to the use of this and potential noise impact. The Planning Authority also agrees with the EHO's concerns in regard to noise impact from the public house on the proposed apartments. **This shall be addressed by way of Additional Information.**

### ***Screening for Environmental Impact Assessment***

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### ***Screening for Appropriate Assessment***

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established urban area and has an existing use on site. Having regard to the scale and nature of the proposed development, the location of the development within a serviced urban area so that any construction surface water runoff will be managed via the existing drainage system, the consequent absence of a pathway to a European site, it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

### **Summary**

In summary, significant design changes need to be considered to ensure existing and proposed residential amenity is protected and achieved.

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### Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the scale, design and standard of the proposed development,

it is considered that **Additional Information** is required to ensure that the proposed development would be in compliance with Council policy, would not seriously injure the amenity of existing residential properties, would provide a quality standard of accommodation for future occupiers, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### Recommendation

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

1. The Planning Authority has concerns in regard to the potential impact of the proposed development on existing residential development. This is particularly in regard to the impact on the three-storey building, Chaplain's Court, located immediately to the south and the three storey building, Chaplain's Place, located to the east. The proposed development is adjoining or located approx. 8.0 m from these buildings. Based on a planning history search of these neighbouring buildings they have windows on the upper floor levels to habitable rooms in apartments. Having regard to this the applicant is requested to submit the following:
  - (a) Given the proximity of the proposed development to the neighbouring building to the east, Chaplain's Place, the Planning Authority has concerns in regard to overlooking from the proposed apartments at the first and second floors and the eastern roof terrace at third floor level. Further information and a revised proposal should be submitted to address these concerns. At the third-floor roof terrace screening across the full width of its eastern elevation should be provided. This could include the use of planting. The applicant is requested to liaise with the Parks and Public Realm Department prior to responding to this AI request.
  - (b) Further detail on what the proposed 'open yard' in the south of the proposed development is intended to be used for. This yard is located directly under windows to habitable rooms on the adjoining building and so any potential nuisances related to the intended use of the yard should be addressed.
2. The Planning Authority has concerns in regard to daylight and sunlight access to the proposed development. There are a number of north facing single aspect apartments and long corridors with no natural light. The proposed communal area in the south at first floor would be located between the proposed building and the neighbouring Chaplain's Court. There are also concerns in regard to the impact the proposed development could have in terms of overshadowing the neighbouring buildings, particularly habitable windows on Chaplain's Place to the east. The applicant is requested to submit a report

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analysing the daylight and sunlight access to the proposed development. This report should also provide analysis of the shadowing impact of the proposed development on neighbouring buildings. Any recommendations from this analysis should be implemented and a revised proposal with a full set of revised drawings submitted.

3. The Planning Authority requires further information in regard to the standard of accommodation to be provided for future occupiers of the proposed development. The applicant is therefore requested to submit the following information:
  - (a) The entrance to the apartments is adjacent to the proposed public house entrance, which is not considered appropriate. The apartment entrance is also overly narrow, concealed and is not of a significant design. The Planning Authority recognises that the location of the site at the important roundabout nodal point would require a more substantial design feature, which a redesigned entrance could deliver. In this regards the applicant is requested to submit a full redesign of the north-western corner of the development to provide for a more substantial and welcoming entrance to the apartments. This revised feature should be provided with ample natural light, which should also contribute to the lighting of the internal corridors.
  - (b) The applicant is requested to investigate the use of own door apartments or a commercial use at the ground floor of the proposed development. This would align with Council policy and help enhance the public realm by bringing more active uses to the ground floor, particularly along the Collinstown Road frontage.
  - (d) An acoustic assessment undertaken by a suitably qualified acoustic consultant describing and assessing the potential noise impact of the public house aspect of the proposed development on the apartments above and adjacent. The applicant should also confirm that patrons of the public house would not have access to the communal spaces of the apartment development.
  - (e) A statement outlining recommended acoustic control measures that should be incorporated into the design and construction of the proposed residential units and/or public house to ensure the use will not create adverse noise impacts on the occupiers of the apartments.
  - (f) It is not clear whether the proposed bin store is for the apartments or the public house or both. The applicant is requested to clarify this and submit detail confirming sufficient bin store can be provided for both uses.
  - (g) The Planning Authority is concerned that the construction of the eastern building facade of the three-storey element up to the boundary with the access laneway, which is provided with a narrow footpath, rising and dropping (on the western side of the laneway) and with no pathway (on the eastern side of the laneway) would represent substandard design/development, especially considering the location of a ground floor bedroom at this location (Apartment No. 4). The applicant is requested to submit a full redesign of the development at this location to 1) increase the size of the footpath and 2) to provide a minimum of 0.9m privacy strip/defensible space between the footpath and the eastern façade. 3) provide windows opes to increase natural light to the internal corridors.
  - (h) It is not clear how deliveries for the public house would be unloaded and loaded. The applicant is requested to clarify this.

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- (i) The Planning Authority notes services/extractor fans located on the northern elevation of the development located immediately to the south of the subject site. It is unclear where these items will be relocated to or how they will be accessed if development is constructed. The applicant is requested to comment on this item and submit design solutions.
4. (a) The applicant is requested to provide a fully detailed landscape plan with full works specification and a fully detailed planting plan that accords with the specifications and requirements of the Council's Public Realm Section.  
The Landscape Proposals should include the following information:
- (i) Landscape Masterplan
  - (ii) Detailed Planting Plan – planting should be predominantly native and pollinator friendly where possible. If street trees are proposed they should be a minimum 18-20cm girth and where possible should contain SUDS features.
  - (iii) Detailed Cross Sections/Elevations through the landscape proposals
  - (iv) Hard & Soft Landscape Details/Specifications
  - (v) % of Public Open Space provision. If no Public Open Space is proposed the applicant should provide a rationale for this including walking distances to proximate amenity areas and parks.
5. The applicant is requested to clarify the use and ownership of the accessway off Collinstown Road along the east of the site. If any right of ways exist the applicant should submit a revised Site Location Map showing this. The applicant is also requested to clarify why the site boundary (red line boundary) is irregular in the north-eastern corner of the site along this accessway. The boundary appears to project inwards at a point.
6. The applicant is requested to submit a drawing in plan and cross section showing design details of proposed SuDS on roof of proposed structure. Also submit a drawing showing what if any other SuDS are proposed for the development.

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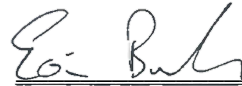
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REG. REF. SD21A/0216

LOCATION: The Finches Public House, Finches Shopping Centre, Neilstown Road, Dublin,  
D22 H7X9



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



**Eoin Burke,**  
**Senior 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:** 28 Sept 21



**Mick Mulhern, Director of Land Use,**  
**Planning & Transportation**