

# Comhairle Chontae Atha Cliath Theas

**PR/1124/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD22A/0128      **Application Date:** 03-May-2022  
**Submission Type:** Additional      **Registration Date:** 10-Aug-2022  
Information

**Correspondence Name and Address:** Thornton O'Connor Town Planning 1, Kilmacud Road Upper, Dundrum, Dublin 14

**Proposed Development:** Amendment to Block D2, located towards the south-eastern corner of the site located north of Scholarstown Road called 'Two Oaks', formally incorporating dwellings known as 'Beech Park' and 'Maryfield (657sq.m) of the scheme granted under ABP Ref: 305878-19 and the non-material amendments permitted under ABP Ref: 311752-21; Block D2 as granted provided two retail units at ground floor level measuring 135sq.m and 112sq.m and a restaurant/cafe at first floor level measuring 271.5sq.m; The amendment proposes the provision of a single retail unit in Block D2 comprising the amalgamation of the two permitted ground floor units and the change of use of the first-floor unit from restaurant/cafe to ancillary retail floor area principally providing storage/back-of-house/office space for the retail unit at ground floor level; and all associated works. Retention permission is sought for minor elevational changes to Block D2.

**Location:** Site at Scholarstown Road, Rathfarnham, Dublin 16

**Applicant Name:** Ardstone Homes Limited

**Application Type:** Permission and Retention

(COS)

### **Description of Site and Surroundings**

Site Area: stated as 0.05945 Hectares on the application form.

Site Visit: 19<sup>th</sup> of May 2022.

### **Site Description**

The subject site is located on the north side of Scholarstown Road. The wider site is currently under construction for 590 no. residential units as **permitted under Reg. Ref. SHD3ABP-305878-19**. The subject site comprises the south-east corner of this site and consists of Block D2,

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which is currently under construction. Block D2 is a 2 storey building which was permitted for retail/café/restaurant use. The wider site is surrounded by existing residential development.

### Proposal

Permission is being sought for Amendment to Block D2, located towards the south-eastern corner of the site located north of Scholarstown Road called 'Two Oaks', formally incorporating dwellings known as 'Beech Park' and 'Maryfield' (657sq.m) of the scheme granted under ABP Ref: 305878-19 and the non-material amendments permitted under ABP Ref: 311752-21; Block D2 as granted provided two retail units at ground floor level measuring 135sq.m and 112sq.m and a restaurant/cafe at first floor level measuring 271.5sq.m; The amendment proposes:

- the provision of a single retail unit in Block D2 comprising the amalgamation of the two permitted ground floor units and
- the change of use of the first-floor unit from restaurant/cafe to ancillary retail floor area principally providing storage/back-of-house/office space for the retail unit at ground floor level; and all associated works.

Retention permission is sought for minor elevational changes to Block D2.

### Zoning

The subject site is zoned 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2016-2022.

### Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – additional information requested.

Public Realm – no specific observations or comments to make.

H.S.E. Environmental Health Officer – no objection subject to conditions.

SEA Sensitivity Screening – no overlap indicated.

### Submissions/Observations /Representations

None received.

### Relevant Planning History

#### *Subject site*

ABP Ref. TR06S.311752

Alterations to previously permitted development ABP-305878-19 to include revised locations of some of the ESB substations and the provision of an additional substation, the omission of bike store beside Block B1 and the provision of replacement bike parking spaces. **ABP decided to**

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**alter decision as not considered a material alteration. As part of this a single substation and associated switch room was integrated into building D2.**

SHD3ABP-305878-19

Demolition of all existing structures on site which include a single storey dwelling known as 'Beechpark' (172sq.m), a 2 storey dwelling known as 'Maryfield' (182sq.m), with associated garage/shed (33.5sq.m) and associated outbuildings (47.1sq.m); and the construction of 590 residential units (480 Build-to-Rent apartment units and 110 Build-to-Sell duplex units and apartments), ancillary residential support facilities and commercial floorspace. The total gross floor space of the development is 51,252sq.m over a partial basement of 5,888sq.m (which principally provides car and bicycle parking, plant and bin stores). The 480 'Build-to-Rent' units will be provided in 8 blocks as follows: 7 blocks ranging in height from part 5 to part 6 storeys (Blocks B1-B5, C1 and C3) and 1 block ranging in height from part 4 to part 6 storeys (Block C2) and will comprise 246 one bed units and 234 two bed units. The 110 'Build-to-Sell' units will be provided in 9 duplex blocks which will be 3 storeys in height (Blocks A1-A9) and will comprise 55 two bed units and 55 three bed units. The development will also consist of the provision of a part 1 to part 2 storey ancillary amenity block (Block D1) (414sq.m) within the central open space which comprises a gymnasium, lobby, kitchenette and lounge at ground floor level and lounge at first floor level in addition to a roof terrace (facing north, south and west) to serve the 'Build-to-Rent' residents; a **2 storey retail/café/restaurant building (Block D2 - 657sq.m) comprising 2 retail units at ground floor level (328.5sq.m) and a café/restaurant unit at first floor level (328.5sq.m)**; a creche (438sq.m) within Block C2 at ground floor level; and a Management Suite (261sq.m) and café/restaurant (288sq.m) within Block C3 at ground floor level all at a 5.35 hectare site located north of Scholarstown Road incorporating dwellings known as 'Beechpark' and 'Maryfield', Scholarstown Road, Dublin 16, D16 X3X8 and D16 N6V6. Works are also proposed to Scholarstown Road and Woodfield junction including new traffic signals, the elimination of the left-turn slip-lane into Woodfield off Scholarstown Road, upgraded public lighting and upgraded cycle and pedestrian facilities on an area measuring 0.7 hectares, providing a total application site area of 6.05 hectares. **Permission granted.**

SD19A/0088 & ABP Ref. PL06S.305147

Demolition and enabling works on a 5.2 hectare site located north of Scholarstown Road incorporating a dwelling known as 'Beechpark'; demolition of the 172sq.m, single storey dwelling located towards the western portion of the site (known as 'Beechpark'); diversion of existing private foul drainage network within the boundary of the subject site (maintaining services to existing third party connections). **Permission granted by SDCC and ABP.**

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### **Relevant Enforcement History**

Enforcement Ref. S8831

Non-compliance with Condition 1 of SHD3-ABP305878-19. Status: Open.

Enforcement Ref. S8691

Non-compliance conditions of planning permission SHD3ABP 305878 19. Status: Open.

### **Pre-Planning Consultation**

None identified in APAS.

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

*5 Urban Centres & Retailing*

*Section 5.2.0 Retailing*

*Section 5.2.1 Strategic Guidance*

*Section 5.2.2 Retail Hierarchy*

*Section 5.3.0 Additional Retail Floorspace*

*Policy R1 Overarching*

*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 provided by the Retail Planning Guidelines for Planning Authorities (2012) and the Retail Strategy for the Greater Dublin Area 2008-2016. Given the changing economic circumstances since the adoption of the Retail Strategy for the Greater Dublin Area a cautionary approach will be adopted in relation to future quantitative retail floor space requirements.*

*R1 Objective 1:*

*To have regard to the Retail Planning Guidelines for Planning Authorities, DOECLG (2012), the Retail Strategy for the Greater Dublin Area 2008-2016, Regional Planning Guidelines Office (2008) and the Regional Spatial Economic Strategy (RSES) in defining the role of retail centres and in determining planning applications for retail development.*

*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.*

*R1 Objective 4:*

*To support the viability and vitality of the existing retail centres in the County, in particular town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development.*

*Section 5.4.0 Sequential Approach*

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*6 Transport & Mobility  
Section 6.4.4 Car Parking  
Policy TM7 Car Parking*

*11 Implementation  
Section 11.2.7 Building Height  
Section 11.2.9 Shopfront Design  
Section 11.3.6 Retail Development  
(i) Retail Criteria  
(ii) Restrictions on Uses  
Section 11.4.1 Bicycle Parking Standards  
Table 11.22: Minimum Bicycle Parking Rates  
Section 11.4.2 Car Parking Standards  
Table 11.23: Maximum Parking Rates (Non Residential)  
Section 11.6.1 Water Management  
Section 11.6.3 Environmental Hazard Management  
Section 11.6.5 Waste Management  
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).  
Retail Planning Guidelines for Planning Authorities, DOECLG (2012)  
Retail Strategy for the Greater Dublin Area 2008-2016, Regional Planning Guidelines Office (2008)  
Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).  
OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).*

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Access and Parking;
- Services and Drainage;
- Environmental Health;

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- Environmental Impact Assessment; and
- Appropriate Assessment.

### *Zoning and Council Policy*

The subject site is located within zoning objective 'RES': *'To protect and/or improve residential amenity'* under the South Dublin County Development Plan 2016-2022. The proposed development would amalgamate the 2 no. retail units and restaurant/café unit to function as 1 no. retail unit over 2 no. floors. This involves the change of use of the permitted restaurant/café use at first floor to retail. This would provide for a retail unit of approx. 520.5sq.m over 2 no. floors (approx. 249.0sq.m at ground floor and 271.5sq.m at first floor).

Given the size of this unit the Planning Authority considers it to be too large to meet the definition of 'Shop-Local' under the County Development Plan (exceeds 100sq.m). It should therefore be considered a 'Shop-Neighbourhood'. This is defined as *'This category includes smaller shops giving a localised service in a range of retail trades or businesses such as butcher, grocer, newsagent, hairdresser, dry cleaning or launderette, and designed to cater for normal neighbourhood requirements. It also includes a small supermarket on a scale directly related to the role and function of the settlement and its catchment and not exceeding 2,500 sq.m. net retail floorspace.'*

A 'Shop-Neighbourhood' is Open for Consideration under the RES zoning. These uses may be acceptable to the Planning Authority subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the County Development Plan. Proposed uses in this category will be subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level. Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan.

Applications for new retail development shall be assessed in accordance with the requirements outlined in Chapter 5 Urban Centres and Retail and in Section 11.2.0, in addition to the Section 11.3.6(i) Retail Criteria, of the County Development Plan. The Planning Authority is supportive of local retail at this location for the benefit of local residents only. Not for the benefit of the wider catchment area to avoid increased traffic generation in the locality and to maintain viability of the nearby district centre (Knocklyon Shopping Centre).

The applicant states that they now have a convenience retail operator that would like to operate on the site. They require the ground floor for their retail shop with the first floor required for storage, back-of-house and ancillary offices for the management staff. The proposed development would provide for an approx. 520.5sq.m retail unit. This is a significant increase to

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what was previously permitted per unit. It is noted that this size of unit does not trigger the preparation of a full Retail Impact Assessment or Transport Impact Assessment under the County Development Plan. However, the Planning Authority has concerns of the impact of the proposal on the vitality and viability of surrounding retail centres, including the Knocklyon District Centre. The sequential approach also has not been demonstrated to justify a unit of this size outside a zoned retail area.

The applicant should therefore be requested to provide justification for a retail unit of this size at this location. The Planning Authority would have particular concerns in relation to impact on surrounding retail centres and traffic generation. **This should be addressed via additional information.** The applicant should also indicate opening hours of the unit.

### *Visual and Residential Amenity*

The proposed development would provide for a single retail unit in Block D2 comprising the amalgamation of the two permitted ground floor units and the change of use of the first-floor unit from restaurant/cafe to ancillary retail floor area principally providing storage/back-of-house/office space for the retail unit at ground floor level; and all associated works.

Retention permission is sought for minor elevational changes to Block D2. Regard is had to Section 11.2.9 Shopfront Design of the County Development Plan in the assessment of these changes. The applicant states that these changes were required in part to deal with fire safety and ESB requirements. The amendments include changes to the window fenestration and provision of a new AOV (Automatic Opening Vent) at roof level. These changes are considered to be minor in nature. The proposed window fenestration would be visually acceptable, especially when viewed from Scholarstown Road to the south.

The external bin store area also appears to have been amended. The external wall to this area has been reduced in height to approx. 0.85m and is finished in the same brick as the building itself. This change is considered to be visually acceptable. Refuse is to be appropriately managed in accordance with the relevant conditions of the parent permission.

There are changes to the materials and finishes of the building including using buff brick instead of red/orange brick. A combination of this buff brick or red brick has been used across the wider development site. The use of the buff brick on Block D2 is acceptable as it would complement the wider site and neighbouring sites but also distinguish it from neighbouring residential dwellings (existing dwellings use red brick).

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The applicant states that signage will be dealt with directly by the operator via a separate planning application or via condition. This can be **conditioned** in the event of a grant of permission.

### ***Access and Parking***

The Roads Department have reviewed the proposed development and request additional information:

#### *Preamble:*

*This is a large-scale development with a retention application which includes the amalgamation of three small retail units into one larger unit.*

#### *Access & Roads Layout:*

*No roads issues arise.*

#### *Car Parking:*

*Considering the proposed amalgamation of retail units within Block D2, and the potential increase in traffic generated, the carpark ratio for the development as a whole must be carefully considered. The applicant is required to submit a carparking rationale including calculations used, and a revised carparking drawing. This will need to reflect on the type of retail unit that will be in operation, and the anticipated customer footfall/staff numbers and associated parking demand, and to propose a parking provision that reflects this analysis. Please refer to the South Dublin County Council CDP 2016-22 Tables 11.23 & 11.24 for guidance on car-parking rates.*

#### *Bicycle Parking:*

*The applicant is required to submit a bicycle parking rationale including calculations used. This will need to reflect on the type of retail unit that will be in operation, and the anticipated footfall/staff numbers and associated bicycle parking demand, and to propose a parking provision that reflects this analysis. Please refer to the South Dublin County Council CDP 2016-22 Table 11.22 for guidance on min bicycle car-parking rates.*

*Roads recommend that additional information be requested from the applicant:*

- 1. The applicant is required to submit a carparking rationale including calculations used, and a revised carparking drawing.*
- 2. The applicant is required to submit a bicycle parking rationale including calculations used, and a revised bicycle parking drawing.*

*Should the permission be granted, the following conditions are suggested:*

- 1. Applicant must comply with any conditions as set out under previously granted permissions.*



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The report from the Roads Department is noted. As part of the parent permission on street car and bicycle parking was provided for the overall development. There were not any car parking spaces specifically indicated for the units in Block D2. The Planning Authority concurs with the Roads Department's concern in relation to the amalgamation of the units and the impact this may have on traffic movement and parking. The above requested information should therefore be requested via **additional information**.

### ***Services and Drainage***

Water Services and Irish Water have reviewed the proposed development and have no objection subject to standard conditions. This includes to enter in connection agreements. A connection agreement condition was attached to the parent permission. The relevant conditions from the parent permission should be conditioned to apply.

### ***Environmental Health***

The H.S.E. Environmental Health Officer has reviewed the proposed development and finds it acceptable subject to conditions including controls on construction noise and air blown dust. The EHO notes that similar conditions were attached to the parent permission and should be conditioned to apply. This is noted and should be conditioned.

### ***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. The subject site is not located within nor within close proximity to a European site. The development involves changes to a permitted retail/restaurant/café building.

Having regard to:

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

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

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### **Conclusion**

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- surrounding existing retail areas;
- the established character of the area, and
- the nature and scale of the proposed development,

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

### **Recommendation**

Request Additional Information.

### **Additional Information**

Additional Information was requested on the 27<sup>th</sup> of June 2022

Additional Information was received on the 10<sup>th</sup> of August 2022 (not deemed significant).

### **Additional Information Consultations**

Roads Department – no objection subject to conditions.

### **South Dublin County Development Plan 2022-2028**

Since the additional information request the South Dublin County Development Plan 2022-2028 has come into effect. The additional information submitted will be assessed under this Plan.

The following policies and objectives are considered relevant to the proposed development:

*Policy QDP7: High Quality Design – Development General*

*Policy QDP7: High Quality Design – Street Frontage*

*Policy SM2: Walking and Cycling*

*Policy SM7: Car Parking and EV Charging*

*9.4.2 Retail Hierarchy*

*Table 9.1 Retail Hierarchy*

*9.4.4 Additional Retail Floorspace and Sequential Growth*

*Policy EDE8: Retail - Overarching*

*Seek to ensure adequate retail provision at suitable locations in the County, having regard to the sequential approach, and protect the vitality and viability of existing centres in accordance with*

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*the retail framework provided by the Retail Planning Guidelines for Planning Authorities (2012, or any superseding guidelines) and EMRA RSES Retail Hierarchy.*

*EDE8 Objective 1:*

*To have regard to the Retail Planning Guidelines for Planning Authorities, DOECLG (2012) and the EMRA RSES Retail Hierarchy (or subsequent guidance) in defining the role of retail centres and in determining planning applications for retail development.*

*EDE8 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.*

*EDE8 Objective 4:*

*To support the viability and vitality of the existing retail centres in the County, in particular in town, village and district centres and to facilitate a competitive and healthy environment for the retail industry, while reinforcing sustainable development.*

*12.3.1 Appropriate Assessment*

*12.3.3 Environmental Impact Assessment*

*12.4.2 Green Infrastructure and Development Management*

*12.5.1 Universal Design*

*12.5.2 Design Considerations and Statements*

*12.5.3 Density and Building Heights*

*12.5.4 Public Realm: (At the Site Level)*

*12.5.6 Shopfront Design*

*12.7.1 Bicycle Parking / Storage Standards*

*12.7.4 Car Parking Standards*

*12.9.5 Retail Development*

*12.10.1 Energy Performance in New Buildings*

*12.11.1 Water Management*

*12.11.3 Waste Management*

*12.11.4 Environmental Hazard Management*

### **Assessment**

#### ***Item 1 Requested***

*The proposed development would provide for an approx. 520.5sq.m retail unit. This is a significant increase to what was previously permitted per unit. It is noted that this size of unit does not trigger the preparation of a full Retail Impact Assessment or Transport Impact Assessment under the South Dublin County Development Plan 2016-2022. However, the Planning Authority has concerns of the impact of the proposal on the vitality and viability of surrounding retail centres, including the Knocklyon District Centre. The sequential approach*

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*also has not been demonstrated to justify a unit of this size outside a zoned retail area. The applicant is therefore requested to provide justification for a retail unit of this size at this location. The Planning Authority would have particular concerns in relation to impact on surrounding retail centres and traffic generation. The applicant should also indicate opening hours of the unit.*

*b). The applicant is requested to clearly delineate the net retail floorspace of the subject development*

### Applicant's Response:

The net floor area for trading is 235sq.m.

Applicant is looking to provide a small convenience unit to service the immediate household needs of Two Oak residents (approx. 1,500)

Submitted a Sequential Test which finds that ground floor retailing within the catchment area is at full capacity, significant population increase, the proposed development (590 units) will increase demand, primary purpose of the retail unit will be 'top-up' shopping for the resident population generated by the scheme itself, have a local draw for day-to-day needs, serving firstly the approx. 1,500 persons in the scheme and then the immediate environs.

Given the constraints on the range of goods and shelf space within the unit (net retail trade area of 235sq.m) it is unlikely to cause trade diversion from Knocklyon District Centre from existing 2022 levels.

Wider retail planning guidelines are clear of the importance of small convenience shop of under 1,000sq.m outside of existing centres and its necessity for top-up shopping.

Provision of cycle parking facilities will encourage trips by cyclists and pedestrians.

Trip generation and demand potential will be lower than that potentially generated within the previous proposal of 2 no. retail units and a café/restaurant.

Would not cause potential re-routing of trips away from other existing retail centres.

### Assessment:

Given the above it is considered that the applicant has satisfactorily addressed this item. The assessment details that the population is growing in the area, taking into account also the increase from the permitted 590 units, with no vacant retail units within existing retail sites. The proposal will provide for a convenience unit to cater for the immediate local population and would not significantly impact the vitality and viability of surrounding retail centres, including the Knocklyon District Centre.

### ***Item 2 Requested***

*(a) Considering the proposed amalgamation of the units in Block D2, and the potential increase in traffic generated, the car parking ratio for the development as a whole must be carefully considered. The applicant is requested to submit a car parking rationale including calculations*

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*used, and, if applicable, a revised car parking drawing. This will need to reflect on the type of retail unit that will be in operation, and the anticipated customer footfall/staff numbers and associated parking demand, and to propose a parking provision that reflects this analysis. Please refer to the South Dublin County Development Plan 2016-2022 Tables 11.23 & 11.24 for guidance on car parking rates. (Please also note Item no.3 in relation to new Development Plan) (b) The applicant is requested to submit a bicycle parking rationale including calculations used. This will need to reflect on the type of retail unit that will be in operation, and the anticipated footfall/staff numbers and associated bicycle parking demand, and to propose a parking provision that reflects this analysis. Please refer to the South Dublin County Development Plan 2016-2022 Table 11.22 for guidance on minimum bicycle parking rates.*

### Applicant's Response:

Within the original application, a total of 30 no. car parking spaces were allocated to Block D2.

The parking requirement will reduce as a result of the proposal.

Maximum car parking spaces under the CDP is 16.5 parking spaces, excluding the storage space for the retail unit.

A total of 12 no. parking spaces are allocated.

It is envisaged that residents will walk and cycle to this retail unit in order to do their 'top-up' shopping.

A higher proportion of cycle parking has been provided for within Block D2 in order to accommodate for an increase in sustainable travel to this unit. Minimum required under the CDP 13 no. A total of 30 no. cycle parking space have been allocated.

The applicant has submitted a Proposed Parking Layout showing the location of the car and bicycle parking spaces. 28 no. bicycle parking spaces are provided in proximity to the block at surface level. The car parking spaces are also proximate to the block.

### Assessment:

The parking provision is considered to be acceptable and complies with the 2022-2028 CDP. The Roads Department have reviewed the information submitted and advise that they have no objection subject to conditions that bicycle parking is covered, and EV charging points are provided in line with the 2022-2028 CDP.

The condition relating to covering bicycle parking can be attached in relation to the bicycle parking relevant to this proposal. The parent permission has conditions relation to electric vehicle charging, so this condition is not considered necessary.

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### ***Item 3 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 provided an assessment of the proposed development against the 2022-2028 CDP. This confirms that the proposed development would be in compliance with the relevant policies and objectives of the Plan.

### Assessment:

It is considered that this item has been satisfactorily addressed.

### **Scope of Assessment**

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

#### *Section 34*

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

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

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

In this context, the Planning Authority is restricted to only considering the modifications to the permitted SHD.

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### **Development Contributions**

520.5sq.m retail unit

### **SEA monitoring**

Building Use Type Proposed: Internal separation of house and associated granny flat.

Floor Area: 520.5sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.05945 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 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 & Grant Retention 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 retained and completed fully in accordance with plans, particulars and specifications lodged with the application as amended by Further

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Information received on the 10th of August 2022, save as may be required by other conditions attached hereto.

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

2. Parent Permission

All conditions attached to the permission granted under ABP Refs. 305878-19 and 311752-21 to which this application will have the effect of creating modifications to, shall apply, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the previous permission.

3. Hours of Operation.

Prior to the commencement of development the applicant/developer shall submit the opening hours for the unit for the written agreement of the Planning Authority.

REASON: In the interest of residential amenity, and the proper planning and sustainable development of the area.

4. Bicycle Parking

The 28 short stay bicycle parking spaces associated with the unit shall be covered.

REASON: To encourage sustainable travel.

5. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €51,404.58 (fifty one thousand four hundred and four euros and fifty eight 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.



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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. SD22A/0128**

**LOCATION: Site at Scholarstown Road, Rathfarnham, Dublin 16**

  
\_\_\_\_\_  
**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission & Grant Retention 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:** 5/9/22

  
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**Eoin Burke, Senior Planner**