

Comhairle Chontae Atha Cliath Theas

PR/0809/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0257 **Application Date:** 15-Sep-2021
Submission Type: Additional **Registration Date:** 30-May-2022
Information

Correspondence Name and Address: Maughan & Associates 93, Upper Georges Street,
Dun Laoghaire, Co. Dublin

Proposed Development: Construction of extension to existing warehouse
premises; erection of 2.4m high palisade fencing
including entrance gates to front boundary.

Location: Unit 78, Cherry Orchard Industrial Estate,
Ballyfermot Road, Ballyfermot, Dublin 10

Applicant Name: Premium Facades Ltd.

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.09 Hectares on the application.
Site Visit: 11th of October 2021

Site Description

The subject site is located on a site at the corner of the internal road in the Cherry Orchard Industrial Estate in Ballyfermot. The site consists of an end of row warehouse unit with vehicle parking to the front of the unit. The site faces warehouse units to the south and adjoins a warehouse site to the rear (north).

Proposal

Permission is being sought for the construction of extension to existing warehouse premises; erection of 2.4m high palisade fencing including entrance gates to front boundary.

Zoning

The subject site is subject to zoning objective 'REGEN': *'To facilitate enterprise and/or residential-led regeneration.'*

Consultations

Water Services – further information requested.
Irish Water – further information requested.
Roads Department – further information requested.
Public Realm Section – no objections subject to conditions.
H.S.E. Environmental Health Officer – no report received.

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

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Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

None traced to subject site.

Adjacent and surrounding sites

SD06A/0964 Unit, 82, Cherry Orchard Industrial Estate

For the erection of 2.2m high steel security palisade fence around the full perimeter of the site and the forming of a new loading bay door opening with steel roller shutter door to the side elevation.

Permission granted. Condition No. 2 required that the boundary fencing on the side (west) boundary facing Kennelsfort Road shall consist of railings of a solid round bar, steel galvanised railing type, powder coated or painted in a muted colour other than grey and shall not be palisade fencing. The remainder of the fencing shall be painted/powder coated in the same colour as the western boundary fence.

Relevant Enforcement History

None recorded for subject site relevant to the current application according to APAS.

Pre-Planning Consultation

None recorded for subject site relevant to the current application according to APAS.

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

4 Economic Development & Tourism

Section 4.3.2 Employment and Residential in Regeneration Zones

Policy ET2 Enterprise and/or Residential Led Development in Regeneration Zones

6 Transport & Mobility

Section 6.4.4 Car Parking

Policy TM7 Car Parking

7 Infrastructure & Environmental Quality

Policy IE1 Water & Wastewater

Policy IE2 Surface Water & Groundwater

Policy IE3 Flood Risk

Policy IE7 Environmental Quality

8 Green Infrastructure

Policy G1 Overarching

Policy G2 Green Infrastructure Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

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9. Heritage, Conservation & Landscapes

Policy HCL2 Natura 2000 sites

Policy HCL15 Non-Designated Areas

11 Implementation

Section 11.2.7 Building Height

Section 11.2.4 Regeneration Zone

Section 11.4.1 Bicycle Parking Standards

Section 11.4.2 Car Parking Standards

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.7.2 Energy Performance in New Buildings

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).

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;
- Landscape;
- Services and Drainage;
- Access and Parking;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The proposed development is consistent in principle with zoning objective 'REGEN': *'To facilitate enterprise and/or residential-led regeneration.'* Warehousing is Open for Consideration under this zoning. An extension to an existing warehouse is therefore acceptable subject to an assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the County Development Plan.

Visual Amenity

The proposed development would provide for an approx. 196sq.m (including part first floor) extension to the side of the existing warehouse unit. The extension would extend over the existing yard to the side of the building. This yard would be moved to the front of the building and enclosed

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within a 2.4m high palisade fence. The extension would provide for increased storage space, a reception, tinting room, and other facilities at ground floor. Within this extension a part first floor area would be provided for storage space. The side (eastern) elevation would have new vehicular and pedestrian accesses directly off the internal industrial estate road.

The proposed materials, including aluminium windows, grey cladding and brick faced plinth, would match existing. The extension would have a flat roof compared to the pitch roof of the existing building. The extension would have an overall height of approx. 6.2m, which would sit lower than the roof ridge of the existing unit. The extension would bring the building line of the unit closer to the internal industrial estate road. Majority of the buildings in the industrial estate sit further back from this road. However, the unit would still be setback from the road and footpath and is considered acceptable in this instance. A frontage on this elevation facing the road is to be welcomed. The design and form of the proposed extension is considered to comply with Council policy and be acceptable in terms of visual amenity.

The proposed 2.4m high palisade fence would be visible from the internal industrial estate road. In line with the Urban Design Manual and Council policy on development in Regeneration zones the use of palisade fencing would not be visually desirable. **The applicant should be requested to revise the proposed fence on the southern boundary facing the industrial estate road.** There is an existing public streetlight on the verge that may be impacted by the proposed development. **The applicant should be asked to address this via additional information.**

Landscape

There is a tree on the grass verge to the side of the unit within the subject site. The Public Realm Department has reviewed the proposed development and has no objections subject to conditions:

1. Protection and Retention of Existing Street Trees

a) Prior to the commencement of any permitted development or any related construction activity on the site:

i. All trees, groups of trees, hedging and shrubs which are to be retained, including street trees, shall be enclosed within stout tree protection fencing in accordance with BS 5837: 2012. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the hedge for its full length and shall be maintained until the development has been completed.

ii. No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing.

iii. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained. Fencing to be in accordance with BS 5837: 2012 and as specified.

2. Tree Bond

a) Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree Bond to the value of €1,500 with

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the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

b) The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed, or become seriously damaged or diseased within a period of three years from the substantial completion of the development.

c) Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

d) An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works.

e) Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist.

f) The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: to ensure the protection, safety, prudent retention, and long-term viability of trees to be retained on and immediately adjacent to the site.

The report from the Public Realm Section is noted and should be conditioned in the event of a grant of permission.

Services and Drainage

Water Services has reviewed the proposed development and requests further information in regard to surface water:

1.1 There is no drawing showing what if any SuDS (Sustainable Drainage Systems) are proposed for the development. Submit a drawing showing what if any SuDS are proposed.

Examples of SuDS include Green Roofs, Blue Roofs, Tree Pits, Filter Drains, permeable paving, and other such SuDS.

1.2 There is no surface water attenuation proposed for the development. Submit a report and drawing showing what if any surface water attenuation is proposed for the development. Submit a drawing showing the existing and proposed surface water layout for the development up to the point of connection to the public surface water sewer.

Irish Water has reviewed the proposed development and requests further information in regard to water supply:

1.2 Submit a drawing showing the distance between foundation of proposed development and existing 6" watermain

- Prior to the commencement of development, the applicant or developer shall enter into water connection agreement(s) with Irish Water.

1.3 Obtain a confirmation of feasibility letter from Irish water of proposed development and submit same.

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The reports from Water Services and Irish Water are noted and should be requested via **additional information**.

Access and Parking

The proposed development would include the provision of a new vehicular access from the road. The new access is over the existing footpath along the side of the warehouse. It is not clear what the access is to be used for and whether vehicles can drive onto the site so that they are not parked over the footpath and road. The rationale for more than one vehicle access/loading area for the unit is also not clear.

Additionally, the proposed fenced yard to the front of the building appears to be over the area currently used for car parking. The applicant should be requested to address the proposed development's compliance with the car and bicycle parking provisions of the South Dublin County Development Plan 2016-2022.

The Roads Department has reviewed the proposed development and request further information:

- 1) *The applicant is requested to submit a revised layout showing the pedestrian routes within the development.*
 - a) *The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.*
 - b) *Footpath layout shall provide adequate connectivity around the development to units to the west and footpaths on the main road.*
- 2) *The applicant/developer is requested to submit a revised layout of not less than 1:100 scale, showing a 4.2m wide access to east of the proposed development.*
- 3) *Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that HGV's and large vehicles can access/egress the site from the main road to the units opposite and to the west of the proposed fencing.*
- 4) *The applicant/developer is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the vehicle access to east of the proposed development.*

The Roads Department report is noted and in addition the Planning Authority should request **further information in regard to the use of and rationale for the new access, and provision for car and bicycle parking.**

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. Having regard to the nature of the development, connection to public services and the distance from

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the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016,
- 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 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 Additional Information.

Additional Information

Additional Information was requested on the 9th of November 2021.

The applicant was granted a time extension up to and including the 17th of August 2022 to respond to the request for further information.

Additional Information was received on the 30th of May 2022 (not deemed significant).

Additional Information Consultations

Water Services – recommend refusal

Irish Water – recommend refusal

Roads Department – no objections.

Assessment

Item 1 Requested

The applicant is requested to submit the following information in regard to the proposed new access and footpath and car and bicycle parking:

- (a) A rationale for an additional vehicle access/loading access to the unit. The applicant should also demonstrate that the new access would not result in the parking of vehicles across the footpath.*
- (b) A revised layout showing the pedestrian routes within the development. The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users. Footpath layout shall provide adequate connectivity around the development to units to the west and footpaths on the main road.*
- (c) A revised layout of not less than 1:100 scale, showing a 4.2m wide access to east of the proposed development.*
- (d) A revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that HGV's and large vehicles can access/egress the site from the main road to the units opposite and to the west of the proposed fencing.*
- (e) Accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the vehicle access to east of the proposed development.*

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(f) Information in regard to the quantity and location of car and bicycle parking spaces in compliance with the South Dublin County Development Plan 2016-2022.

Applicant's Response:

The additional loading/vehicle access to the east of the unit has been omitted.

Assessment:

The Roads Department has reviewed the additional information submitted and are satisfied with the response. The Planning Authority concurs with this regarding the removal of the additional access. No information has been provided regarding the quantity and location of car and bicycle parking spaces in compliance with the South Dublin County Development Plan 2016-2022. **This should be addressed via clarification of additional information.**

Item 2 Requested

The applicant is requested to revise the proposed fence on the southern boundary facing the industrial estate road to improve the visual amenity. The fence on this boundary should be revised so it is not palisade and not coloured grey.

Applicant's Response:

The palisade fencing has been omitted.

Assessment:

It is therefore considered that this item has been satisfactorily addressed.

Item 3 Requested

The applicant is requested to submit further information on how the existing streetlight within the site would be impacted and how any impact is to be addressed.

Applicant's Response:

The additional access has been omitted.

Assessment:

The additional access has been omitted and therefore the existing streetlight would not be impacted. It is therefore considered that this item has been satisfactorily addressed.

Item 4 Requested

The applicant is requested to submit the following information in regard to surface water:

(a) A drawing showing what if any SuDS are proposed. Examples of SuDS include Green Roofs, Blue Roofs, Tree Pits, Filter Drains, permeable paving, and other such SuDS.

(b) A report and drawing showing what if any surface water attenuation is proposed for the development. Submit a drawing showing the existing and proposed surface water layout for the development up to the point of connection to the public surface water sewer.

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Applicant's Response:

The applicant states that there will be no additional stormwater contribution to the network than that which already exists. The yard upon which it is proposed to construct the extension is currently drained to the existing network via 2 no. yard gullies. The existing gullies shall be removed and the roof shall be drained to the existing network within the site. They state that SUDS are not necessary.

Assessment:

Water Services have reviewed the additional information submitted and recommend refusal based on lack of SUDS:

There is no drawing showing any SuDS (Sustainable Drainage Systems) proposed for the development. Examples of SuDS include Green Roofs, Blue Roofs, Tree Pits, Filter Drains, permeable paving, and other such SuDS none of which were proposed.

Building on existing hardstanding is not a justification for not using SuDS. SuDS improves biodiversity, assists in reducing climate change, improves surface water quality and surface water attenuation.

There is no surface water attenuation proposed for the development

Recommend Refusal:

- *Water services recommend that proposed development be refused because it would be prejudicial to public health and proper planning.*
- *There are no SuDS proposed for the development, which is required to help attenuate surface water, promote biodiversity, and help mitigate climate change.*

Given that the proposed extension is acceptable in principle the applicant should be given the opportunity to address this via **clarification of additional information**. Policies and Objectives of the County Development Plan support enhancing and retrofitting SUDS into existing established areas. Policy IE2 Objective 2 is to maintain and enhance existing surface water drainage systems and promote and facilitate the development of SUDS. The applicant should therefore be requested to consider incorporating SUDS into the proposed development.

Item 5 Requested

The applicant is requested to submit the following:

- (a) A drawing showing the distance between foundation of proposed development and existing 6" watermain.*
- (b) A confirmation of feasibility letter in regard to water supply from Irish Water for the proposed development.*

Applicant's Response:

An amended site layout plan which shows the distance of the proposed extension to the existing 6" watermain has been submitted.

The applicant states that there is an existing water supply and no proposal to provide a new connection or increase water demand.

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Assessment:

The site layout shows that the proposed extension would be approx. 1.75m from the existing watermain to the east of the site. Irish Water have reviewed the additional information submitted and recommends refusal due to the proximity of the extension from the watermain.

Given that the proposed extension is acceptable in principle it is considered that the applicant should be given the opportunity to revise the extension so that it is sufficiently set back from the existing watermain. The applicant may need to liaise with Irish Water to determine the appropriate setback.

This is also an opportunity to provide appropriate landscaping and treatment along this boundary to improve the visual impact of the proposed development. With the removal of the access on the eastern elevation (which is welcomed in relation to traffic) this elevation now presents as a long blank façade close to the road.

This should be addressed via clarification of additional information.

Conclusion

The principle of the proposed extension is acceptable; however, **Clarification of Additional Information** is required in relation to car and bicycle parking, sustainable urban drainage systems and the proximity of the extension to the existing watermain to the east.

Recommendation

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

1. The applicant should provide information in regard to the quantity and location of car and bicycle parking spaces in compliance with the South Dublin County Development Plan 2016-2022 (in regard to Additional Information Item 1).
2. The response to Additional Information Item 4 is not considered to sufficiently address the objectives and policies relating to Sustainable Urban Drainage Systems in the South Dublin County Development Plan 2016-2022. The applicant is requested to submit the following information in regard to surface water:
 - (a) A report and/or drawing showing what if any SuDS have been considered and are proposed. Examples of SuDS include Green Roofs, Blue Roofs, Tree Pits, Filter Drains, permeable paving and other such SuDS.
 - (b) A report and drawing showing what if any surface water attenuation is proposed for the development. Submit a drawing showing the existing and proposed surface water layout for the development up to the point of connection to the public surface water sewer.
3. The response to Additional Information Item 5 shows that the proposed extension would be approx. 1.75m from the existing watermain to the east of the site. This separation distance is not acceptable to Irish Water. The applicant should revise the proposed

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extension so that it is sufficiently setback from this watermain. The applicant may have to liaise with Irish Water in relation to the appropriate setback distance. A full set of revised drawings and updated floor area should be submitted. Appropriate landscaping and boundary treatment in the site along the eastern boundary should be considered to improve the visual impact of the proposed extension when viewed from the road.

4. The applicant is advised that the South Dublin County Development Plan 2022 - 2028 was made by resolution by the Elected Members on June 22nd and will come into effect on August 3rd 2022. In accordance with Section 34 (2) of the Planning and Development Act 2000 (as amended), the Planning Authority will have regard to the South Dublin County Development Plan 2022-2028 as the development plan for the area when making decisions in relation to applications from August 3rd 2022.

In this context, the applicant is requested to provide a report demonstrating that the proposed development is in accordance with the South Dublin County Development Plan 2022-2028.

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REG. REF. SD21A/0257

**LOCATION: Unit 78, Cherry Orchard Industrial Estate, Ballyfermot Road, Ballyfermot,
Dublin 10**

Colm Harte

**Colm Harte,
Senior Executive Planner**

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

Dated:

27/6/22


Eoin Burke, Senior Planner