

Comhairle Chontae Atha Cliath Theas

PR/0825/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0133 **Application Date:** 04-May-2022
Submission Type: New Application **Registration Date:** 04-May-2022

Correspondence Name and Address: Saoirse Kavanagh, McGill Planning Ltd. 22,
Wicklow Street, Dublin 2.

Proposed Development: Amendment to Block D4 of the Strategic Housing Development permitted under ABP-310570-21. The proposed amendment to Block D4 is for a reduction in height to 9 storeys (from 13 storeys) and associated reduction in the number of units to 44 (from 60 units); Block D4 will have 4 one beds (no change), 34 two beds (down from 46) and 6 three beds (down from 10) all with associated private balconies/terraces to the north/south/east/west elevations; This will result in the reduction in the total number of residential units across the entire development site from 421 residential units to 405 residential units; Block D4 will also provide 564sq.m residential amenity space at ground floor level (an increase of 9sq.m); Minor amendments to the southern elevation are also proposed. The application includes for all site services required to facilitate the amendment to Block D4.

Location: Cooldown Commons and Fortunestown, Citywest, Dublin 24

Applicant Name: Cairn Homes Properties Ltd.

Application Type: Permission

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.1076 hectares.

Site Description:

The site is located immediately north of the Fortunestown Luas stop and the Luas line bounds the site to the south and east. The adjacent lands to the north and west of the site comprise recently completed apartment development of a similar scale to the works proposed. The small triangular site to the southeast of the site is currently undeveloped. The Citywest Shopping Centre is located south of the subject site, on the opposite side of Fortunestown Lane and the

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Luas tracks. The site forms part of a larger development site that has permission for the construction of 421 no. apartment units. Initial development works have commenced at the site.

Site visited:

3 June 2022

Proposal:

Permission is sought for the following amendments to ABP-310570-21:

- Reduction in height of Block D4 from 13 storeys to 9 storeys and associated reduction in number of units from 60 to 44
 - Reduction in total number of units across the whole site from 421 to 405
- Increase in residential amenity space at ground floor of Block D4 from 555 sq.m to 564 sq.m
- Alterations to southern elevation of Block D4

Zoning:

The subject site is subject to zoning objective 'RES-N' - *'to provide for new residential communities in accordance with approved area plans.'*

Consultations:

Roads – **Additional Information** recommended

Public Realm – No objection

Surface Water Drainage – No objection

Irish Water – No objection, **conditions** recommended

Housing Strategy Unit – No objection, **conditions** recommended

Department of Defence – No objection, **condition** recommended

SEA Sensitivity Screening

Indicates overlap with SFRA A and SFRA B Flood Maps 2016

Submissions/Observations /Representations

Submission expiry date – 7 June 2022

No submissions or objections received.

Relevant Planning History

Subject Site

ABP-310570-21: Construction of a residential scheme comprising 421 units, offices, retail units x3 and residential amenity areas x2, within 9 blocks ranging in height from 1-13 storeys. The proposal will include 289 car parking spaces along with 650 cycle parking spaces. The development will provide public and communal open spaces throughout including a public plaza

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adjoining Fortunestown Luas stop. Provision of vehicular, pedestrian, and cyclist accesses to the site, including pedestrian bridge to the public park (under construction) to the east. The application includes for all landscaping, ESB substations, plant areas, bin storage, surface water attenuation and all other site development works, and site services required to facilitate the proposed development. The proposed development seeks to amend SHD permission ABP-302398 -18 (under construction to the west), replacing 32 permitted duplex apartments along with associated amendments to internal roads and open spaces. The current proposal also replaces permission SD16A/0078 previously granted on this site. **Permission granted**

SD16A/0078: A mixed use development consisting of a total of 129 residential units including 6 detached houses, 52 terraced houses, 47 duplex units and 24 apartments, shops and creche. The overall proposed development follows a street grid pattern set out in the Fortunestown Local Area Plan 2012, presenting an urban edge to the north of the Fortunestown Lane/Luas Line, a central northwest-southeast main street linking Citywest Shopping Centre to future development lands to the north, and a parkland area along the Baldonnell Upper stream to the east. The proposed development comprises 3 main sectors incorporating the following: Sector 1 is a triangular shaped block facing onto Fortunestown Lane and the internal main street including; A 4 storey building containing creche (c .203sqm with private open space) and 3 retail/own door office units (c. 452sqm GFA) at ground floor, with apartments above ground including 6 no. 1 bedroom apartments, 9 no. 2 bedroom apartments and 3 no. 3 bedroom apartments, bicycle and bin stores and ancillary storage with public plaza, balconies and roof terraces; A 4 storey duplex with 1 no. 3 bed two storey townhouse above 1 no. 2 storey two bedroom apartment, a 3 storey residential terrace facing an internal courtyard with 12 no. 3 bed houses; and facing onto the main street a 3/4 storey terrace of 14 duplex units, including 8 no. 3 bed townhouses and 6 no. 2 bed apartments, 6 no. 3 storey 3 bed terraced houses and 1 no. 3 storey semi-detached 4 bed house. Sector 2 comprises a residential block bounded by the new main street to the west, Luas line to the south and new parkland to the east, including 23 no. 3 storey 3 bed houses, 3 no. 3 storey 4 bed houses (1 detached and 2 semi detached); 31 no. 3/4 storey duplex units (including 15 no. 2 storey 3 bed townhouses, 2 no. 2 storey 2 bed townhouses and 14 no. 2 bed apartments) and 2 no. 4 storey buildings including 6 no. 2 bed apartments, bin stores and ancillary storage, balconies and terraces. Sector 3 comprises a small residential block at the north of the site facing on the main street and includes 11 no. 3 storey 3 bed terraced houses, 2 no. 3 storey 4 bed semi detached houses. The proposed development will be accessed from Fortunestown Lane with a new upgraded signalised junction across the Red Luas line, east of Fortunestown Luas Station, and opposite the access to Citywest Shopping Centre. Also provided is 1 ESB substation, ancillary site works, access roads, 142 surface car spaces, 40 covered bicycle parking adjoining Luas station; site development works and boundary treatments. Open space is proposed along the eastern boundary of the site (measuring c. 0.43Ha) all on a site measuring c. 3.03Ha. **Permission granted.**

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Adjacent Sites

ABP-302398-18: Development of 459 dwelling units 294 apts 1,2, 3, bed and studio apts (ranging from 39sq.m to 112sq.m) arranged in 7no. 4 to 6 storey apartment blocks (Blocks A1 to A3, B1to B3 and Block C1) 123 houses 3 and 4 bed terraced and semi-detached 2 and 3 storey houses (ranging from 112sq.m to 137.5sq.m) and 42 2 and 3 bed, 3 storey duplex units (ranging from 78sq.m to 118sq.m) & all associated public open spaces comprising landscaped courtyards and communal amenity spaces and private amenity spaces comprising gardens and terrace/balconies. The proposed apartment blocks are arranged over single level basement. Vehicular access to serve the proposed development will be provided from a proposed new central section of Citywest Avenue including replacement of the existing roundabout with a priority junction within the subject lands with associated tie-links linking to the existing northern section of Citywest Avenue located at the north eastern boundary of the site extending to the existing roundabout on the Citywest Road (N82) and the existing / under construction southern section of Citywest Avenue within Cuil Duin development (Reg Ref SD15A/0095) to the west 3no additional vehicular access points are proposed including 1 to connect to the permitted Cuil Duin development (Reg Ref SD15A/0095) to the west 1no connecting to the permitted development to the east (Reg Ref SD16A/0210) 1 connecting to the permitted development to the south east (SD16A/0078). The Current application includes a temporary pedestrian link to Fortunestown Luas Stop at the south eastern corner of the site which will be operational until such time as a permanent link is provided via the permitted development to the east (Reg Ref SD16A/0210). Permission is also sought for a crèche facility of 327sq.m with associated external play area of 275sq.m within Block B3, a resident's communal room of 127sq.m within Block B1, 482 car parking spaces including 130 car parking spaces at basement level below Blocks A1 to A3 and 352 surface level car parking spaces, 588 bicycle parking spaces, bin storage areas, ESB substations, public lighting, boundary treatments, surface water infrastructure and all associated site development and infrastructure works. **Permission granted.**

Nearby Sites

ABP-305556-19 (Citywest Shopping Centre): Mixed use residential scheme (total GFA 26,929sq.m) comprising 6 blocks with balconies/terraces to be provided on all elevations at all levels for each block, to provide 290 apartment units and associated residential amenity facilities, a childcare facility, 4 retail units and 2 café/restaurant units. A total of 153 car parking spaces (including 2 car club spaces) are proposed at surface level and existing basement level of the Citywest Shopping Centre to serve the development to include the reallocation of 37 existing surface level spaces; 67 new surface level spaces and the reallocation of 49 spaces from commercial to residential use at existing basement level of the Citywest Shopping Centre. **Permission granted.**

Relevant Enforcement History

None recorded for subject site.

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Pre-Planning Consultation

PP009/22: LRD pre-planning meeting held 11 March 2022

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

Section 2.2.2 Residential Densities

Section 2.2.3 Residential Building Height

Policy H 9 Residential Building Heights:

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

H9 Objective 1:

To encourage varied building heights in new residential developments to support compact urban form, sense of place, urban legibility and visual diversity.

H9 Objective 2:

To ensure that higher buildings in established areas respect the surrounding context.

H9 Objective 4:

To direct tall buildings that exceed five storeys in height to strategic and landmark locations in Town Centres, Mixed Use zones and Strategic Development Zones and subject to an approved Local Area Plan or Planning Scheme.

H9 Objective 5:

To restrict general building heights on 'RES-N' zoned lands south of the N7 to no more than 12 metres where not covered by a current statutory Local Area Plan.

Section 2.2.4 Mix of Dwelling Types

Section 2.3 Quality of Residential Development

Section 6.4.4 Car Parking

Policy TM 7 Car Parking

It is the policy of Council to take a balanced approach to the provision of car parking with the aim of meeting the needs of businesses and communities whilst promoting a transition towards more sustainable forms of transportation.

TM7 Objective 1:

To carefully consider the number of parking spaces provided to service the needs of new development.

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 8.1.0 Green Infrastructure Network

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Policy G2 Green Infrastructure Network

Section 11.2.7 Building Height

Section 11.3.1 Residential

Section 11.3.6 Retail Development

Section 11.4.1 Bicycle Parkin Standards

Table 11.22 Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23 Maximum Parking Rates (Non Residential)

Table 11.24 Maximum Parking Rates (Residential Development)

Section 11.4.4 Car Parking Design and Layout

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.2 Appropriate Assessment

Fortunestown Local Area Plan

Relevant Government Guidelines

Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.

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

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage (2018).

Urban Development and Building Heights – Guidelines for Planning Authorities, Department of Housing, Local Government and Heritage (2018),

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, 2007.

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

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

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Assessment

The main issues for assessment concern the following:

- Scope of Assessment
- Zoning and Council policy
- Residential and Visual Amenity
- Aviation
- Roads
- Services, Drainage and the Environment
- Housing Strategy Unit
- Appropriate Assessment
- Environmental Impact Assessment

Scope of Assessment

Assessment of this application is informed by amendments to the Planning and Development Act, 2000 (as amended) following the enactment of the Planning and Development (Amendment) (Large-Scale Residential Development) Act 2021 which allows the Planning Authority to assess modifications to a Strategic Housing Development based on the following:

Section 34

3C In determining an application for permission that relates to a development in respect of a part of which permission has previously been granted—

- a. under section 9 of the Planning and Development (Housing) and Residential Tenancies Act 2016, or*
- b. on foot of an application in accordance with section 32A,*

the planning authority concerned shall, notwithstanding section 34(2)(a), be restricted in its determination of the application, other than in respect of any assessment of the effects of the proposed development on the environment, to considering the modifications proposed by the applicant to the previously permitted development and for the purposes of determining such an application the reference in subsection (6) to "the development concerned" shall be read as a reference to "the modifications to the previously permitted development".

In this context, the Planning Authority is restricted to only considering the modifications to the permitted SHD. It is noted that the permitted heights were a contravention of the Fortunestown Local Area Plan. Subsection 34 (6) referred to above relates to material contraventions and outlines that consideration of material contravention should be restricted to the modification. The modification to reduce the height is not considered a material contravention and the principle of the overall height of 9 storeys is not a relevant consideration in this application.

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Zoning and Council Policy

The subject site is subject to zoning objective 'RES-N' - '*to provide for new residential communities in accordance with approved area plans.*' Residential development is permitted in principle under this zoning objective, subject to assessment against the relevant policies, objectives and standards set out in the Development Plan 2016 – 2022.

The subject site is located within the 'Fortunestown Centre' neighbourhood, identified in Section 6 of the Fortunestown Local Area Plan (LAP) 2012. Table 6.1 of the LAP outlines the function of the Fortunestown Centre neighbourhood area as follows:

'Civic, community, retail and service centre, with library facility and healthcare facility for Plan Lands and surrounding neighbourhoods with residential population. Primary school provision.'

It is noted that the Fortunestown LAP is expiring on October 7th, 2022 (taking account of Section 251 days for Covid and Christmas). The overarching function of the area is considered relevant, while the specific policies and objectives of the plan may no longer apply. Section 34 (3C) provides that the Planning Authority is restricted to considering the modifications of the SHD permission and as such, compliance with the LAP is not relevant to a reduction in the overall height of the parent permission.

Residential and Visual Amenity

Height

This application seeks to reduce the maximum height of Block D4 from 13 to 9 storeys. The northernmost part of Block D4 would remain 6 storeys, as per the parent permission. The Planning Authority supports the reduction in the overall height of the block. The height of Block D4 will be more consistent with the heights of the remaining blocks and the materials will still provide a landmark element to the building.

Aviation

The main reference point for the Planning Authority is Policy IE8 of the South Dublin County Development Plan 2016 - 2022.

That policy states:

It is the policy of the Council to safeguard the current and future operational, safety and technical requirements of Casement Aerodrome and to facilitate its ongoing development for military and ancillary uses, such as an aviation museum, within a sustainable development framework.

Of the relevant objectives, objective 1 seeks to ensure the safety of military aircraft present and future to and from Casement Aerodrome.

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Objective 2 is to maintain the airspace around the aerodrome free from obstacles to facilitate aircraft operations to be conducted safely, including restricting development in the environs of the aerodrome, as per the Obstacle Limitation Services. The inner horizontal surface is one such surface and relevant to this issue.

Objective 3 seeks to implement the principle of shielding in assessing proposed development in the vicinity of the aerodrome.

Objective 4 prohibits certain development in the environs of the aerodrome by a number of means, one of which reads:

“By applying height restrictions to development in the environs of the Aerodrome.”

Section 11.6.6 (iii) the South Dublin County Development Plan 2016 - 2022 further clarifies that the height restriction relevant under the Inner Horizontal surface of Casement Aerodrome is 45 metres above the aerodrome OD datum. This is applicable to development above the prevalent building height. The aerodrome datum is 86.6m OD and the inner horizontal is 131.6m OD

The maximum height of the block would be amended from 42.3m to 30.3m, resulting in an above ground change from 41.05m to 29.05m. The submitted Aeronautical Assessment notes that Block D4 will be above the Inner Horizontal Surface by 12 meters but this relatively small projection is not significant and would not cause adverse aviation effect. The reduced height will increase the shielding effect from Saggart Church and due to the presence of other items of similar height, the reduced Block D4 can have no additional adverse effect on aviation.

The Department of Defence had previously opposed the height of the development as it would create an obstacle to flight operations at Casement Aerodrome. The Department has reviewed the current application and have stated no objection to the development. Their response notes the following observation:

- 1. Given the proximity to Casement Aerodrome, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681*

It is considered that this would be appropriate to include as a **condition** in the event of a grant to ensure proper coordination with Air Corps Air Traffic Services, in the interests of safety.

On the basis of the above, Block D4 aligns with the emerging pattern of development and complies with height restrictions within the environs of Casement Aerodrome. The proposed reduction in height is considered appropriate and acceptable in the context of the Development Plan.

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Density

The Planning Authority welcome and support the reduction of the density from the permitted SHD scheme. The principle of the resulting density is not applicable to this assessment.

Unit Mix

The reduction in height of Block D4 will result in the overall reduction of 16 no. apartments. From the table below it is clear that the reduction in the number of apartments does not significantly affect the unit mix that will be provided on site, with the biggest different being the percentage of 3-bedroom units provided. Across the entire parent application site, 34% of units would have 1-bedroom, 64% would have 2-bedrooms and 2% would have 3-bedrooms. The revised unit mix for the block, and the site, is considered to be acceptable. The unit mix would still comply with the Apartment Guidelines 2020, which allow for no more than 50% of units to be 1-bedroom, and no stated minimum or maximum amount for 3-bedroom units.

Block D4 Unit Mix Comparison

Unit Type	No. Permitted	No. Proposed	% Permitted	% Proposed
1 Bedroom	4	4	7	9
2 Bedroom	46	34	77	77
3 Bedroom	10	6	17	13
Total	60	44		

Based on the above, the alterations are considered to be acceptable.

Elevation Alterations

Other than the obvious reduction in height, the north, east and west elevations would remain the same. The southern elevation would be altered to provide additional fenestration to serve the residential amenity area on the ground floor, and bedrooms on the first to ninth storey. These alterations are considered acceptable. There are no properties, existing or proposed, directly opposing any of these windows and therefore there would be no concerns about overlooking or loss of privacy.

Roads and Car Parking

It is noted that there will be no reduction in the level of car parking as a result of this application. Condition 11a of ABP-310570-21 required 278 no. car parking spaces to serve the residential element of the development, resulting in a ratio of 0.66 spaces per unit. The applicant states this ratio shall be maintained in the allocation of units to Block D4. The table below provides the amended parking figures for the site.

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Car Parking Provision – Permitted and Proposed

Residential Permitted	Residential Proposed	Dev Plan Residential Maximum	Non-Residential Permitted	Non-Residential Proposed	Non-Residential Maximum
278	267	398	11	22	33

The Roads Department have reviewed the application and have recommended the following **additional information** is sought:

1. *The applicant to submit a written rationale:*
 - a. *explaining why the number of parking spaces has not been reduced.*
 - b. *explaining how many of the spaces are to be assigned for residential use.*
 - c. *explaining if any of these spaces are intended for retail use.*
 - d. *Including figures for how the carparking totals for residential and retail have been calculated (as per tables 11.23 & 11.24 of the County Development Plan 2016-2022)*
2. *The applicant must submit a revised drawing showing how the parking spaces would be allocated, to include all:*
 - a. *residential spaces clearly highlighted and numbered.*
 - b. *retail spaces clearly highlighted and numbered.*
 - c. *Surface and basement spaces.*

While there would be a preference to maintain lower car parking rates at the site, a review of the blue line boundary shows that the majority of car parking serving the development is at basement level. There would be minimal planning gain by reducing the amount of basement level car parking and the amended car parking allocation is therefore considered acceptable.

Services, Drainage and the Environment

Water Services has reviewed the application and have stated no objection to the development. Irish Water have reviewed the application and have stated no objection, recommending the following **conditions**:

1.1 Water

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

- *All development shall be carried out in compliance with Irish Water Standards codes and practices.*

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

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2.1 Foul

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

- a. All development shall be carried out in compliance with Irish Water Standards codes and practices.*

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

Condition 21 of the parent application, ABP-310570-12 requires the applicant to enter into water and wastewater connection agreements with Irish Water prior to the commencement of development. A **condition** should be attached in the event of a grant of permission for this application requiring the developer to comply with all relevant **conditions** of the parent application that are not superseded by the current proposals.

Housing Strategy Unit

The Housing Procurement Section has reviewed the application and note the Part V submission included with the application pack. Their response states a preference of the Council to acquire units on site and specifies a preference for unit type and mix. The response recommends the inclusion of a Part V **condition** in the event of a grant of permission, and this is considered appropriate to ensure compliance with the requirements of Part V.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located on urban lands currently undergoing redevelopment. The proposed development comprises amendments to an existing permission, reducing the height of a previously permitted apartment block.

Having regard to:

- the small scale and domestic nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to a European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

It is noted that an AA Screening Report was submitted with ABP-310570-21 which concluded *'that significant effects are not likely to arise, either individually or in combination with other plans or projects to the Natura 2000 network. This conclusion is based on best scientific knowledge.'* This conclusion was accepted by An Bord Pleanála in making their previous decision.

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Environmental Impact Assessment

An Environmental Impact Assessment Report (EIAR) was provided for ABP-310570-21 which concluded that despite the subject site being below the thresholds set out in Annex I and Annex II of the EIA Directive, an EIAR was prudent due to the cumulation with other development in the immediate area. The EIAR concluded that the implementation of mitigation measures outlined in the EIAR will reduce the potential negative impacts of the development during both the construction and operational phases of the development.

Having regard to the modest nature of the proposed development, to reduce the height of previously proposed development, and the distance of the site from nearby sensitive receptors, there is no real 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

No additional commercial floor area

Residential alterations – reduction of 16 no. units. Breakdown of remaining units:

Unit No.	Permitted Size	Unit No.	Permitted Size
L01-01	77.9 sq.m	L04-03	77.9 sq.m
L01-02	78.4 sq.m	L04-04	123.9 sq.m
L01-03	77.9 sq.m	L04-05	78.4 sq.m
L01-04	66.8 sq.m	L04-06	78.4 sq.m
L01-05	55.6 sq.m	L05-01	77.9 sq.m
L01-06	78.4 sq.m	L05-02	78.4 sq.m
L01-07	78.4 sq.m	L05-03	77.9 sq.m
L02-01	77.9 sq.m	L05-04	123.9 sq.m
L02-02	78.4 sq.m	L05-05	78.4 sq.m
L02-03	77.9 sq.m	L05-06	78.4 sq.m
L02-04	66.8 sq.m	L06-01	77.9 sq.m
L02-05	55.6 sq.m	L06-02	77.9 sq.m
L02-06	78.4 sq.m	L06-03	123.9 sq.m
L02-07	78.4 sq.m	L06-04	78.4 sq.m
L03-01	77.9 sq.m	L07-01	77.9 sq.m
L03-02	78.4 sq.m	L07-02	77.9 sq.m
L03-03	77.9 sq.m	L07-03	123.9 sq.m
L03-04	123.9 sq.m	L07-04	78.4 sq.m

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L03-05	78.4 sq.m	L08-01	77.9 sq.m
L03-06	78.4 sq.m	L08-02	77.9 sq.m
L04-01	77.9 sq.m	L08-03	123.9 sq.m
L04-02	78.4 sq.m	L08-04	78.4 sq.m

SEA Monitoring Information

Building Use Type Proposed:	Residential amendments
Floor Area:	3,645.8 sq.m
Land Type:	Urban Consolidation
Site Area:	0.1706 Hectares.

Conclusion

Having regard to the provisions of Section 34 of the Planning and Development Act, in particular the restrictions in Section 34(3C), 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. It is considered that the proposal would be consistent with Council policy in relation to extensions to dwelling houses.

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 in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

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REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

2. Compliance with Conditions.

All conditions of the parent permission granted under ABP-310570-21, to which this application will have the effect of creating modifications to, shall apply, 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.

3. Department of Defence

Given the proximity to Casement Aerodrome, operation of cranes should be coordinated with Air Corps Air Traffic Services, no later than 28 days before use, contactable at airspaceandobstacles@defenceforces.ie or 01-4037681.

REASON: To ensure safety during the construction period.

4. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €380,949.64 (three hundred and eighty thousand nine hundred and forty nine euros and sixty four cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

5. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:

Comhairle Chontae Atha Cliath Theas

PR/0825/22

Record of Executive Business and Chief Executive's Order

(A) Lodgement of a cash deposit of €182,852.00 (one hundred and eighty two thousand eight hundred and fifty two euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or

(B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €210,300.00 (two hundred and ten thousand three hundred euros) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

NOTE: Where the applicant proposes to connect to a public water/wastewater network operated by Irish Water, the applicant must sign a connection agreement with Irish Water prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.

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.


Comhairle Chontae Atha Cliath Theas

PR/0825/22

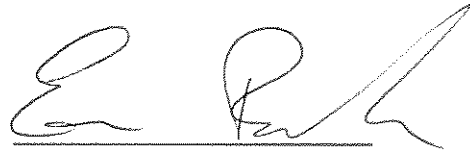
Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0133

LOCATION: Cooldown Commons and Fortunestown, Citywest, Dublin 24



**Colm Harte,
Senior Executive Planner**



Eoin Burke, Senior 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:

28/6/22



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