

Comhairle Chontae Atha Cliath Theas

PR/1002/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0257 **Application Date:** 15-Sep-2021
Submission Type: Clarification of Additional Information **Registration Date:** 13-Jul-2022

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

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

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

Applicant Name: Premium Facades Ltd.

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.09 Hectares on the application.

Site Visit: 11th of October 2021

Site Description

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

Proposal

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

Zoning

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

Consultations

Water Services – further information requested.

Irish Water – further information requested.

Roads Department – further information requested.

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Public Realm Section – no objections subject to conditions.
H.S.E. Environmental Health Officer – no report received.

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

Submissions/Observations /Representations

None.

Relevant Planning History

Subject site

None traced to subject site.

Adjacent and surrounding sites

SD06A/0964 Unit, 82, Cherry Orchard Industrial Estate

For the erection of 2.2m high steel security palisade fence around the full perimeter of the site and the forming of a new loading bay door opening with steel roller shutter door to the side elevation. **Permission granted. Condition No. 2 required that the boundary fencing on the side (west) boundary facing Kennelsfort Road shall consist of railings of a solid round bar, steel galvanised railing type, powder coated or painted in a muted colour other than grey and shall not be palisade fencing. The remainder of the fencing shall be painted/powder coated in the same colour as the western boundary fence.**

Relevant Enforcement History

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

Pre-Planning Consultation

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

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

4 Economic Development & Tourism

Section 4.3.2 Employment and Residential in Regeneration Zones

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

6 Transport & Mobility

Section 6.4.4 Car Parking

Policy TM7 Car Parking

7 Infrastructure & Environmental Quality

Policy IE1 Water & Wastewater

Policy IE2 Surface Water & Groundwater

Policy IE3 Flood Risk

Policy IE7 Environmental Quality

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8 Green Infrastructure

Policy G1 Overarching

Policy G2 Green Infrastructure Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

9. Heritage, Conservation & Landscapes

Policy HCL2 Natura 2000 sites

Policy HCL15 Non-Designated Areas

11 Implementation

Section 11.2.7 Building Height

Section 11.2.4 Regeneration Zone

Section 11.4.1 Bicycle Parking Standards

Section 11.4.2 Car Parking Standards

Section 11.6.0 Infrastructure and Environmental Quality

Section 11.7.2 Energy Performance in New Buildings

Section 11.8.1 Environmental Impact Assessment

Section 11.8.2 Appropriate Assessment

Relevant Government Guidelines

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

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

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

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual Amenity;
- Landscape;
- Services and Drainage;
- Access and Parking;

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- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

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

Visual Amenity

The proposed development would provide for an approx. 196sq.m (including part first floor) extension to the side of the existing warehouse unit. The extension would extend over the existing yard to the side of the building. This yard would be moved to the front of the building and enclosed within a 2.4m high palisade fence. The extension would provide for increased storage space, a reception, tinting room and other facilities at ground floor. Within this extension a part first floor area would be provided for storage space. The side (eastern) elevation would have new vehicular and pedestrian accesses directly off the internal industrial estate road.

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

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

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Landscape

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

1. Protection and Retention of Existing Street Trees

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

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

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

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

2. Tree Bond

(a) *Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree Bond to the value of €1,500 with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.*

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

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

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

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

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

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

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

Services and Drainage

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

1.1 There is no drawing showing what if any SuDS (Sustainable Drainage Systems) are proposed for the development. Submit a drawing showing what if any SuDS are proposed. Examples of SuDS include Green Roofs, Blue Roofs, Tree Pits, Filter Drains, permeable paving and other such SuDS.

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

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

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

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

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

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

Access and Parking

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

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

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

(1) The applicant is requested to submit a revised layout showing the pedestrian routes within the development.

(a) The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users.

(b) Footpath layout shall provide adequate connectivity around the development to units to the west and footpaths on the main road.

(2) The applicant/developer is requested to submit a revised layout of not less than 1:100 scale, showing a 4.2m wide access to east of the proposed development.

(3) Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that HGV's and large vehicles can access/egress the site from the main road to the units opposite and to the west of the proposed fencing.

(4) The applicant/developer is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the vehicle access to east of the proposed development.

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

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016,
- the established character of the area, and
- the scale, design and standard of the proposed development,

it is considered that **Additional Information** is required, to ensure the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

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Recommendation

Request Additional Information.

Additional Information

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

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

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

Additional Information Consultations

Water Services – recommend refusal

Irish Water – recommend refusal

Roads Department – no objections.

Assessment

Item 1 Requested

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

(a) A rationale for an additional vehicle access/loading access to the unit. The applicant should also demonstrate that the new access would not result in the parking of vehicles across the footpath.

(b) A revised layout showing the pedestrian routes within the development. The minimum width of footpaths shall be 1.8m wide to aid mobility impaired users. Footpath layout shall provide adequate connectivity around the development to units to the west and footpaths on the main road.

(c) A revised layout of not less than 1:100 scale, showing a 4.2m wide access to east of the proposed development.

(d) A revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that HGV's and large vehicles can access/egress the site from the main road to the units opposite and to the west of the proposed fencing.

(e) Accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the vehicle access to east of the proposed development.

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

Applicant's Response:

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

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Assessment:

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

Item 2 Requested

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

Applicant's Response:

The palisade fencing has been omitted.

Assessment:

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

Item 3 Requested

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

Applicant's Response:

The additional access has been omitted.

Assessment:

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

Item 4 Requested

The applicant is requested to submit the following information in regard to surface water:
(a) A drawing showing what if any SuDS are proposed. Examples of SuDS include Green Roofs, Blue Roofs, Tree Pits, Filter Drains, permeable paving and other such SuDS.
(b) A report and drawing showing what if any surface water attenuation is proposed for the development. Submit a drawing showing the existing and proposed surface water layout for the development up to the point of connection to the public surface water sewer.

Applicant's Response:

The applicant states that there will be no additional stormwater contribution to the network than that which already exists. The yard upon which it is proposed to construct the extension is

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currently drained to the existing network via 2 no. yard gullys. The existing gullys shall be removed and the roof shall be drained to the existing network within the site. They state that SUDS are not necessary.

Assessment:

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

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

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

There is no surface water attenuation proposed for the development

Recommend Refusal:

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

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

Item 5 Requested

The applicant is requested to submit the following:

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

Applicant's Response:

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

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

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Assessment:

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

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

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

This should be addressed via clarification of additional information.

Conclusion

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

Recommendation

Request Clarification of Additional Information.

Clarification of Additional Information

Clarification of Additional Information was requested on the 27th of June 2022

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

Clarification of Additional Information was received on the 13th of July 2022 (not deemed significant).

Clarification of Additional Information Consultations

Water Services – no objections.

Irish Water – no objection subject to conditions.

Roads Department – no objection subject to conditions.

Public Realm – no report received at the time of writing this report.

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Assessment

Since the clarification of additional information request was issued the new South Dublin County Development Plan 2022-2028 has come into effect (as of the 3rd of August 2022). The proposed development and submitted clarification of additional information response has therefore been assessed under the South Dublin County Development Plan 2022-2028.

Item 1 Requested

The applicant should provide information in regard to the quantity and location of car and bicycle parking spaces in compliance with the South Dublin County Development Plan 2016-2022 (in regard to Additional Information Item 1).

Applicant's Response:

The applicant has submitted a plan showing 6 no. car parking and 3 no. bicycle parking spaces to the front of the unit.

Assessment:

The Roads Department have reviewed the information submitted and state that they are satisfied with the quantity. They have no objections subject to conditions that the bicycle parking spaces are covered and that 5% of vehicular parking spaces are for mobility impaired users and 10% with electrical charging points.

5% of 6 no. spaces does not equate to 1 no. space so no mobility impaired spaces would need to be provided. Under Section 12.7.5 of the 2022-2028 CDP EV charging shall be provided in commercial developments and shall comprise a minimum of 20% of total parking spaces. The remainder of the spaces should be constructed to be capable of accommodating future charging points. This equates to at least 1 no. car parking space in the proposed development to be provided with an EV charging point.

Given the changes proposed to the site, to accommodate the extension, the applicant should be requested via condition to fulfil these EV requirements of the CDP.

The car and bicycle rates for warehousing under the 2022-2028 CDP have not changed from the 2016-2022 CDP. The proposed parking provision would comply with the 2022-2028 CDP.

Given the above it is considered that this item has been satisfactorily addressed subject to conditions.

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Item 2 Requested

The response to Additional Information Item 4 is not considered to sufficiently address the objectives and policies relating to Sustainable Urban Drainage Systems in the South Dublin County Development Plan 2016-2022. The applicant is requested to submit the following information in regard to surface water:

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

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

Applicant's Response:

Amended drawings have been submitted showing the proposed surface water attenuation for the proposed development. The applicant is proposing an underground stormwater attenuation tank to attenuate surface water run-off.

Assessment:

Water Services have reviewed the information submitted and have no objections. It is therefore considered that this item has been addressed.

Item 3 Requested

The response to Additional Information Item 5 shows that the proposed extension would be approx. 1.75m from the existing watermain to the east of the site. This separation distance is not acceptable to Irish Water. The applicant should revise the proposed extension so that it is sufficiently setback from this watermain. The applicant may have to liaise with Irish Water in relation to the appropriate setback distance. A full set of revised drawings and updated floor area should be submitted. Appropriate landscaping and boundary treatment in the site along the eastern boundary should be considered to improve the visual impact of the proposed extension when viewed from the road.

Applicant's Response:

The extension has been revised so that it is 3m from the existing watermain. The existing brick wall along the eastern boundary would be retained. The extension would be setback behind this and have grey cladding to match the existing building.

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Assessment:

Irish Water have reviewed the information submitted and have no objection subject to connection agreement conditions. This element of the item has therefore been satisfactorily addressed.

While the proposed building material would be inkeeping with the existing building and surrounding area, the extension would bring the built form closer to the street than other buildings in the area.

Warehousing is considered a space extensive land use under the 2022-2028 CDP. EDE7 Objective 2 of the CDP requires space extensive enterprises to demonstrate (amongst other items) a high-quality design approach to buildings which reduces the massing and visual impact. The building would extend approx. 18.6m along the eastern (street) boundary and be approx. 1.2m from this boundary. It is considered that the proposed extension would largely be in keeping with design of the surrounding properties and therefore is acceptable in this instance.

Item 4 Requested

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

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

Applicant's Response:

The applicant has submitted a report demonstrating compliance with the South Dublin County Development Plan 2022-2028. This states that the proposed development would be in accordance with this CDP.

Assessment:

The Planning Authority would agree that the proposed development is in compliance with the new CDP subject to conditions.

Development Contributions

Warehouse extension 234sq.m

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SEA monitoring

Building Use Type Proposed: Warehouse extension

Floor Area: 234sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.09 Hectares.

Conclusion

Having regard to the:

- Provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

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 2022 - 2028 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 the 30th of May 2022 and Clarification of Further Information received on the 13th of July 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.

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2. Prior to the commencement of any permitted development or any related construction activity on the site:
 - (i). All proximate street trees shall be enclosed within stout tree protection fencing in accordance with BS 5837: 2012. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the hedge for its full length and shall be maintained until the development has been completed.
 - (ii). No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing.
 - (iii). No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained. Fencing to be in accordance with BS 5837: 2012 and as specified.
 - (c) In relation to a tree bond:
 - (i). Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree Bond to the value of €1,500 with the Planning Authority. This is to ensure the protection of trees immediately adjacent to the site and to make good any damage caused during the construction period.
 - (ii). The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development.
 - (iii). Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.
 - (iv). An Arboricultural Assessment Report and Certificate is to be signed off by a qualified Arborist after the period of 3 years of completion of the works.
 - (v). Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist.
 - (vi). The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: To protect the amenities of the area and street trees and in the interests of the proper planning and sustainable development of the area.

3. Car and Bicycle Parking Spaces
 - (a) All external bicycle parking spaces shall be covered.

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(b) The applicant shall provide 1 no. car parking space with an electrical charging point. The remainder of the car parking spaces shall be constructed to be capable of accommodating future charging points.

REASON: In the interest of sustainable transport and to comply with the SDCC County Development Plan 2022-2028.

4. Irish Water Connection Agreement.

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

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

5. 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.

6. 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

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provided with the following:

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

7. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €23,109.84 (twenty three thousand one hundred and nine euros and eighty 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.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

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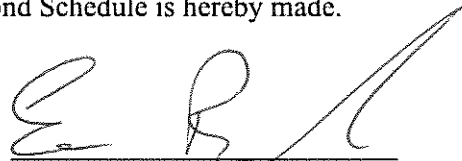
REG. REF. SD21A/0257

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

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: 9/8/22


Eoin Burke, Senior Planner