

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0311 **Application Date:** 17-Nov-2021
Submission Type: Additional **Registration Date:** 13-Jun-2022
Information

Correspondence Name and Address: Brock McClure Planning and Development
Consultants 63, York Road, Dun Laoghaire, Co.
Dublin

Proposed Development: Change of use of the permitted cafe unit (approx. 225sq.m net) as granted under ref. S020A/0037 to use as a pharmacy (approx. 251sq.m net) and all associated internal and external layout alterations to facilitate this change of use; internal layout changes at ground floor include the removal of the internal escape stair and internal lobby from the permitted layout; inclusion of an accessible WC at first floor level within the permitted community use space (area not affected by subject application); external alterations include amendments to the external glazing to replace permitted access doors with solid glazing (no alteration to appearance) and the provision of an external plant space at first floor level with a 1200mm high louvre screen.

Location: Lands at Main Steet, Newcastle, Co. Dublin
Applicant Name: Cedarglade Limited
Application Type: Permission

Description of Site and Surroundings

Site Area: Stated as 0.0316 Hectares

Site Description:

The application site is a greenfield area of land fronting Main Street, Newcastle. The level of the site is slightly above road level and the entire site outlined in blue rises in a southerly direction. There are no permanent structures on the site at present, with site clearance works having taken place and hardcore installed in preparation for the development permitted under ABP Reg. Ref. 3054343-19. A temporary marketing suite relating to ABP Reg. Ref. 3054343-19 has been installed on the subject site of this Planning Application. Residential development lies to the north, east and west. The lands to the south are subject to future development (ABP Reg. Ref. 3054343-19).

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

*The site, as outlined in red, relates only to the building and does not incorporate lands that will be within the curtilage of the overall structure.

Proposal:

Amendments to previously permitted development Reg Ref SD20A/0037.

- The Change of Use of the permitted Café unit (225sq.m) to a pharmacy unit (251sq.m).
- Amendments to the permitted layout (SD20A/0037) to facilitate the proposed Change of Use as follows:
 - Removal of a servery area associated with the permitted café use.
 - Removal of the internal fire escape stair and lobby at ground and first floor levels.
 - Provision of an accessible toilet at first floor level.
- Elevational amendments comprised of:
 - Removal of 1 access point in the southern elevation and its replacement with glazing.
 - Removal of 1 access point in the northern elevation and its replacement with glazing.
 - Removal of 1 access point and 1 fire exit in the eastern elevation.
 - Plant with a louvre screen partially concealed by the parapet at first floor level of the southern elevation.
- The Applicant states that no amendments are proposed to the permitted community use at first floor level.

Zoning:

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

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

SEA Sensitivity Screening

Indicates overlap with areas of archaeological potential, Record of Monuments and Places and Sites of Geological Interest.

Consultations:

Parks and Public Realm Department:	No report received at time of writing
Roads Department:	No objection.
Water and Drainage Operations:	No objection, subject to conditions.
Irish Water:	No objection, subject to conditions
Heritage Officer:	No report received at time of writing.
Architectural Conservation Officer:	No report received at time of writing.
Arts Officer:	No report received at time of writing.
Environmental Health Officer:	No objection, subject to conditions.

Submissions

Deadline for submissions/observations – 21st December 2021.

None received.

Planning History

Subject Site

SD20A/0343: Amendments to a previously permitted development (Reg SD20A/0037); relocation of the staff welfare and ancillary office accommodation to a new approx. 192sq.m first floor mezzanine level within the permitted anchor supermarket unit; relocation of the staff welfare and office accommodation to mezzanine level will allow for additional warehouse floor space at the ground floor level (approx. 150sq.m increase; there is no proposed increase to the net retail floor space; external amendments to the permitted elevations including glazing and material changes; 2 roof lights will also be provided at roof level; no other changes are proposed to the anchor supermarket unit or the remainder of the development permitted under Reg. SD20A/0037. **Permission Granted, subject to conditions.**

SD20A/0037: Planning permission granted to demolish 3 existing structures on site (total c.226sq.m) comprising of 1 habitable house and 2 associated outbuildings/sheds (permitted under Ref. ABP-305343-19), and the construction of 1 double storey (c.9.2m overall height) retail development in the form of a convenience supermarket (GFA c.1,759sq.m); 1 two storey mixed-use building (c.10.7m overall height) comprising of a café (c.225sq.m) at ground floor and a community centre at the first floor (c.140sq.m) with associated ground floor access (total GFA c.468sq.m); an ESB sub-station (c.22sq.m); the anchor supermarket unit will provide for a net retail sales area of c.1,222sq.m; a warehouse of c.200sq.m; welfare area of c.190sq.m including ancillary office accommodation; a delivery and loading dock; service yard; customer

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

lobby and wc and entrance lobby; the development shall also provide for 98 car parking spaces and 50 bicycle parking spaces; advertising structures and signage (totalling c.81sq.m); new pedestrian and cyclist connections; public realm areas; refuse storage; a trolley shelter; new priority controlled junction at Main Street; a new access road and shared pedestrian/cyclist greenlink from Main Street (permitted under Ref. ABP-305343-19); vehicular entrances to the surface car park and service yard; all associated site development, site services and landscape works at Lands at Main Street, Newcastle, Co. Dublin, bordered by Main Street to the north, Orchard Grove to the east, greenfield land to the south and residential properties fronting Main Street to the west (new road will be adjacent to 1 Main Street, Newcastle, Co. Dublin.)

Permission Granted, subject to conditions.

SD05A/0344/EP: A residential development of 743 no. dwellings including a neighbourhood centre of 1,859.2sq.m. and a creche of 846sq.m., at Ballynakelly and Newcastle South, Newcastle-Lyons, County Dublin. An eight year planning permission is sought. The development comprises of the following: 78 no. 2 bedroom houses; 209 no. 3 bedroom houses; 27 no. 4 bedroom houses; 10 no. 5 bedroom houses; 5 no. apartment blocks containing 7 no. 1 bed apartments, 20 no. 2 bed apartments, 12 no. 3 bed apartment, 4 no. 2 bed duplex units and 2 no. 3 bed duplex units; 57 no. duplex blocks containing 48 no. 2 bedroom duplex units, 151 no. 3 bed duplex units, 52 no. 1 bedroom apartments and 123 no. 2 bedroom apartments. The neighbourhood centre comprises of 5 no. retail units from 69sq.m., 84sq.m., 90.5sq.m., 101sq.m. and 134sq.m.; public house measuring 935.4sq.m., off licence measuring 189sq.m. and restaurant measuring 255sq.m.; the proposed development also provides for 4.155ha of public open space including the provision of a landscaped area adjoining the Tower House on the Athgoe Road; roads infrastructure including 3 no. junctions with Newcastle-Lyons Main Street (R120 Rathcoole Road) and 1 no. junction with Athgoe Road; on and off street car parking; and provision of lands for a traveller accommodation site measuring 0.5 ha; on an overall site of 22.789 hectares; planning permission is also sought for the demolition of 2 no. habitable dwellings. This planning application is accompanied by an Environmental Impact Statement (EIS). **Extension of Duration Granted**

SD05A/0344: A residential development of 743 no. dwellings including a neighbourhood centre of 1,859.2sq.m. and a creche of 846sq.m., at Ballynakelly and Newcastle South, Newcastle-Lyons, County Dublin. An eight year planning permission is sought. The development comprises of the following: 78 no. 2 bedroom houses; 209 no. 3 bedroom houses; 27 no. 4 bedroom houses; 10 no. 5 bedroom houses; 5 no. apartment blocks containing 7 no. 1 bed apartments, 20 no. 2 bed apartments, 12 no. 3 bed apartment, 4 no. 2 bed duplex units and 2 no. 3 bed duplex units; 57 no. duplex blocks containing 48 no. 2 bedroom duplex units, 151 no. 3 bed duplex units, 52 no. 1 bedroom apartments and 123 no. 2 bedroom apartments. The neighbourhood centre comprises of 5 no. retail units from 69sq.m., 84sq.m., 90.5sq.m., 101sq.m. and 134sq.m.; public house measuring 935.4sq.m., off licence measuring 189sq.m. and restaurant measuring 255sq.m.; the proposed development also provides for 4.155ha of public

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

open space including the provision of a landscaped area adjoining the Tower House on the Athgoe Road; roads infrastructure including 3 no. junctions with Newcastle-Lyons Main Street (R120 Rathcoole Road) and 1 no. junction with Athgoe Road; on and off street car parking; and provision of lands for a traveller accommodation site measuring 0.5 ha; on an overall site of 22.789 hectares; planning permission is also sought for the demolition of 2 no. habitable dwellings. This planning application is accompanied by an Environmental Impact Statement (EIS). **Permission Granted, subject to conditions.**

Adjacent Sites

SHD3ABP-305343-19 (Lands to the west and south): (1) The demolition of 5 structures on site, total area measuring 359sq.m, comprising 2 habitable dwellings and 3 associated outbuildings/sheds located to the northwest of the site; (2) development of 406 residential homes; (3) a childcare facility (518sq.m GFA); (4) 1 commercial unit (67.7sq.m GFA); (5) reservation of a school site (1.5ha); (6) new vehicular, cycle and pedestrian access from Main Street; (7) continuation of Newcastle Boulevard forming part of a new east-west link street; (8) a new Public Park (2ha); (9) pocket parks and greenway together with associated internal access roads, pedestrian and cycle paths and linkages; (10) 1 single storey marketing suite (81sqm) and signage (including hoarding) during the construction phase of development only and (11) all associated site and development works. The overall site comprises lands to the south of Main Street (c.15ha) together with 3 additional infill sites at the corner of Burgage Street and Newcastle Boulevard (c. 0.8ha); No. 32 Ballynakelly Edge (c.0.05ha); and Ballynakelly Rise (c.0.18ha). **Permission Granted, subject to conditions.**

Recent Relevant Enforcement History

None recorded

Pre-Planning Consultation

None

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

Section 1.13.0 Retail Strategy
Section 4.2.0 Strategic Policy for Employment
Section 5.2.0 Retailing
Policy R7 Village Centres
Section 11.2.9 Shopfront Design
Section 11.4.6 Travel Plans
Section 11.6.3 (ii) Noise
Section 11.6.3 (iii) Lighting
Section 11.8.2 Appropriate Assessment

Newcastle Local Area Plan

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

Vision: "A village with a strong sense of identity that offers a good quality of life building upon its past. Where there is integration between existing and new developments through the creation of an intricate network of walkable streets that connect pedestrian and cyclist paths with important destinations, a beautiful village with quality useful spaces that realise and enhance the full potential of Newcastle's rich natural and built heritage through the sensitive and considered incorporation of hedgerows, water features, burgage plots, townland and parish boundaries, archaeology, protected structures and recorded monument's, a developing village that sensitively addresses the contrast between existing and new elements and retains much of its existing character, whilst being a showcase for the sensitive expansion of an historic and nationally important settlement".

Objective G17: Protect the historic burgage plot boundary and townland delineations (including townland boundaries to the Glebe, Ballynakelly Newcastle South and Commons Little) around Newcastle Village including their associated hedgerows and ditches.

Objective G18: Require all planning applications for development on lands that include or are bound by burgage plot and/or townland hedgerow boundaries and ditches to clearly detail how these boundaries will be enhanced or reinstated and incorporated. All such applications shall include a comprehensive hedgerow survey and method statement (compiled by a suitably qualified person) for protection, incorporation and reinstatement of the historic boundaries before, during and after construction. This shall include for details on protecting any section(s) of hedgerow outside the application site that directly adjoin the application site.

Objective G19: Require that burgage and townland field boundaries and ditches are utilised wherever possible as SUDS elements such as swales for conveying water; landscape features; and biodiversity-protecting elements.

Objectives G112, G114 and G115: SuDS and Flood Risk

Objective G121: Archaeology

Objectives G127, G128, G129 and G130: Ecology

Objective AM7: Accessibility and Movement

Objectives LUD1, LUD2, LUD7, LUD13: Land Use and Urban Design

Objectives BF1, BF8: Built Form

Relevant Government Policy

Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (April 2012).

Retail Design Manual - A Good Practice Guide, Department of Arts, Heritage and the Gaeltacht (2012).

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

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 are:

- Zoning
- Council Policy
- Design
- Visual and Residential Amenity
- Roads Layout and Parking
- Drainage and Water Services
- Environmental Health Officer
- Appropriate Assessment
- Screening for Environmental Impact Assessment

Zoning

The site is zoned 'RES-N' – 'To provide for new residential communities in accordance with approved area plans'.

The proposal is for amendments to the previously permitted retail development SD20A/0037. The principle of the proposal is considered acceptable, subject to compliance with the relevant policies, standards and requirements of the South Dublin County Development Plan 2016-2022.

Council Policy

Policy R1 states: "It is the policy of the Council to seek to ensure adequate retail provision at suitable locations in the County and to protect the vitality and viability of existing centres in accordance with the retail framework".

It is the policy of the Council under Policy R1 Objective 3 to support new retail provision in the County to meet the needs of the County's population and to direct new retail floor space into designated retail centres in accordance with the County Retail Hierarchy, so that centres can maintain and expand their retail offer.

In addition, it is the policy of the Council to promote appropriate sustainable development of existing built-up areas in order to retain population levels and delivery of local services.

The proposed amendments relate to the Change of Use of a café unit within the permitted development (SD20A/0037) to a pharmacy unit, and this use is ancillary to the aforementioned application and is consistent with the policies and objectives of the current South Dublin County Council Development Plan.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

Design & Visual Impact

The proposal is for the Change of Use of a café unit within the permitted development (SD20A/0037) to a pharmacy unit.

Notwithstanding that the proposal largely comprises of internal re-configuration of the layout permitted under SD20A/0037, including the removal of a servery area associated with the café use and the removal of internal fire escape stair and lobby at ground and first floor levels, which will result in an increase in the floor area of the unit from 225sq.m (Café) to 251sq.m (Pharmacy), the Planning Authority is concerned that the proposed development has not taken enough cognisance of the curtilage in which the structure will now sit and how the pharmacy use will significantly change the dynamic of the use of this space. It is not clear how the space that immediately abuts the entirety of the structure will now function and it is unclear how the pharmacy will successfully operate on this site (discussed later in this report). The permitted café would complement the community use at this location; it is not clear how the two uses in the current design layout and structure are complementary.

In addition to the above concerns, the Planning Authority is concerned with the changes in the levels in proximity to the site, especially in relation to the finished floor levels of the structure and accessibility to the lands to the rear/south of the structure and to the east. The level differences are noted as follows (Levels below are taken from the original drawings permitted under SD20A/0037):

- (i) The level of the permitted car parking is approximately 91.5. The level of the permitted 'café external seating area' is approximately 90.6, which represents a level difference of 0.9m. This level difference is even greater (a level difference of 2m) when using the finished floor level of the originally permitted café, 89.5).
- (i) The original ground floor access to the community centre is approximately 89.5 and the now proposed sole access to the community centre is 91.3m. The level difference is approximately 1.8m.
- (ii) The level of the permitted car parking is approximately 91.5. The level of the entrance to the community space is 91.3, a difference of 0.2. It is unclear from the drawings whether or not this difference will represent a step or a slope in the pathway. If it is a slope in the pathway this should be clearly notated on drawings similar to notation of the pathway from the car parking area to the originally granted 'café external seating area'.

Proposed Use

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

The permitted Café unit was a complementary use to the Community use at first floor level. The Café use naturally lends itself to the unusual shape of the mixed-use building, particularly the curved pocket of space in the southwestern corner of the unit. The omission of the Café and replacement with a Pharmacy unit will impact on the usability of the pockets of space created by the unusual shape of the permitted structure. The Applicant should demonstrate how all spaces within the proposed Pharmacy unit will be successfully utilised. The drawings submitted by the Applicant are challenging to read, especially having regard to the unorthodox shape of the mixed-use building permitted under SD20A/0037. In this regard, more detailed floor plans are required to allay the concerns of the Planning Authority regarding the usability and functionality of the proposed Pharmacy unit. In particular, the Applicant should clarify the use of the irregular shaped space created by the curved wall in the southwestern corner of the ground floor unit. The Planning Authority is satisfied that the concerns regarding the layout of the Pharmacy unit can be addressed by way of ADDITIONAL INFORMATION.

The Applicant states that there will be no amendment to the permitted Community use at first floor level. However, it is noted that the Planning Report provided with the Application states that the Community use is 140sq.m and the Proposed Floor Plans indicate that it is 130sq.m. The Planning Authority is satisfied that this slight anomaly can be addressed by way of ADDITIONAL INFORMATION.

Access Points

It is noted that the proposed development includes elevational amendments which will result in the reduction of the total number of access points to the building. The drawings provided by the Applicant indicate the removal of 4 access points, including 1 fire exit. Having regard to the proposed Pharmacy use, the Planning Authority accepts that the removal of the access points in the southwest and northwest of the unit may not have a significant impact on the functionality of the ground floor unit. However, significant concerns arise regarding the removal of the access point in the north-eastern corner of the building, which was previously granted for ground floor access to the lift to the first-floor community space. The Planning Authority notes that permission was previously granted (SD20A/0037) for development:

“comprising of a café (c.225sq.m) at ground floor and a community centre at the first floor (c.140sq.m) with associated ground floor access (total GFA c.468sq.m)”

It is noted that changes in the north-eastern access will reduce the access to the first-floor community centre to 1 access point, which is located 1.8m above street level. The access to the community centre therefore appears to be orientated towards the permitted car park to the rear of the building and is car-centric. This could potentially lead to the disenfranchisement of other members of community from fully accessing the site such as children, older people, non-car users and mobility impaired. Furthermore, it is unclear how mobility impaired access to the community space will be achieved, particularly from street level. This should be clarified by

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

way of ADDITIONAL INFORMATION. In this regard, the access point at street level should be re-instated to facilitate universal access to the first-floor community centre from the Main Street to ensure the provision of a comfortable and secure entrance to encourage use of the centre by all members of the Community. In addition, the access from the car park to the community space entrance should be clearly demonstrated in plan form showing all level changes and how these changes are addressed to provide for universal access. The Planning Authority is satisfied that these issues can be addressed by way of ADDITIONAL INFORMATION.

The Planning Authority notes that the Applicant has not provided a rationale or justification for the removal of the internal fire escape stair and lobby at ground and first floor levels and associated fire exit in the western elevation of the building. The Applicant should demonstrate that the removal of this fire escape route and exit point would be acceptable from a fire safety perspective.

Universal Accessibility

The Planning Authority has concerns regarding usability and functionality of the lands to the south, east and west of the structure with specific regard to the pharmacy use. The Applicant should be requested to demonstrate in a clear and concise way how the proposed layout would be universally accessible, particularly from the Main Street, the new estate road to the west, the access to the south-east and the car park to the rear of the building. If the space is not to be universally accessible the applicant should clearly indicate uses of these spaces and their functionality.

The drawings provided by the Applicant appear to indicate retaining walls which dissect the entrance plaza to the rear of the mixed-use building with no clear access from the sloping footpath from the car parking ramp nor the estate road to the community space entrance to the east. Notwithstanding the previous grants of permission on this site, the previous uses of community and café were complementary and would have ensured that the space surrounded the structure was active. The Planning Authority is not convinced that the proposed pharmacy use will activate each of these spaces in a successful way. In this regard the provision of cross sections through the car parking area, entrance plaza and mixed-use building (including on a north-western to south-eastern axis) would aid the understanding of this area, particularly the changes in levels and access arrangements. Either 3D or CGI drawings of:

- (1) the area at the proposed sole entrance to the Community Centre and
- (1) The access point to the rear of the Pharmacy unit previously notated as 'café external seating area'

would also facilitate a complete assessment of the proposal. The applicant should be requested, on reviewing the accessibility and functionality of the incidental spaces created by the unusual shaped structure, to modify the design to ensure usability of each of the spaces can be achieved,

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

that the design will not result in dark and unusable spaces which may give rise to anti-social behaviour and ensure safe and functional use of the entire area created by the structure. The applicant should be requested to confirm if the access from the estate road will be closed at certain times of the day/night and how this closure of the space will appear (drawings to be submitted, if a gate is to be proposed). The Planning Authority is satisfied that these items can be provided by way of ADDITIONAL INFORMATION.

Landscape and Planting Plan

The Planning Authority welcomes the retention of the extensive glazing along the western elevation of the building. The Planning Authority recommends the inclusion of defensible planting to the strip of green space along the western elevation beneath this glazing. Furthermore, clarification is required regarding the proposed planting along the southern elevation adjacent to the curved wall of the south-western corner of then unit. It is understood that this area was originally intended to be for outdoor seating for the Café unit. However, given the proposed Change of Use, clarification is required as to proposed treatment of this area. Notwithstanding that these areas lie outside the redline boundary of this Planning Application, they are considered vital to the security, accessibility and functionality of the mixed-use building. As such, the proposed landscaping, planting and treatment of these areas will have a direct impact on the subject site of this Planning Application. In this regard, the Planning Authority considers the provision of a Landscape Plan and Planting Plan by way of ADDITIONAL INFORMATION would be appropriate.

Roads Layout and Parking

The Report of the Roads Department noted that the proposed development will not result in any amendments to the roads layout or parking facilities permitted at the subject site. As such, the Roads Department has no objection to the proposed development of this Planning Application.

Notwithstanding the Roads Report, the Planning Authority has concerns that the use will generate additional deliveries and will generate 'quick-stop' journeys to collect medication. Having regard to proposed change of use and the nature of the use, the applicant should submit revised proposals that demonstrate that considerations has been given to loading of deliveries and providing ease of access for quick collections. ADDITIONAL INFORMATION.

Drainage and Water Services

The Report of the Drainage and Water Services Department indicated no objection to the proposed development, subject to the following conditions:

- All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

The Report of Irish Water indicated no objection to the proposed development, subject to the following conditions:

- All works shall comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure.
- All works shall comply with the Irish Water Standard Details & Code of Practice for Wastewater Infrastructure.

Environmental Health Officer

The Report received from the HSE Environmental Health Officer indicated no objection to the proposed development, subject to the following conditions:

- Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A) and shall not exceed the background level for evening and night time. Clearly audible and impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.
- The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.
- A suitable location for the storage of refuse shall be provided during the operation phase of the proposed development so as to prevent a public health nuisance.
- Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.
- The water supply to the premises shall be taken directly from the rising mains.
- Signage or lighting to be used on site during the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

Screening for Appropriate Assessment

The applicant has not provided information in relation to Appropriate Assessment. With regard to the nature and scale of the proposal, it is not likely that the proposed development would have

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

a significant impact on any Natura 2000 sites, either individually or in combination with any other plan or project, and therefore a Stage 2 Appropriate Assessment would not be required.

Screening for Environmental Impact Assessment

A mandatory EIAR is not required by Schedule 5 of the Planning and Development Regulations 2000 (as amended) for this development. Having regard to the nature and scale 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.

Planning Note:

At this point it should be noted that the Applicant has not provided Existing (Permitted) Elevations to allow a full comparison of the existing (permitted) and proposed scenarios. The Planning Authority is satisfied that these can be provided by way of ADDITIONAL INFORMATION.

Conclusion

The Planning Authority is not opposed to the proposed Change of Use of the permitted café unit to a pharmacy unit. Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, it is considered that the proposed development may be generally acceptable in principle. However, the Planning Authority has significant concerns regarding the design and layout of the proposed development, having particular regard to the universal accessibility of both the Pharmacy unit and the community use at first floor level. In this regard, ADDITIONAL INFORMATION is required to facilitate a complete assessment of the proposed development.

Recommendation

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

1.

- a) Notwithstanding that the proposal largely comprises of internal re-configuration of the layout permitted under SD20A/0037, the Planning Authority is concerned that the proposed development has not taken enough cognisance of the curtilage in which the structure will now sit and how the pharmacy use will significantly change the dynamic of the use of this space, specifically to the rear/south of the site. It is not clear how the space that immediately abuts the entirety of the structure will now function and it is unclear how the pharmacy will successfully operate on this site.
- (i) The Planning Authority request that a usability and functionality study of all the lands surrounding the entire subject structure be carried out and submitted. This study

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

should include proposals for the usability and functionality of each of the spaces and any nooks and crannies created by the structure.

- (i) The usability and functionality study should demonstrate in a clear and concise way how the proposed layout would be universally accessible, particularly from the Main Street, the new estate road to the west, the access to the south-east and the car park to the rear of the building.
 - (ii) If the spaces are not to be universally accessible the applicant should clearly indicate uses of these spaces and their functionality and provide design solutions for their protection and success.
- (b) The drawings provided by the Applicant appear to indicate retaining walls which dissect the entrance plaza to the rear of the mixed-use building with no clear access from the sloping footpath from the car parking ramp nor from the estate road to the community space entrance to the east. Notwithstanding the previous grants of permission on this site, the previous uses of community and café were complementary and would have ensured that the space surrounding the structure was active. The Planning Authority is not convinced that the proposed pharmacy use will activate each of these spaces in a successful way. In this regard:
- (i) the provision of cross sections through the car parking area, entrance plaza and mixed-use building (including on a north-western to south-eastern axis) should be submitted to aid the understanding of this area, particularly the changes in levels and access arrangements.
 - (i) 3D or CGI drawings of:
 - (a) the area at the proposed sole entrance to the Community Centre and
 - (a) the access point to the rear of the Pharmacy unit previously noted as 'café external seating area' are requested to be submitted.
- (b) The applicant should note that if the findings of the usability and functionality study require significant modifications to be made to the overall design revised proposals to include drawing should be submitted to address all findings and concerns that the Planning Authority may have. At a minimum, it should be demonstrated that each of the spaces will not result in dark and unusable spaces which may give rise to anti-social behaviour.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- (c) The applicant is requested to confirm if the access from the estate road will be closed at certain times of the day/night and how this closure of the space will appear (drawings to be submitted, if a gate is to be proposed).
1. The Planning Authority is concerned with the changes in the levels in proximity to the site, especially in relation to the finished floor levels of the structure and accessibility to the lands to the rear/south of the structure and to the east. The level differences are noted as follows (Levels below are taken from the original drawings permitted under SD20A/0037):
- The level of the permitted car parking is approximately 91.5. The level of the permitted 'café external seating area' is approximately 90.6, which represents a level difference of 0.9m. This level difference is even greater (a level difference of 2m) when using the finished floor level of the originally permitted café, 89.5).
 - The original ground floor access to the community centre is approximately 89.5 and the now proposed sole access to the community centre is 91.3m. The level difference is approximately 1.8m.
 - The level of the permitted car parking is approximately 91.5. The level of the entrance to the community space is 91.3, a difference of 0.2.
- (i) Having regard to the above, the applicant is requested to demonstrate how the level changes will be addressed to ensure adequate functionality of both the pharmacy and the community space.
- (i) With regard to the slight level change from the permitted car parking to the level of the entrance to the community space the applicant is requested to confirm that this will be a sloped pathway and will not be provided with a step. If it is a slope in the pathway this should be clearly notated on drawings similar to notation of the pathway from the car parking area to the originally granted 'café external seating area'.
2. The Planning Authority has concerns regarding the universal accessibility of the mixed-use building. It is noted that the proposed development includes elevational amendments which will result in the reduction of the total number of access points to the building. The drawings provided by the Applicant indicate the removal of 4 No. access points, including 1 fire exit. The Planning Authority has significant concerns regarding the removal of the access point in the north-eastern corner of the building, which was previously granted for ground floor access to the lift to the first-floor community space. The Planning Authority notes that permission was previously granted (SD20A/0037) for development:

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

'comprising of a café (c.225sq.m) at ground floor and a community centre at the first floor (c.140sq.m) with associated ground floor access (total GFA c.468sq.m)'.

It is noted that changes in the north-eastern access will reduce the access to the first-floor community centre to 1 access point, which is located 1.8m above street level. The access to the community centre therefore appears to be orientated towards the permitted car park to the rear of the building and away from the front and street level (potentially making the community space car-centric). This could potentially lead to the disenfranchisement of other members of the community from fully accessing the site, such as children, older people and non-car users. Furthermore, it is unclear how mobility impaired access to the community space will be achieved, particularly from street level.

- (i) The applicant is requested to confirm the above and modify the proposed development as follows:
 - (a) the access point at street level should be re-instated to facilitate universal access to the first-floor community centre from the Main Street.
 - (b) the access from the car park to the community space entrance should be clearly demonstrated in plan form to provide a pathway to the community centre void of steps and obstacles for the mobility impaired.
 - (ii) The Planning Authority notes that the Applicant has not provided a rationale or justification for the removal of the internal fire escape stair and lobby at ground and first floor levels and associated fire exit in the western elevation of the building. The applicant should demonstrate that the removal of this fire escape route and exit point would be acceptable from a fire safety perspective.
3. The Applicant is requested to provide the following additional drawings to facilitate the complete assessment of the proposed development:
- (i) Elevations and Sections of the Existing mixed-use building permitted under SD20A/0037.
 - (i) More detailed floor plans demonstrating the proposed layout of the Pharmacy unit at ground floor level and confirming that no amendments are proposed to the Community Centre at First Floor Level.
 - (ii) Cross Sections through car park, entrance plaza and mixed-use building.

4.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- (i) A full landscape masterplan for all the lands that immediately abut the subject structure is requested to be submitted.
- (i) The Planning Authority welcomes the retention of the extensive glazing along the western elevation of the building. To protect and strengthen this element of the design, the Planning Authority seeks the inclusion of defensible planting along the strip of green space along the western elevation beneath this glazing. This element should form part of the landscape masterplan requested under item i. above.
- (ii) Clarification is required regarding the proposed planting along the southern elevation adjacent to the curved wall of the south-western corner of the unit. It is understood that this area was originally intended to be for outdoor seating for the Café unit. However, given the proposed Change of Use, clarification is required as to proposed treatment of this area.

Note: Notwithstanding that these areas lie outside the redline boundary of this Planning Application, they are within the land ownership blue line, and are considered vital to the security, accessibility and functionality of the mixed-use building.

- 5. The Planning Authority has concerns that the proposed pharmacy use will result in a different dynamic than that created by a café/community centre, which was initially assessed in previous planning permission. The pharmacy is likely to generate additional deliveries and will generate 'quick-stop' journeys to collect medication. Having regard to the proposed change of use and the nature of the use, the applicant is requested to explore both these issues and submit revised proposals that demonstrate that considerations has been given to loading of deliveries and providing ease of access for quick collections from Main Street and confirm if on-street car parking can be provided. In this regard, the applicant should liaise with the Roads Department.

Additional Information

Additional Information was requested on 20th January 2022.

Additional Information was received on 13th June 2022.

The Additional Information received was not deemed to be significant, as such the Applicant was not required to erect a Site Notice or publish a Newspaper Notice.

Submissions/Observations

No submissions / observations received.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

Assessment

The following Additional Information was received from the Applicant on 13th June 2022:

- Cover Letter prepared by Brock McClure Planning and Development Consultants dated 8th June 2022.
- Drawing No. 2018.51.P22 – Floor Plans prepared by MCA Architects.
- Drawing No. 2018.51.P23 – Elevations – Contiguous prepared by MCA Architects.
- Drawing No. 2018.51.P24 – Sections prepared by MCA Architects.
- Drawing No. 2018.51.P25 – Accessibility Plan prepared by MCA Architects.
- CGIs prepared by MCA Architects.
- Drawing No. 1781-C-P-01 – Landscape Masterplan prepared by Murray & Associates Landscape Architecture.
- Drawing No. 1781-C-P-01.1 – Landscape Masterplan – Mixed Use Building Area prepared by Murray & Associates Landscape Architecture.
- Fire Safety Certificate Compliance Report prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.101 - Fire Safety Certificate Application Drawing (Site Location Map) prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.102 - Fire Safety Certificate Application Drawing (Proposed Site Layout Plan) prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.103 - Fire Safety Certificate Application Drawing (Proposed Ground Floor Plan) prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.104 - Fire Safety Certificate Application Drawing (Proposed First Floor Plan) prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.105 - Fire Safety Certificate Application Drawing (Proposed Section A-A) prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.106 - Fire Safety Certificate Application Drawing

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

(Proposed Front (North East) and Rear (South West) Elevations) prepared by Logical Fire Safety.

- Drawing No. 2020.098.2.FSC.107 - Fire Safety Certificate Application Drawing (Proposed Side (North West) and Side (South East) Elevations) prepared by Logical Fire Safety.
- Drawing No. 2020.098.2.FSC.108 - Fire Safety Certificate Application Drawing (FSC Floor Area Calculation Drawing) prepared by Logical Fire Safety.

The Additional Information provided by the Applicant will be assessed below in the context of the 6 No. items of Additional Information requested by the Planning Authority on 20th January 2022:

Additional Information Item No. 1

The Applicant's Response to each specific element of Additional Information Item No. 1 shall be assessed individually below:

a)

(i) Usability and Functionality

The Applicant's Response outlines the vision that the south facing terrace will act as a public open space for customers of the proposed pharmacy, first floor level community use and the adjacent supermarket. The drawings provided by MCA Architects demonstrate grade access from the main street and car park sides of the building.

The terrace area remains divided by a retaining wall, the other side of which lies an access point. It is noted that the proposed development is universally accessible either side of this wall, with level access provided off the terrace area to the stair core leading to the first floor level community use and an accessible ramp leading from the car park to the pharmacy access point in the southern elevation.

The internal layout of the proposed pharmacy includes a passenger lift for customers with accessibility issues entering the premises from the access door in the southern elevation. It is accepted that this is a solution to the level change within the unit and that level external access is provided in the northeast and north western corners of the unit.

Overall, the Planning Authority is satisfied that the usability and functionality of the various spaces has been successfully demonstrated.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- (i) Universal Accessibility
The amendments applied by the Applicant have improved the permeability and accessibility of the proposed development
- (ii) Use of Spaces
The Planning Authority is satisfied that the proposed layout is universally accessible.

a)

- (i) The drawings prepared by MCA Architects demonstrate the changes in levels throughout the subject site and the access arrangements for the proposed pharmacy unit and existing community use.
- (i) The Applicant has provided CGIs which illustrate the community centre entrance and the rear access point to the pharmacy unit. It is noted that the CGI of the western elevation entitled 'View from Estate Road' does not accurately reflect the proposed site layout as there appears to be a footpath and grass verge shown adjacent to the western elevation of the building. However, this discrepancy does not prevent a complete assessment of the proposed development.

b) The Applicant's Response outlines the following:

'While some minor alterations to levels are proposed, these allow for accessibility for all and do not represent significant modifications to the spirit or intent of the scheme as initially put forward. There are no residual areas created by the proposed scheme and opportunities for anti-social behaviour will be minimal. We strut (sic) this is to the satisfaction of the Local Authority and addresses any concerns they may have.'

It is considered that the Applicant has satisfactorily addressed the concerns raised in Additional Information Item 1(c) and that the proposal does not represent significant modifications. A slight concern arises in relation to the terrace area adjacent to the southern elevation as in this location the Applicant is proposing a high level slot window. To increase the passive surveillance of the terrace, a CONDITION should be attached requiring the fenestration pattern to be amended to a larger window in this location.

c) It is noted that the Applicant's Response confirms that Estate Road will not be

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

closed at any time during the day or night.

It is considered that the revisions applied to the proposed development satisfactorily address Additional Information Item No. 1.

Additional Information Item No. 2

In response to Additional Information Item No. 2, the Cover Letter prepared by Brock McClure Planning Consultants outlines the following:

'We refer to the local authority to the attached drawings by MCA Architects that illustrate both stepped and ramped access to and from the car parking area and estate road to the west to the pharmacy use. The pharmacy entrance is separated from the outdoor space and community use entrance by a retaining wall. Entrance to the community use and outdoor space is via a slightly sloped pathway with a level difference of 0.1m, which is not significant. The interior of the pharmacy use has been amended to show stepped and platform lift access to the two levels within the retail space. These level differences and access routes will allow full accessibility to the site for all users as illustrated on the attached plans.'

Having regard to the Applicant's Response and the accompanying drawings prepared by MCA Architects, the Planning Authority considers that the proposed site layout successfully navigates the level changes throughout the subject site, without compromising the functionality of both the pharmacy unit and the community use.

It is noted that the Applicant has confirmed that the access route from the car park to the community use entrance will be via a sloped pathway with a level difference of 0.1m. This is acceptable.

It is considered that Additional Information Item No. 2 has been satisfactorily addressed.

Additional Information Item No. 3

(i)

- a) As demonstrated in the drawings prepared by MCA Architects, the Applicant has reinstated the 2 No. entrances from main street (eastern and western elevations) which facilitates universal access and navigation of both the ground floor level and access to the first floor level via the lift and stairwell. It is noted that, whilst the drawings appear to be Part M compliant, the Applicant will need to engage in the statutory DAC Application process.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- a) It is noted the drawings provided by MCA Architects have demonstrated almost level access between the car park and the entrance to the community use, with a level difference of approximately 0.1m. Ramped access is also provided from the car park to the proposed pharmacy unit. This is acceptable to the Planning Authority.
- (ii) The Applicant has outlined the following response to Additional Information Item No. 3(ii):

'We confirm to the Local Authority that no alterations are proposed to the community use at first floor level other than the removal of the fire escape stairs and the addition of a disabled toilet at first floor level. Appropriate provision for fire escape are provided within the proposed development.'

'We refer the Planning Authority to the attached granted FSC 183/21 for the original mixed use building. The HSC was granted for a single stair service the first floor community centre as the (Occupant Load Factor) OLF was less than 50 occupants, the travel distance at first floor was within 18m and the stairs served one occupancy only.'

The Applicant's Response is noted and accepted.

It is considered that Additional Information Item No. 3 has been satisfactorily addressed.

Additional Information Item No. 4

In addition to the Permitted Elevations and Sections, Floor Plans and Cross-sections provided by MCA Architects, the Cover Letter prepared by Brock McClure Planning Consultants also outlines the following written response to Additional Information Item No. 4:

'The final internal layout for the pharmacy will be subject to the ultimate occupier. We confirm to the Local Authority that no alterations are proposed to the community use at first floor level other than the removal of the fire escape stairs and the addition of a disabled toilet at first floor level. We trust this to the satisfaction of the Planning Authority in the context of the concerns outlined under previous points above.'

It is considered that Additional Information Item No. 4 has been satisfactorily addressed.

Additional Information Item No. 5

The Applicant's Response to each element of Additional Information Item No. 5 is assessed individually below:

- (a)

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

(i) Landscape Masterplan

The Applicant has provided a Landscape Masterplan for the overall lands prepared by Murray & Associates Landscape Architects. The Masterplan details the hard and soft landscaping proposals associated with the proposed development.

The Landscape Masterplan has been assessed by the Parks and Public Realm Department who have indicated no objection.

(i) Defensible Planting

The Landscape Masterplan prepared by Murray & Associates Landscape Architects indicates the inclusion of defensible planting along the western elevation of the building.

It is noted that the CGI entitled 'View from Estate Road' does not accurately reflect the proposed site layout as there appears to be a footpath and grass verge shown adjacent to the western elevation of the building. However, the Planning Authority considers that, should permission be granted, a CONDITION can be attached requiring the implementation of the proposed landscape design and planting as per the Landscape Masterplan.

(ii) Planting adjacent to South Western Corner

In their Cover Letter dated 8th June 2022 Brock McClure Planning Consultants have outlined the following clarification in relation to the area adjacent to the south-western corner of the unit:

'The adjoining outdoor space where café seating was originally proposed will now include bench type seating and become a space for people to gather and linger following events in the community centre use or to enjoy refreshments from the adjoining Supervalu store. It is intended that this will be a safe space that is used throughout the day and evening as events take place. The area will be well lit and be constantly passive surveyed to enhance the feeling of security.'

The Parks and Public Realm Department have assessed the proposed Landscape Masterplan and indicated no objection.

Additional Information Item No. 6

In response to Additional Information Item No. 6, the Applicant has revised the car park layout to include a designated parking space for deliveries to the proposed pharmacy, accessed from the rear.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

In their Cover Letter dated 8th June 2022 Brock McClure Planning Consultants have outlined the following response to Additional Information Item No. 6:

'A TRICS trip generation exercise carried out by DBFL Consulting Engineers for a pharmacy and café indicates a higher peak demand for the café (this does not take into account dual trips at both potential land uses e.g. users going to the supermarket and then the café or pharmacy).

We therefore submit the pharmacy would have a steadier flow of activity throughout the day wil (sic) not give rise to specific peak periods that may lead to congestion and can be easily serviced and access (sic) from the Supervalu car park.'

The Roads Department have assessed the Applicant's Response to Additional Information Item No. 6 and indicated no objection to the proposed development. Additional Information Item No. 6 has therefore been satisfactorily addressed.

Development Contributions

Development Contributions	
Building Use Type Proposed	Floor Area (sq.m)
Change of Use of existing floor area	251 sq m
Assessable Area	0 sq m

SEA Monitoring Information

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Change of Use of existing floor area	251 sq m
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.0316Ha

Conclusion

Having regard to the policies outlined in the South Dublin County Development Plan 2016-2022 and the Additional Information provided by the Applicant, it is considered that, subject to conditions, the proposed development generally adheres to the key policies, objectives and guidance and would not be contrary to the proper planning and sustainable development of the area.

Recommendation

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 13th June 2022, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Previous Permission
All conditions attached to the permission granted under Reg. Ref. SD20A/0037 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 previous permission.
3. Signage
All signage associated with the proposed use shall be the subject of a separate planning application to the Planning Authority.

REASON: In the interests of orderly development and the visual amenities of the area.
4. Opening Hours and Window Treatment
Prior to the occupation of the subject unit, the following detail shall be submitted to and agreed in writing by the Planning Authority:

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- a) Details of the opening hours;
- b) Layout and window treatment of the subject unit.
- c) Amended plan, sectional and elevational drawings showing the high level slot window in the southern elevation amended to a larger window overlooking the adjacent terrace area.

REASON: To ensure a satisfactory standard of development and in the interest of the proper planning and sustainable development of the area.

- 5. a). All works shall comply with the Building Regulations -Technical guidance document- Part H Drainage and Wastewater disposal.
- b). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
- c). All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
- d). All works shall comply with the Irish Water Standard Details & Code of Practice for Wastewater Infrastructure.
- e). All works shall comply with the Irish Water Standard Details & Code of Practice for Water Infrastructure.

REASON: In the interests of adequate water and wastewater infrastructure.

- 6. Operational Noise.
 - (a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .
Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.
 - (b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.
 - (c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

7. EHO Requirements

- a). The development shall be so operated that there will be no emissions of malodours, gas, dust, fumes or other deleterious materials, no noise vibration on site as would give reasonable cause for annoyance to any person in any residence, adjoining unit or public place in the vicinity.
- b). A suitable location for the storage of refuse shall be provided during the operation phase of the proposed development so as to prevent a public health nuisance.
- c). Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.
- d). The water supply to the premises shall be taken directly from the rising mains.
- e). Signage or lighting to be used on site during the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

REASON: In the interests of public health and safety.

8. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

9. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

REASON: In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.

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 is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

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.

NOTE: The applicant is advised that where industrial effluent is produced or stored a licence may be required under the provisions of the Waste Management Act.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and->

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

completion/completion/taking-in-charge-policy-standards.

NOTE: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

Comhairle Chontae Atha Cliath Theas

PR/0875/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0311

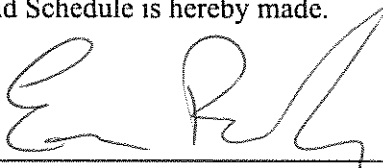
LOCATION: Lands at Main Steet, Newcastle, Co. Dublin

Colm Harte

Colm Harte,
Senior Executive Planner

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

Date: 11/7/22



Eoin Burke, Senior Planner