

# Comhairle Chontae Atha Cliath Theas

**PR/0291/22**

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

**Reg. Reference:** SD22A/0004      **Application Date:** 07-Jan-2022  
**Submission Type:** New Application      **Registration Date:** 07-Jan-2022

**Correspondence Name and Address:** Robert McLoughlin Avision Young 4th Floor, 2-4, Merrion Row, Dublin 2

**Proposed Development:** Amendments to the permitted development previously granted under South Dublin County Council Reg. Ref. Nos. SD19A/0345, SD20A/0322 and SD21A/0071. The proposed development consists of: (1) retention permission for the inclusion of 2 windows (c.4sq.m) at mezzanine level of the permitted supermarket building (under construction); and (2) planning permission is sought for: (i) the erection of 1 double sided totem sign (c.32sq.m) at the north-east of the site; (ii) externally mounted illuminated signage (c. 5sq.m.) over the main entrance door of the supermarket building; and (iii) all associated elevational changes, site services and site development works on lands principally bounded by: Stocking Avenue to the north; an internal access road associated with the White Pines residential development to the east; and Stocking Wood residential scheme to the south and west.

**Location:** Lands South of Stocking Avenue, Woodtown, Dublin 16

**Applicant Name:** Tesco Ireland Limited

**Application Type:** Permission and Retention

(AOCM)

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

**Site Area:** Stated as 0.7514 hectares

### **Site Description:**

The site is located to the south of Stocking Avenue and previously consisted of a greenfield site. The surrounding area is mostly residential in nature with the Stocking Wood housing estate to the west and White Pines to the north. The lands to the east are currently undergoing construction works on a residential development. The lands to the south consist of greenfield

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lands. A watercourse known as the Woodstown Stream flows along the western boundary of the site. ESB overhead power lines run over the north-western part of the site.

### **Site visited**

15 February 2022

### **Proposal:**

**Retention permission** is sought for:

- 2 windows at mezzanine level of the permitted supermarket building (under construction)

**Permission** is sought for the following:

- Erection of 1 double sided totem sign at the north-east of the site
- Externally mounted illuminated signage over the main entrance door of the supermarket building
- All associated elevational changes, site services and site development works

### **Zoning:**

The site is zoned objective LC – *'To protect, improve and provide for the future development of Local Centres'*

### **Consultations:**

Roads Department – No objection, conditions recommended

Public Realm – No objection

Surface Water Drainage – No objection

Irish Water – No objection, conditions recommended

### **SEA Sensitivity Screening:**

No overlap with any relevant environmental layers

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

Submission expiry date – 03/02/2022

No submissions or observations were received.

### **Relevant Planning History**

**SD21A/0218: Permission granted by SDCC** for modifications to the permitted retail unit (part-constructed), as permitted under Reg. Ref. SD19A/0345, Reg. Ref. SD20A/0322 and Reg. Ref. SD21A/0071, comprising of amendments to the permitted internal layout; the relocation of permitted AOV to serve fire escape stair and the addition of a lift overrun at mezzanine roof-level; and amendments to permitted fenestration, elevations and facades, including the provision of 1 internal illuminated 'signage zone' and 1 external 'signage zone' at the main entrance (north east elevation); relocation of the permitted ESB substation access doors; the allocation of 2 permitted car parking spaces as 'click and collect' car parking spaces; the reconfiguration of 8 car

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parking spaces and cycle parking provision to facilitate the relocation of 1 trolley bay; alterations to permitted site lighting and landscaping; all associated site development works with no change to the quantum of car or cycle parking provided as part of the overall development on foot of this proposal on a site principally bounded by: Stocking Avenue to the north; an internal access road associated with the White Pines residential development to the east; and Stocking Wood residential scheme to the south and west.

**This application is subject to a third-party appeal to An Bord Pleanála, a decision on which is outstanding.**

**SD21A/0071: Permission granted** for Modification and relocation of permitted ESB MV sub-station (unconstructed) as permitted under Reg. SD19A/0345 and Reg. SD20A/0322 from the northern site boundary to a location adjacent to the north western elevation of the approved retail building; reconfiguration of 8 car parking spaces and all associated site development works with no change to the amount of car parking provision proposed as part of the overall development on a site principally bounded by Stocking Avenue to the north, an internal access road associated with the White Pines residential development to the east and Stocking Wood residential scheme to the south and west.

**SD20A/0322: Permission granted** for amendments to the single storey convenience retail unit (c. 1,479sq.m GFA) and to the creche which was permitted by South Dublin County Council under Reg. SD19A/0345; provision of a mezzanine level for storage (c. 138sq.m) and plant (c. 55sq.m); associated external and internal changes including a fire escape stairs to the mezzanine and access door alterations as a result of inclusion of mezzanine area; introduction of a AOV and roof lights as a result of inclusion of mezzanine area; addition of an extra window to the staff accommodation area; change of external finishes from polycarbonate cladding panels to the north and east facades to Kingspan micro rib panel; amendments to curtain wall glazing layout; introduction of an ancillary off-licence at ground floor level measuring c. 104sq.m within the approved retail unit; adjusted signage zones and additional proposed signage zones; reallocation of external back of house area to allow for external plant (c. 81sq.m); amendments to the creche will include a proposed extension of c. 4.5sq.m to accommodate a fire escape stair, minor internal modifications to floor plan and window to accommodate fire escape; fire escape door will be added to the second stairwell and the main entrance door is proposed to be recessed; external steps to the creche entrance from Stocking Ave will be reconfigured; omission of the louvres to the glazing units; all other associated site excavation, infrastructural and site development works above and below ground including changes in level and associated retaining features, boundary treatments and associated site servicing (foul and surface water drainage and water supply) on a site principally bounded by Stocking Avenue to the north, an internal access road associated with the White Pines residential development to the east and Stocking Wood residential scheme to the south and west.

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**SD19A/0345: Permission granted** for construction of a neighbourhood centre comprising: a single storey convenience retail unit (c.1,479sq.m GFA); a mixed use three storey building (c.577sq.m. GFA) comprising a creche at ground and first floor levels (c.385sq.m. GFA) and a Community Facility at second floor level (c.192sq.m. GFA). Provision of: ESB substation and switch room; vehicular and pedestrian access/egress and associated circulation routes and set-down area; 60 car parking spaces; 46 bicycle spaces; electric vehicle charging points; ancillary floor areas within the convenience retail unit (including plant areas, circulation areas, store rooms, comms room, locker room, offices, canteen, waste storage area); ancillary floor areas within the creche/community centre (including plant areas, circulation areas, staff room, offices and storage areas); children's play area; lighting; all hard and soft landscaping; provision of Sustainable Urban Drainage systems (SuDS); improvement of the existing vehicular/pedestrian entrance on Stocking Avenue (providing access to White Pines and the subject proposal) including the provision of new piers and railings; and all other associated site excavation, infrastructural and site development works above and below ground, including changes in level and associated retaining features, boundary treatments and associated site servicing (foul and surface water drainage and water supply); on site principally bounded by Stocking Avenue to the north; an internal access road associated with the White Pines residential development (under construction) to the east and Stocking Wood residential scheme to the south and west.

**SD07A/0628** – Permission granted for alterations and additions to approved layout (Reg. Ref. SD05A/1014) to include the construction of a two storey commercial/community centre of c.3,650.03sqm (including circulation areas) containing the following uses on the ground floor: a supermarket of c.1,039.64sqm including ancillary offices, toilet and storage facilities, 7 no. retail units totaling c.817.87sqm (Shop No. 1 c.187.51sqm, Shop No.2 c.118.30sqm, Shop No.3 c.116.82sqm, Shop No.4 c.104.3sq.m., Shop No.5 c.103.03sqm, Shop No.6 c.93.81sqm, Shop No.7 c.94.03sqm) including ancillary toilet and storage facilities, circulation and common area of c.118.77sqm. The following is proposed at first floor level: 1 no. retail unit (c.187.01sqm), 2 no. offices (Office No.1 c.108.61sqm, Office No.2 c.108.61sqm), 2 no. crèches including reception area totaling c.792.16sqm (Crèche No.1 c.365.51sqm, Crèche No.2 c.334.91sqm, reception area for both crèches of c.91.74sqm), Community Centre of c.313.46sqm, 1 no. illuminated double sided free standing advertising sign (c.24sqm) 124 no. car parking spaces, 2 no. vehicular accesses from Stocking Heath Park, associated on and off site development works in lieu of the previously approved 2 storey commercial/community centre of c.3,327.5sqm with accompanying public house and car parking area on lands bounded by Stocking Avenue to the north and east, Stocking Heath Park to the south and public open space adjacent to Stocking Wood Heath to the west.

**SD05A/1014** - As compliance with Condition No. 3 of Grant of Permission Register Reference SD04A/0393 (An Bord Pleanála Register Reference PL 06S 212191). The development will consist of construction of a 2 storey commercial/community centre of 3327.5 square metres (including circulation areas) with revised elevations containing the following uses: a food

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store/supermarket of 307 square metres, including office, toilets and storage facilities on the ground floor; three number retail units totaling 392.9 square metres (184.1 square metres, 104.4 square metres and 104.4 square metres) including toilet and storage facilities; two number creches of 435.71 square metres on the ground floor, four number office units totaling 426 square metres (93.5 square metres, 93.5 square metres, 134 square metres and 105 square metres), a community centre of 269.3 square metres and a creche of 326.5 square metres on the first floor level; a two storey over basement public house with attic staff/office facilities of total area of 810.7 square metres; 108 number car parking spaces for the commercial and public house facilities.

**SD04A/0393** – Permission granted for Ten year permission for a development comprising residential, crèche, retail, office and public house uses and include the construction of: (1) 793 no. dwellings consisting of 379 no. houses (231 no. two storey three bedroom houses, 144 no. two storey with attic accommodation four bedroom houses); 4 no. 3 storey 4-bed houses); 414 no. apartment units in 35 no. three storey blocks (70 no. 3 bed duplex units over 70 no. two bedroom ground floor apartments, 274 no. 2 bed apartments). (2) 1,381 no. communal residential car parking spaces; (3) A two storey commercial/community centre of 3,327.5sq.m, (including circulation areas) containing the following uses: a food store/supermarket of 307sq.m, including office, toilets and storage facilities on the ground floor; 3 no. retail units totalling 392.9sq.m (184.1sq.m, 104.4sq.m and 104.4sq.m) including office, toilet and storage facilities; 2 no. creches of 382.5 and 326sq.m., and a shared communal area of 72sq.m. on the ground and first floor; 5 no. office units totalling 695.3sq.m. (269.3sq.m. 93.5sq.m. 93.5sq.m., 134sq.m. and 105sq.m.) on the first floor; a two storey over basement public house with attic staff/office facilities of total area 810.7sq.m.; (4) 108 no. car parking spaces for the commercial and public house facilities; (5) A two storey with attic crèche with a total floor area of 534.2sq.m and 14 no. car spaces. The proposal also includes: 2 no. vehicular access from a district distributor road recently granted permission (An Bord Pleanála Ref. PL06S.202652); the demolition of 1 no. habitable dwelling; all associated site development works including foul, surface water and water supply connections and landscaping works. The proposed development is on lands comprising an area of approximately 22.97 ha. An Environmental Impact Statement has been submitted with this application.

### **Relevant Enforcement History:**

None recorded.

### **Pre-Planning Consultation:**

None recorded.

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

Chapter 5 Urban Centres & Retailing

Chapter 6 Transport & Mobility

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Chapter 11 Implementation

Schedule 5: Definition of Use Classes & Zoning Matrix Table

Schedule 6: Outdoor Advertising Strategy

### **Relevant Policy in Ballycullen-Oldcourt Local Area Plan 2014**

Section 2.11 Utilities

Section 6.0 Phasing

### **Relevant Government Guidelines**

*Project Ireland 2040 National Planning Framework*, Government of Ireland, (2018).

*Regional Spatial & Economic Strategy 2019-2031*, Eastern & Midland Regional Assembly Regional Authority, (2019).

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

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

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020*, Department of Transport, (2009)

### **Assessment**

The main issues for assessment relate to the following items:

- Zoning and Council Policy
- Assessment against Section 37(5)(a)
- Visual Impact
- Residential Amenity
- Roads
- Public Realm
- Services and Drainage
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIA).

### **Zoning and Council Policy**

The site is zoned objective LC – *'To protect, improve and provide for the future development of Local Centres'*. The site is also within the Ballycullen-Oldcourt LAP lands. The proposal is for amendments to an existing permission, Reg. Ref. SD19A/0345, which has been amended by SD20A/0322 and SD21A/0071. As the proposal is for the amendment of an existing permission, the principle of the proposed use is considered to be acceptable. The application will be assessed against other relevant policies and objectives.

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### Assessment against Section 37(5)(a) - Current application comparison with SD21A/0218

It is noted that a third-party appeal was lodged to An Bord Pleanála in relation to SD21A/0218. Section 37(5)(a) of the Planning Act 2000 (as amended) states:

*No application for permission for the same development or for development of the same description as an application for permission for development which is the subject of an appeal to the Board under this section shall be made before—*

- (i) the Board has made its decision on the appeal,*
- (ii) the appeal is withdrawn, or*
- (iii) the appeal is dismissed by the Board pursuant to section 133 or 138.*

In the interests of clarity, this section compares elements of the current proposal and SD21A/0218 to eliminate any areas where there is overlap and on which a determination cannot be made.

- Mezzanine windows – permission was sought for the inclusion of the mezzanine windows under SD21A/0218. These works have since been undertaken and retention permission is now sought. The description of development is therefore considered materially different, and a determination can be made in relation to these windows as part of this current assessment.
- Signage – permission was sought for ‘signage zone’ locations under SD21A/0218 however, detailed design of signage was not provided. The current application provides detailed design for a sign in one of the under appeal locations for signage. It is considered that, given information is now provided about the wording, design and illumination of the sign, the current application is materially different from that under appeal and therefore a determination can be made in relation to the signage element of the current application.
- Totem signage – no totem signage was proposed under SD21A/0218 and therefore this element of the application comprises a new proposal and can be determined.

Overall, the planning authority is satisfied that the current application does not constitute the same development as per SD21A/0218 and therefore all elements of the current application can be assessed and determined.

### Visual Impact

Changes proposed include retention of 2 windows at mezzanine level of the permitted supermarket building and permission for 1 double sided totem sign and 1 externally mounted sign over the main entrance. No other changes are noted from drawings.

### Mezzanine windows

The windows for which retention permission is sought serve staff areas located at mezzanine level. It is not considered that these windows would give rise to any harmful overlooking, and

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they do not materially impact the appearance of the external elevation. These windows are therefore considered acceptable.

### Signage

An externally mounted, internally illuminated sign is proposed above the main entrance to the supermarket. The sign would be 4.15m wide and 1.2m in height. A totem sign is also proposed along the Stocking Avenue boundary, near the roundabout and would be 7.2m in height detailing store opening hours and services. Both signs would be internally illuminated. In terms of scale and location, the proposed signage is considered to be reasonable considering the use of the shop and the location within.

Following Variation 5 of the County Development Plan, the criteria in section 11.2.8 should be applied to signs on the outside of a building. In terms of the requirements of this section, the relevant criteria are listed below with an assessment of each:

- *In general, signs on a building should only advertise goods or services that are associated with the premises and no more than 2 advertising signs should be erected on any elevation. Outdoor advertising structures (on buildings or standalone) will be assessed having regard to the South Dublin County Council Outdoor Advertising Strategy (2019).* – Signage is proposed above the main entrance to the supermarket stating the name of the retailer. The proposed signage would be expected at the entrance of a major supermarket and would assist in denoting the entrance for shoppers. This proposal is considered acceptable.
- *Signs should generally be limited to the ground floor of a building unless located directly over the entrance to a major commercial or retail building.* – The signage would be located directly above the entrance of the supermarket. This is considered acceptable. The totem sign would be located along the Stocking Avenue site boundary, near the turn into the entrance approach to the store. This is considered acceptable as a wayfinding tool for people accessing the store.
- *Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features.* – The externally mounted sign is a well-recognised supermarket logo and is in keeping with the style of the building. The totem sign is similarly recognisable and would not be detrimental to amenity.
- *Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment.* – The proposed signage is considered to be appropriately sized and would not be visually obtrusive.
- *Any sign, advertising structure or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard.* – The Roads Department have not stated a concern in terms of pedestrian or cyclist movement or the creation of a traffic hazard.
- *Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it. The illumination of signs and advertising structures*



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*should have regard to the SDCC Outdoor Advertising Strategy (2019).* – Stated materials are considered acceptable and durable. Signage would be internally illuminated, assisting in wayfinding for users and would be of particular importance during winter months and given the stores late opening hours. The signs would be visually acceptable during daylight hours when illuminated would be less obvious. The illumination of the signs is considered to be in accordance with Schedule 6, Section 4 of the Development Plan, and the totem sign in particular will assist in providing light and activity after dark.

- *Applications for advertising structures will be considered having regard to the South Dublin County Council Outdoor Advertising Strategy (2019).* – The application has been considered against the criteria of the Advertising Strategy. The site is located in Zone 2 where advertising signs are considered acceptable in principle.
- *To consider appropriately designed and located advertising structures primarily with reference to the zoning objectives and permitted advertising uses and with secondary consideration of the SDCC Outdoor Advertising Strategy (2019). In all such cases, the structures must be of high-quality design and materials, and must not obstruct or endanger road users or pedestrians, nor impede free pedestrian movement and accessibility of the footpath or roadway.* – It is considered that the simple design of the signs is inoffensive and would assist in wayfinding for visitors to the site. It is not considered that the signage would endanger road users or impede pedestrian movement.

Under the South Dublin County Council Outdoor Advertising Strategy (2019), the site is located within Zone 2 of the Zones of Advertisement Control, which consists of urban centres and locations comprising retail, amenity, and commercial uses.

### **Residential amenity**

Given the separation distance involved between the proposal and neighbouring residential properties as well as the nature of the site, it is considered that the proposal would not be materially harmful to residential amenity.

Summary: Based on the above, the externally mounted sign, totem sign and retention of the mezzanine level windows are considered acceptable.

### **Roads**

The Roads Department has reviewed the file and has stated no objection. The following **conditions** are recommended in the event of a grant:

1. *The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.*
2. *Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard.*

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The recommended **conditions** are considered appropriate and should be attached to any grant of permission to ensure traffic safety.

### **Public Realm**

The Public Realm Section has reviewed the application and has no objection to the development. Their report does not recommend any conditions.

### **Services and Drainage**

Water Services and Irish Water have reviewed the application and have stated no objection subject to standard **conditions** relating to compliance with standards, codes and practices. These **conditions** are considered appropriate in the event of a grant of permission.

### **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.

### **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.

### **Other Considerations**

#### **Development Contributions**

Signage and windows proposed, no additional floor area.

### **SEA Monitoring Information**

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	Windows and signage
<b>Floor Area (sqm)</b>	N/A
<b>Land Type</b>	Brownfield
<b>Site Area</b>	0.7514 hectares

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022 it is considered that, subject to conditions set out below, the proposed development 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.

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### **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 & Grant Retention 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 retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.  
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Previous Permissions.  
The conditions of permission of Reg. Refs. SD19A/0345, SD20A/0322 and SD21A/0071 shall continue to apply except where superseded by this permission or the conditions attached to this permission.  
REASON: To clarify which conditions shall apply to this development.
3. Roads - Signage Conditions
  - (a) The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.
  - (b) Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard.  
REASON: In the interests of traffic safety.
4. Irish Water  
Where relevant, all works shall comply with the Irish Water Standard Details & Code of

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Practice for Water Infrastructure and Wastewater Infrastructure

REASON: In the interest of public health and to ensure adequate water and wastewater facilities.

5. Signage.

No further advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected, except those which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

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. SD22A/0004**

**LOCATION: Lands South of Stocking Avenue, Woodtown, Dublin 16**

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

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission & Grant Retention 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:** 3/3/22

  
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**Eoin Burke, Senior Planner**