



THORNTON O'CONNOR
TOWN PLANNING

Planning Report

Planning Report

In respect of an Amendment to Block D2

Lands located at Scholarstown Road, Dublin 16

**Submitted on Behalf of
Ardstone Homes Limited**

May 2022



Planning Department
South Dublin County Council
County Hall
Tallaght
Dublin 24

Tuesday, 3rd May 2022

Dear Sir/Madam

RE: AMENDMENT TO BLOCK D2 OF THE PERMITTED STRATEGIC HOUSING DEVELOPMENT AT 'TWO OAKS', ON LANDS LOCATED NORTH OF SCHOLARSTOWN ROAD INCORPORATING FORMER DWELLINGS KNOWN AS 'BEECHPARK' AND 'MARYFIELD', SCHOLARSTOWN ROAD, DUBLIN 16 (D16 X3X8 AND D16 N6V6).

1.0 INTRODUCTION

1.1 Application for Development

Thornton O'Connor Town Planning¹ have been retained by Ardstone Homes Limited² to prepare an amendment application in respect of Block D2 of the permitted Strategic Housing Development (SHD) permitted under Ref. ABP –TA06S.305878 on 9th March 2020 (as amended by a non-material amendment permitted under ABP Ref: 311752-21 (which principally related to ESB Substations and cycle parking).

In the parent SHD scheme, permission was granted for the construction of 590 No. apartments and a number of commercial units including a 2 No. storey retail/café/restaurant building at Block D2 (657 sq m) comprising 2 No. retail units at ground floor level (328.5 sq m) and a café/restaurant unit at first floor level (328.5 sq m); a creche (438 sq m) within Block C2 at ground floor level; and a management suite (261 sq m) and café/restaurant (288 sq m) within Block C3 at ground floor level, all on a site now referred to as 'Two Oaks', Scholarstown Road, Dublin 16.

1.2 Permitted Development

The permitted development as applied for and granted permission was as follows:

The development will principally consist of: the demolition of all existing structures on site which include a single story dwelling known as 'Beechpark' (172 sq m), a 2 No. storey dwelling known as 'Maryfield' (182 sq m), with associated garage/shed (33.5 sq m) and associated outbuildings (47.1 sq m); and the construction of 590 No. residential units (480 No. Build-to-Rent apartment units

¹ No. 1 Kilmacud Road Upper, Dundrum, Dublin 14

² 48 Fitzwilliam Square, Dublin 2



and 110 No. Build-to Sell duplex units and apartments), ancillary residential support facilities and commercial floorspace. The total gross floor space of the development is 51,252 sq m over a partial basement of 5,888 sq m (which principally provides car and bicycle parking, plant and bin stores).

The 480 No. 'Build-to-Rent' units will be provided in 8 No. blocks as follows: 7 No. blocks ranging in height from part 5 to part 6 No. storeys (Blocks B₁ – B₅, C₁ and C₃) and 1 No. block ranging in height from part 4 to part 6 No. storeys (Block C₂) and will comprise 246 No. one bed units and 234 No. two bed units. The 110 No. 'Build-to-Sell' units will be provided in 9 No. duplex blocks which will be 3 No. storeys in height (Blocks A₁ – A₉) and will comprise 55 No. two bed units and 55 No. three bed units.

The development will also consist of the provision of a part 1 to part 2 No. storey ancillary amenity block (Block D₁) (414 sq m) within the central open space which comprises a gymnasium, lobby, kitchenette and lounge at ground floor level and lounge at first floor level in addition to a roof terrace (facing north, south and west) to serve the Build-to-Rent residents; a 2 No. storey retail/café/restaurant building (Block D₂) (657 sq m) comprising 2 No. retail units at ground floor level (328.5 sq m) and a café/restaurant unit at first floor level (328.5 sq m); a creche (438 sq m) within Block C₂ at ground floor level; and a management suite (261 sq m) and café/restaurant (288 sq m) within Block C₃ at ground floor level.

The development provides a vehicular access off Scholarstown Road between Blocks C₁ and C₃ towards the south-east corner of the site; a separate pedestrian access and emergency vehicular access off Scholarstown Road between Blocks A₉ and C₂ towards the south-west corner of the site; the facilitation of a pedestrian connection from the north-east corner of the subject site to the public open space in Dargle Park; 459 No. car parking spaces (178 No. at basement level and 281 No. at surface level); bicycle parking; bin storage; boundary treatments; private balconies and terraces; hard and soft landscaping; plant; services; sedum roofs; PV panels; substations; lighting; and all other associated site works above and below ground.

The only condition of the SHD permission that sought minor amendments was Condition No. 6³, which required some windows to be fitted with obscure glazing, the provision of some

³ Condition No. 6. The following amendments shall be made:

(a) The proposed secondary bedroom windows located on both gable ends of apartment block B₂, secondary bedroom windows on the northern gable of block B₁, secondary bedroom windows on the western gable end of block C₁ and secondary bedroom windows on the eastern gable of block C₂ shall be fitted with obscured glazing.

(b) Privacy screens shall be provided between the rear/eastern ground floor private amenity areas associated with duplex units A₁, A₂, A₃ and A₄.

(c) The treatment of the area of land adjacent to the authorised apartment buildings shall provide the ground floor apartments with adequate privacy in accordance with the advice at section 3.41 of the Sustainable Urban Housing: Design Standards for New Apartments issued by the Department of the Housing, Planning and Local Government in March 2018. Revised plans demonstrating compliance with these requirements shall be



privacy screens on some of the duplex units and the provision of adequate privacy treatments at ground floor of the apartment blocks. Thus, the description of development above does not change on foot of this minor amendment condition.

Construction has started on this development.

1.3 Summary of the Proposed Development

The development will consist of an amendment to Block D2 (657 sq m) of the scheme granted under ABP Ref: 305878-19 and the non-material amendments permitted under ABP Ref: 311752-21.

Block 2 is located towards the south-eastern corner of the site and fronts onto Scholarstown Road.

Block D2 as granted provided two retail units at ground floor level measuring 135 sq m and 112 sq m and a restaurant/cafe at first floor level measuring 271.5 sq m. The amendment proposes the provision of a single retail unit in Block D2 comprising the amalgamation of the two permitted ground floor units and the change of use of the first-floor unit from restaurant/café to ancillary retail floor area principally providing storage/back-of-house/office space for the retail unit at ground floor level.

Retention permission is also sought for minor elevation changes to the four elevations of Block D2.

1.4 Rationale for the Proposed Development

At application stage, the Applicant did not have any confirmed tenants for the units in Block D2. They now have a convenience retail operator that would like to operate on the site. They require the ground floor element of Block D2 for their retail shop with the first floor required for storage, back-of-house and ancillary offices for the management staff.

Thus, the purpose of this application is to provide a shell retail unit for the occupier. Signage for the operator will be dealt with directly by the operator via a stand-alone application or through a compliance submission if the Planning Authority include a condition seeking agreement via a condition of this amendment permission, if a grant of permission is forthcoming.

With regard to the retention elements, these were required to deal with other codes including fire safety and will be detailed further in Section 5 of this Report.

1.5 AA Screening

In their consideration of the parent permission, An Bord Pleanála concluded that *'in completing the screening exercise, the Board adopted the report of the Inspector and concluded that the proposed development, individually or in combination with other plans or projects, would not be likely to have a significant effect on any European site, in view of the conservation objectives of such sites, and that a Stage 2 Appropriate Assessment (and submission of a Natura Impact Statement) is not, therefore, required'*.

submitted and agreed in writing with the planning authority prior to the commencement of development. Reason: To provide adequate levels of privacy and amenity in the proposed development

It is considered that the proposed amendments now put forward are so minor in nature that equally it can be concluded that no elements of the project will result in any likely significant impact on any European Site, either on its own or in combination with other plans or projects, in light of their conservation objectives as none of the changes proposed could impact upon a Natura 2000 site.

2.0 SITE LOCATION AND DESCRIPTION

2.1 Site Location

Block D2 is located within the permitted 'Two Oaks' development on Scholarstown Road and is specifically located towards the south-eastern corner of the site. The site area for the proposed application is 594.5 sq m.

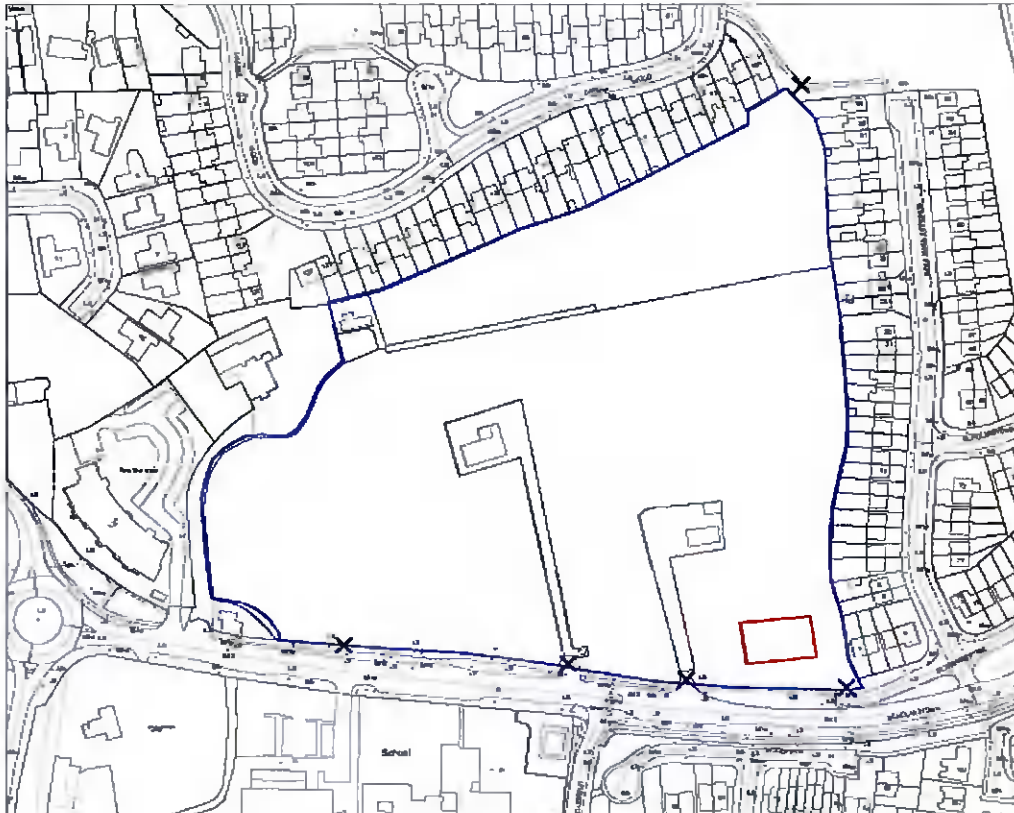


Figure 2.1: Location of Block D2 (outlined in red) towards the south-eastern corner of the site, within the larger 'Two Oaks' site (outlined in blue)

Source: OS Map prepared by John Fleming Architects



The parent SHD permission within which Block D2 sits has a developable area of 53,510 sq m (5.35 Hectares) and is located on the northern side of the R113 Scholarstown Road. In the parent permissions works were also proposed to Scholarstown Road and Woodfield junction including new traffic signals, the elimination of the left-turn slip-lane into Woodfield off Scholarstown Road, upgraded public lighting and upgraded cycle and pedestrian facilities on an area measuring 0.7 hectares, providing a total SHD application site area of 6.05 hectares.

This parent SHD application is under construction with most of the development built to roof level.

2.2 Description of Permitted Block D2

Under the parent SHD scheme, Block D2 comprised a 2 No. storey retail/café/restaurant building (657 sq m) comprising 2 No. retail units at ground floor level (328.5 sq m) and a café/restaurant unit at first floor level with ancillary floor area including staircores and an ESB substation (328.5 sq m).

As shown in Figure 2.2 below, Block D2 is located towards the south-eastern corner of the site and it fronts onto Scholarstown Road. In both the permitted and now proposed scheme, Block D2 comprises only commercial floorspace. To its north commences a row of duplex units and to its west sits Block C3 which includes a café at the ground floor of this building so even with the omission of the first-floor café/restaurant in Block D2, a café remains in the adjacent Block C3.



Figure 2.2: Site Layout Plan with Block Dz towards south-eastern corner outlined in red.

Source: John Fleming Architects

3.0 PLANNING HISTORY

3.1 Enabling Works Application

There are 3 No. planning application pertaining to the larger SHD site as detailed below.

Reg. Ref.	SD19A/0088
Date of Application:	15th March 2019
Dev. Description:	Demolition and enabling works on a 5.2 hectare site located north of Scholarstown Road incorporating a dwelling known as 'Beechpark'; demolition of the 172 sq m, single storey dwelling located towards the western portion of the site (known as 'Beechpark') and the diversion of existing private foul drainage network within the boundary of the subject site (maintaining services to existing third party connections).
SDCC Decision	Grant Permission
SDCC Decision Date	9 th May 2019
ABP Ref.	ABP-305147-19
ABP Decision Date	6 th March 2020
ABP Decision	Grant Permission

This 'enabling works' application was lodged as significant archaeological works had taken place at the site in the months before this application was lodged. Given that the land has been disturbed to facilitate this archaeological work and in order to ensure that the proposed SHD application would be progressed as soon as possible (if An Bord Pleanála was minded to grant permission for the SHD application), the enabling works application was lodged.

However, due to the sequence of decisions and a delay to the Section 34 enabling works decision, the main SHD application was decided only 3 No. days after the enabling works application so there was no requirement for the enabling works permission and all work has been carried out under the SHD applications.

3.2 Parent SHD Permission

Reg. Ref.	TA06S.305878
Date of Application:	11th November 2019
Dev. Description:	The demolition of all existing structures on site; and the construction of 590 No. residential units (480 No. Build-to-Rent apartment units and 110 No. Build-to Sell duplex units and apartments), ancillary residential support facilities and commercial floorspace. The total gross floor space of the development is 51,252 sq m over a partial basement of 5,888 sq m (which principally provides car and bicycle parking, plant and bin stores). The 480 No. 'Build-to-Rent' units will be provided in 8 No. blocks as follows: 7 No. blocks ranging in height from part 5 to part 6 No. storeys (Blocks B1 – B5, C1 and C3) and 1 No. block ranging in height from part 4 to part 6 No. storeys (Block C2) and will comprise 246 No. one bed units and 234 No. two bed units. The

	<p>110 No. 'Build-to-Sell' units will be provided in 9 No. duplex blocks which will be 3 No. storeys in height (Blocks A1 – A9) and will comprise 55 No. two bed units and 55 No. three bed units.</p> <p>The development will also consist of the provision of a part 1 to part 2 No. storey ancillary amenity block (Block D1) (414 sq m) within the central open space which comprises a gymnasium, lobby, kitchenette and lounge at ground floor level and lounge at first floor level in addition to a roof terrace (facing north, south and west) to serve the Build-to-Rent residents; a 2 No. storey retail/café/restaurant building (Block D2) (657 sq m) comprising 2 No. retail units at ground floor level (328.5 sq m) and a café/restaurant unit at first floor level (328.5 sq m); a creche (438 sq m) within Block C2 at ground floor level; and a management suite (261 sq m) and café/restaurant (288 sq m) within Block C3 at ground floor level.</p> <p>The development provides a vehicular access off Scholarstown Road between Blocks C1 and C3 towards the south-east corner of the site; a separate pedestrian access and emergency vehicular access off Scholarstown Road between Blocks A9 and C2 towards the south-west corner of the site; the facilitation of a pedestrian connection from the north-east corner of the subject site to the public open space in Dargle Park; 459 No. car parking spaces (178 No. at basement level and 281 No. at surface level); bicycle parking; bin storage; boundary treatments; private balconies and terraces; hard and soft landscaping; plant; services; sedum roofs; PV panels; substations; lighting; and all other associated site works above and below ground.</p>
<p>ABP Decision Date</p>	<p>9th March 2020</p>
<p>ABP Decision</p>	<p>Grant Permission</p>

As detailed above, this scheme is under construction with the scheme largely constructed to roof level.

3.3 Section 14.6B Non Material Alteration

Under ABP Ref. TR06S.311752, the Applicant requested alterations to the scheme which were required to address the requirements of the ESB and particularly the locations of the required ESB Substations.

3.3.1 Revised ESB Requirements

The principal purpose of this application is to address the ESB's requirements for revised locations of some of the ESB substations on the subject site and for the provision of an additional substation.

We will set out below the changes proposed and the rationale for these changes.



SHD Planning Strategy Required by ESB

The Applicant's Engineers O'Connor Sutton Cronin (OCSC) met with the ESB Design Engineer to present the site layouts for all substations, switch rooms, and duct routes on 13th March 2019. At this meeting there were some minor adjustments requested by ESB which OCSC revised on drawings. A follow up meeting was held on 17th April 2019 with ESB to go through these updates and at this meeting, the ESB strategy for the Two Oaks development was agreed between OCSC and ESB.

The agreed strategy consisted of the following:

1. A single substation and associated switch room integrated into building D2.
2. A double substation at the basement car park ramp between Blocks B2 & B3.
3. A unit substation adjacent to the eastern side of Block A5.
4. A single substation and associated switch room to the north of Block A9.
5. All apartment block distribution boards would be located internally at the main entrances to the blocks.

This agreed strategy was reflected in the SHD application lodged and granted permission.

Construction Strategy Required by ESB

Prior to submitting the formal application to ESB for the development, the Road Naming and Numbering scheme needs to be confirmed by the Local Authority. This was issued by South Dublin County Council on 11th January 2021. OCSC then made the formal application to ESB on 9th February 2021 for the development.

Upon receipt of the application a meeting was requested from the same ESB Design Engineer that OCSC met with in 2019 to review the site layouts. This meeting was held in ESB offices on 16th March 2021. At this meeting the ESB noted they had concerns with some of the previously agreed substation locations, apartment block distribution board locations, and incoming cable routes.

As construction works had already begun on site in line with the approved planning permission, OCSC and ESB met several times from April 2021 to September 2021 to agree a new strategy which would have minimal impact to the permitted layouts.

Upon completion of these meeting the following was agreed as required by the ESB:

1. A single substation and associated switch room integrated into building D2.

This was permitted thus there was no change proposed.

2. A double substation at the basement car park ramp between Blocks B2 & B3.

This was permitted thus there was no change proposed.

3. A unit substation adjacent to the eastern side of Block A5.

This was permitted thus there was no change proposed.

4. A single substation and associated switch room to the southwest of Block C₂ (28.7 sq m).

This was a new proposed sub-station and switch room as required by the ESB.

5. A single substation and associated switch room to the east of Block B₂ (30.1 sq m).

This was a new proposed sub-station and switch room as required by the ESB.

6. A proposed external ESB metering cabinet to the south of Block C₃. All other apartment block distribution boards are still located internally at the main entrances to the blocks.

This was proposed as required by the ESB.

7. As a result of these revised requirements, the permitted substation to the north of Block A₉ was omitted.

These locations were shown on the drawings to the Board and for clarity Drawing No. 1105 prepared by John Fleming Architects clearly set out the permitted and proposed ESB Substations/Switchrooms.

In summary, the proposed amendment in respect of the ESB requirements related to the provision of 2 No. new substations and the omission of 1 No. substation resulting in a net gain of one new unit.

As a result of the requirement for these revised locations, some knock-on impacts arose, which required amendment.

Omission of Bike Store Beside Block B₁

As a result of the requirement to provide a new ESB sub-station to the east of Block B₂, this necessitated the relocation of bicycle parking. In this regard, the permitted bike store to the east of Block B₁ was removed and replaced with a nearby substation, north of the permitted bike store. Further to the ESB issue, upon review, it was also considered that the removal of the bike store provided a better amenity for the residents' of Block B₁ as it removed this small store from in front of their properties. The new ESB substation at Block B₂ was placed in a location that was away from residential windows and thus would not impact on residential amenity.

The proposed ESB substation was provided on 3 No. permitted car-parking spaces. However, the removal of the nearby bike store returned 3 No. car-parking spaces so there was no change to the overall quantum of car-parking within the permitted scheme.

Although the bike store building was removed, parking for some 10 No. bicycles was provided adjacent to Block B₁ for use by residents or visitors.



Provision of Replacement Bike Parking Spaces

The bike store at B1 that was proposed to be removed allowed for the parking of 40 No. spaces. These 40 No. spaces have been now provided in the existing bike stores at Blocks A8 and A9.

An additional 24 No. cycle parking spaces were accommodated within the existing store at Block A9 in lieu of the substation in this location that was removed. This structure increased in size by 1.9 sq m from 75.6 sq m to 77.5 sq m.

Then, an additional 16 No. spaces were proposed to be accommodated in a slightly enlarged bike store beside Block A8, which increased by 3 metres in length. In this regard, this bike store increase in size from 30.9 sq m to 45.5 sq m.

Summary

In terms of newly 'built' infrastructure, the net sum of the proposed alteration was the provision of one new substation and an enlargement of the bike store at Block A9.

In assessing these changes, the Board considered that they were not material and they altered the decision accordingly to reflect these changes.

These changes will be reflected in the constructed scheme.

4.0 PROPOSED DEVELOPMENT

4.1 Proposed use of Block D2

The proposed amendment relates to Block D2. As detailed, the permitted Block D2 is a two-storey block and permission was granted for two retail units at ground floor and a café/restaurant at first floor, along with ancillary and incidental floor area.

The application seeks permission for the amalgamation of the two ground floor retail units to create a larger retail unit. The ground floor will provide the trading area for the retail unit and will comprise an area of 328.5 sq m.

The first floor, which was principally granted permission as a café/restaurant (271.5 sq m) and ancillary space (including staircores etc) is now intended to be utilised for storage, back-of-house and ancillary offices for the retail unit.

These works will create a single retail unit in Block D2.

4.2 Retention Permission

Retention permission is sought for minor elevational changes to Block D2. In this regard, the changes provided during construction were as follows:

South Elevation

Largely as per the permitted elevation with minor modifications to window fenestration to allow for practicable opening sections for ventilation.

East Elevation

A window was removed as it would be inaccessible within the escape fire escape stair behind. A second window was aligned with the door below for aesthetic reasoning.

North Elevation

The main changes to this elevation were to comply with the requirements of the ESB where no opening sections in windows are permitted within 3 metres of the sub-station frame. This has resulted in windows to be shifted away from the substation doors a distance of min 3 metres. One window has been retained within this location and it is a proposed fire rated window with no opening sections.

Windows were omitted on the right hand side as they were located on a stairway and have no practicable access. A new AOV (Automatic Opening Vent) is provided at roof level to ventilate this space as required by the FSC.

West Elevation

A new AOV is provided

The central windows have been shifted due to the location of structural columns and also allow for any potential future ventilation (if required).

5.0 PLANNING POLICY

5.1 *South Dublin County Development Plan 2016-2022- Zoning*

The subject lands are zoned Objective 'RES' in the *South Dublin County Development Plan 2016 – 2022*, where the stated objective aims 'to protect and/or improve residential amenity' (see Figure 5.1 below).

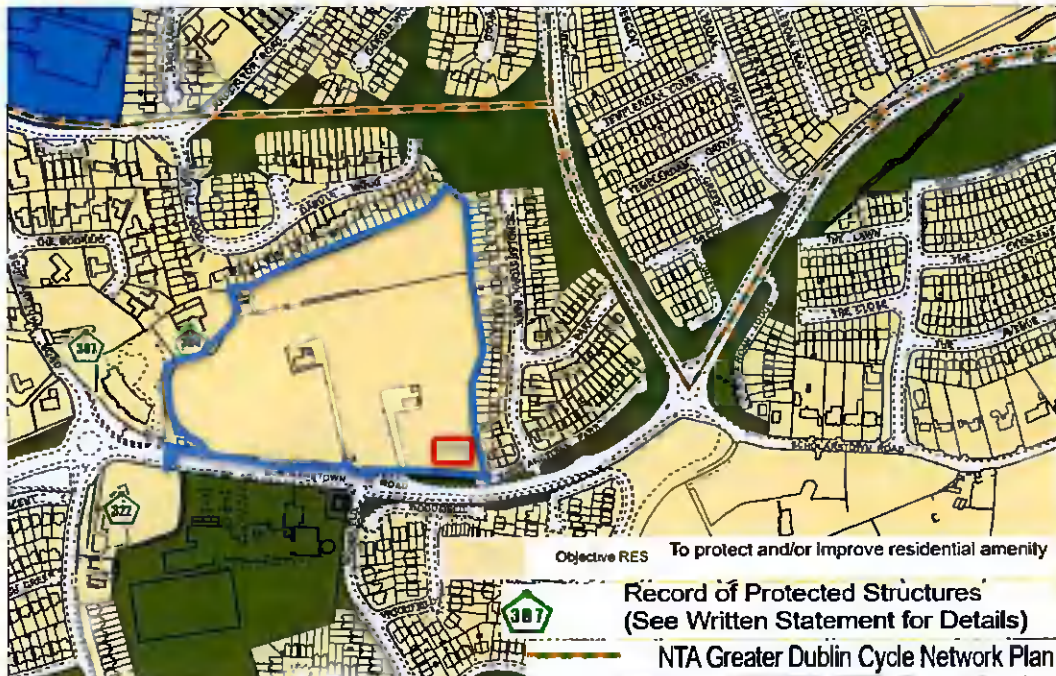


Figure 5.1: Zoning Map with Subject Site Outlined Indicatively in Red

(Source: *South Dublin County Council Development Plan 2016 – 2022, Map No. 6*)

Under this zoning, residential use is permitted in principle.

We note that café/restaurant and shop-local are both open for consideration. Therefore, the amalgamation of the existing ground floor retail units and the change of use of the upper floor from restaurant/café to ancillary retail all accord with the 'RES' zoning objective pertaining to the subject lands.

6.0 PLANNING APPLICATION ADMINISTRATION

6.1 Planning Fee

- A cheque made payable to South Dublin County Council in the amount of €1,297.40 representing the planning application fee payable in accordance with the provisions of Schedule 9 of the *Planning and Development Regulations 2001-2021*. Details of fee calculation:

Class	Calculation	Amount
Class 13	Amalgamation of Ground floor units	€80
Class 4	Change of Use of First Floor Restaurant/Cafe (271.5 sq m)	271.5 sq m x €3.60 per sq m = €977.4
Class 13 Retention	Retention of Elevational Changes	€240.00
Total		€1,297.40

6.2 Statutory Notices

- An original page of the *Irish Daily Star* published on Tuesday, 3rd May 2022, in which notice of the application has been published pursuant to article 17(1)(a) of the *Planning and Development Regulations, 2001-2021*.
- One copy of the Site Notice dated 3rd May 2022 and erected or fixed on the land or structure pursuant to article 17(1)(b) of the *Planning and Development Regulations, 2001-2021*.

6.3 Planning Application Form

- A duly completed current *South Dublin County Council Planning Application Form* signed and dated 3rd May 2022.

6.4 Planning

- Six copies of this *Planning Report* prepared by Thornton O'Connor Town Planning, dated 3rd May 2022.

6.5 Architecture

- Six copies of the following drawings prepared by John Fleming Architects:

John Fleming Architects			
Drawing No.	Drawing Title	Scale	Size
P-OS-001	Ordnance Survey Site Location Map	1:1000	A1
SCH-JFA-ZZ-ZZ-DR-A-1100	Proposed Site Plan	1:500	A0
P-PL-D2-00	Retail Block D2 Permitted Floor Plans & Section	1:200	A3
P-EL-D2-01	Retail Block D2 Permitted Elevations	1:200	A3
SCH-JFA-D2-ZZ-DR-A-1101	Retail Block D2 Proposed Floor Plans & Section	1:200	A3
SCH-JFA-D2-ZZ-DR-A-1301	Retail Block D2 Elevations – As Constructed	1:200	A3

7.0 CONCLUSION

Thank you for taking the time to consider the subject proposal.

The subject application is being lodged to facilitate the occupation of Block D2 by a convenience retail operator and will ensure a local offer is provided principally for the new residents within the scheme but also for the immediate neighbours if required.

If you require any further information, please do not hesitate to contact us.

Yours sincerely

Patricia Thornton

Patricia Thornton
 Director
 Thornton O'Connor Town Planning

