

# Comhairle Chontae Atha Cliath Theas

**PR/1523/21**

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

**Reg. Reference:** SD21A/0185      **Application Date:** 05-Jul-2021  
**Submission Type:** Additional      **Registration Date:** 02-Nov-2021  
Information

**Correspondence Name and Address:** Barry Lyons, Kruger Lyons Unit 202, Citywest  
Business Centre, 3013 Lake Drive, Citywest, Dublin  
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**Proposed Development:** Full demolition of existing two storey 463sq.m  
building to make way for future development, subject  
to future separate planning application.

**Location:** Unit 19, Crag Avenue, Clondalkin Industrial Estate,  
Dublin 22

**Applicant Name:** KN Network Services (Ire.) Ltd.  
**Application Type:** Permission  
(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.19 Hectares on the application.  
Site Visit: 29<sup>th</sup> of July 2021

### **Site Description**

The subject site is located on Crag Avenue within the Clondalkin Industrial Estate. The site consists of a part single storey and part two storey industrial building and yard with vehicle parking and storage. The site is bound by Crag Avenue to the north, an accessway to the west, and industrial sites to the south and east.

### **Proposal**

Permission is being sought for the full demolition of existing two storey 463sq.m building to make way for future development, subject to future separate planning application.

### **Zoning**

The subject site is subject to zoning objective 'EE': *'To provide for enterprise and employment related uses'*.

### **Consultations**

Water Services – no objection subject to conditions.  
Irish Water – no objection subject to conditions.

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Waste Management – no report received.

Water Pollution – no report received.

Public Realm – no objection subject to conditions.

H.S.E. Environmental Health Officer – no report received.

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

### **Submissions/Observations /Representations**

None.

### **Relevant Planning History**

*Subject site*

SA0707

Two storey offices and workshop. **Permission granted.**

*Adjacent site to the south*

SD16A/0279 3-4, Crag Avenue, Clondalkin Industrial Estate, Clondalkin, Dublin 12

Permission is sought for a change of use, namely intensification of use of existing facility for temporary storage prior to transfer offsite for recovery waste soil and stones. **Permission granted.**

### **Relevant Enforcement History**

None recorded for subject site according to APAS.

### **Pre-Planning Consultation**

None recorded for subject site according to APAS.

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

*Chapter 4 Economic Development and Tourism*

*Section 4.3.3 Enterprise and Employment (EE) Zoned Lands*

*Policy ET 3 Enterprise and Employment (EE)*

*Chapter 7 Infrastructure and Environmental Quality*

*Policy IE 1 Water & Wastewater*

*Policy IE 2 Surface Water & Groundwater*

*Policy IE 3 Flood Risk*

*Policy IE Waste Management*

*Policy IE 7 Environmental Quality*

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*Chapter 11 Implementation*

*Section 11.6.0 Infrastructure and Environmental Quality*

*Section 11.6.5 Waste Management*

*(iv) Construction and Demolition Waste*

*Section 11.8.1 Environmental Impact Assessment*

*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).

Eastern Midlands Region Waste Management Plan 2015 – 2021, Eastern Midlands Waste Regional Office, (2015).

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 Amenity;
- Services and Drainage;
- Environmental Impact Assessment; and
- Appropriate Assessment.

### *Zoning and Council Policy*

The proposed development is consistent in principle with zoning objective EE. The applicant states that the building for demolition is over 30 years old and has come to the end of its useful life and is not suitable for refurbishment. It is stated that the removal of the building is the first part of a larger plan to regularise their property holdings in the area. Any future development of the site will be subject to a separate planning application. No timeframe for the future development of the site is given. The Planning Authority has concerns in regard to the potential length of time the site might remain vacant. While the principle of demolition of this structure is acceptable it is not desirable for this to result in a long-standing vacant site. **The applicant should be requested to indicate a timeframe for future development of the site via Additional Information. Additionally, if the applicant proposes to also continue utilising the site between demolition and redevelopment this use should be clarified.**

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The applicant does not indicate on the submitted drawings the location of their other property holdings in the area. If any property holdings are adjoining, abutting or adjacent to the subject site these are required to be outlined in blue on the site location map as per the Planning and Development Regulations, as amended. **The applicant shall be requested to address this via Additional Information.**

### ***Visual Amenity***

The building proposed for demolition is a one and two storey brick building with a flat roof. The submitted application drawings show that the internal layout consists of a double height space and office areas. The building is setback approx. 14.5m from the front boundary of the site, approx. 2.9m from the closest side boundary (east) and approx. 2.7m to 3.0m from the rear boundary.

In the place of the building it is proposed to install hardcore on the footprint. The site to the rear of the subject site is used for temporary storage prior to transfer offsite for recovery waste soil and stones (Reg. Ref. SD16A/0279). This rear site would be more visible from Crag Avenue should the building be demolished. However, it is noted that the area is industrial in nature and is zoned as such. The impact on visual amenity from the rear site would therefore be acceptable. As stated, the Planning Authority has concerns in regard to the potential for the site to become vacant and remain as such for a long period. This is to be addressed via Additional Information.

### ***Services and Drainage***

In relation to surface water and flood risk, Water Services has no objection and recommends standard conditions. The report from Water Services is noted and should be conditioned as such.

In relation to foul water and water supply, Irish Water has no objection to the proposed development and recommends standard conditions. This is noted and should be conditioned as such in the event of a grant of permission.

### ***Waste Management***

The applicant has submitted a template of a Waste Management Plan. No report has been received from the SDCC Waste Management section at the time this report was written. It shall be conditioned that the applicant submits a construction and demolition waste management plan to the Planning Authority for written agreement prior to the commencement of development.

### ***Landscape***

The Public Realm Section has assessed the proposed development in accordance with the County Development Plan and best practice guidelines and recommends the following condition:

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### *Protection of Existing Trees*

*There are concerns with the absence of information submitted in relation to protection of existing trees on /adjacent to the subject site. Tree protection to be proposed in accordance with BS 5837: 2012: Trees in Relation to Design, Demolition and Construction.*

There appears to be existing vegetation/trees to the east of the building proposed for demolition. It shall be conditioned that the existing trees are protected during demolition works.

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

Having regard to the 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. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Notwithstanding the above, the site is located close to the Grand Canal which is a pNHA. A bat survey of the building should be carried out prior to the demolition of the structure.

### **Conclusion**

Having regard to the:

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

it is considered that **Additional Information** is required to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity, and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

Request Further Information.

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### Further Information

Further Information was requested on the 30<sup>th</sup> of August 2021.

Further Information was received on the 2<sup>nd</sup> of November 2021 (not deemed significant).

### Further Information Consultation

Public Realm Section – no comment or objection.

Heritage Officer – report received.

### Assessment

#### Item 1 Requested

*1. The applicant states that the removal of the building is the first part of a larger plan to regularise their property holdings in the area. Any future development of the site will be subject to a separate planning application. No timeframe for the future development of the site is given. The Planning Authority has concerns in regard to the potential length of time the site might remain vacant. While the principle of demolition of this structure is acceptable it is not desirable for this to result in a long standing vacant site. The applicant is requested to indicate a timeframe for future development of the site. Additionally, if the applicant proposes to also continue utilising the site between demolition and redevelopment this use should be clarified.*

**Assessment:** The applicant has submitted information stating that they have leases on property adjacent to the subject site, however, these are not within their ownership. They state that the site to the south is used by the applicant (under lease) as their machinery yard and they also have offices leased in Unit 3-4 Crag Avenue Business Park. As part of the machinery yard the applicant has vans and trucks that need to be parked overnight or for a few days awaiting service. The existing parking areas and yard on the subject site (Unit 19) are used for this function and it is intended this will continue until a longer term use for the site is established.

It is stated that the applicant would envisage making a decision in the next 18 to 24 months on the future use of the site when the overall assessment of their full portfolio is completed and executed. This is considered to be acceptable in this instance. The proposed development would involve installing hardcore on the building footprint once removed. The applicant would continue to use the site to park vehicles associated with the use of the adjoining site. This would mean that the subject site would not sit completely vacant in the short term.

#### Item 2 Requested

*2. The applicant does not indicate on the submitted drawings the location of their other property holdings in the area. If any property holdings are adjoining, abutting or adjacent to the subject*

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*site these are required to be outlined in blue on the site location map. If this is the case the applicant is requested to submit a revised Site Location Map.*

Assessment: The applicant has confirmed that none of the property holdings adjoining, abutting or adjacent to the subject site are within their ownership. The Site Location Map therefore does not need to be updated.

### **Item 3 Requested**

3. (i) *The site is located close to the Grand Canal which is a pNHA. The applicant is requested to submit proposals that will assess for, and mitigate, any potential negative impacts on the pNHA.*  
(ii) *A bat survey of the building should be carried out and the findings submitted as part of the further information response.*

**Assessment:** The applicant has submitted an Ecological Impact Assessment from Gannon & Associates, which includes a bat roost inspection and emergence survey. No evidence of roosting or emerging bats was found, and it is considered there is no suitable foraging or commuting habitat within the site. The survey concludes that *There will not be any significant negative impact to any valued habitats, designated sites or individual or group of species as a result of the proposed project.* SDCC's Heritage Officer raises no concerns with the further information submitted.

Overall assessment: The further information submitted satisfactorily addresses the items raised. It is therefore considered that planning permission can be granted subject to conditions. The Public Realm Section note in response to the further information submitted that they recommend the condition relating to tree protection as previously advised is applied.

### **Development Contributions**

Demolition of an industrial building.

### **SEA monitoring**

Building Use Type Proposed: Demolition of industrial building

Floor Area: Nil

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.19 Hectares.

### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,

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- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, 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 condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **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 conditions set out hereunder in the Second Schedule is hereby 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 the 2nd of November 2021, 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. Storage  
The subject site shall not be used for the storage of any material without prior consent from the Planning Authority.  
REASON: In the interest of visual amenity and traffic safety.
3. Construction and Demolition Waste Management Plan  
Prior to commencement of demolition works the applicant/developer shall submit for the written agreement of the Planning Authority a detailed proposal for Project Construction and Demolition Waste Management Plans. This proposal shall reflect the waste management hierarchy, with waste prevention and minimisation being the first priority



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succeeded by reuse and recycling. The plan should comply with the relevant legislation, policy and guidance in relation to waste management.

REASON: In the interest of environmental protection and public health.

#### 4. Drainage

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) 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.

(c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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.

#### 5. Protection/Retention of Existing Trees.

Existing trees shall be retained and shall be protected from damage during demolition of the building:

(a) All existing trees to be retained shall be enclosed by stout protective fencing, located at a suitable distance as detailed in BS: 5837 – 2012 – ‘Trees in Relation to Design, Demolition and Construction’. This protective fencing shall be erected no later than two weeks of 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, and before any materials are brought onto site and prior to the commencement of any works associated the proposed development.

(b) The Planning Authority shall be notified in writing when protective measures are commencing and also in writing when they have been completed.

(c) The protective fencing shall at all times be maintained intact and in good order for the duration of the construction works. Any damage caused to the protective fence shall be repaired immediately.

(d) No materials shall be stored, no rubbish dumped, no fires lit and no buildings erected inside the protective fence(s), nor shall any changes in ground level be made within the fence(s) unless previously agreed in writing by the Planning Authority.

(e) In the event that trees become damaged or otherwise defective during construction period, South Dublin County Council shall be notified as soon as reasonably practicable and remedial action agreed and implemented at the developer own expense.

(f) Any necessary tree felling and surgery works shall be first agreed on-site and subsequently in writing with the Planning Authority prior to the commencement of the development.

(g) The proposed location of the site compound, and the exact routes of all water mains, foul and surface water sewers shall be marked out on site, and agreed with the Planning Authority's Public Realm Section prior to the commencement of any works on site, so as

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to minimise damage to trees which could result from excavation works, storage of materials and construction of temporary access roadway.

REASON: In the interests of proper planning and sustainable development, compliance with Development Plan policy, visual amenity and the protection of existing trees and biodiversity.

### **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

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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.

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 or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.


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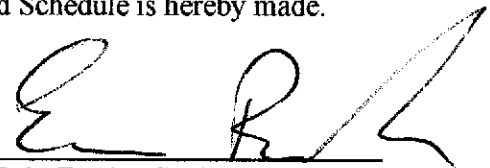
**REG. REF. SD21A/0185**

**LOCATION: Unit 19, Crag Avenue, Clondalkin Industrial Estate, Dublin 22**

  
\_\_\_\_\_  
**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 29/11/21

  
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**Eoin Burke, Senior Planner**