

Comhairle Chontae Atha Cliath Theas

PR/1396/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0299

Application Date: 04-Jul-2022

Submission Type: Additional
Information

Registration Date: 11-Oct-2022

Correspondence Name and Address:

Declan Brassil, Declan Brassil & Co Ltd Lincoln House, Phoenix Street, Smithfield, Dublin 7

Proposed Development:

The development will consist of amendments to the Strategic Housing Development permitted under An Bord Pleanála Reference TA065.305556. The proposed amendments comprise the provision of photovoltaic panels on the roofs of all 6 no. blocks, the provision of roof plant at Blocks A, B, C and D, the provision of an ESB substation at Block O that requires the relocation of no. 1 carparking space, and the reconfiguration of the ground floor of Block E to provide an enlarged plant room. These amendments are necessary to service the permitted blocks, improve the energy efficiency of the development, and to meet the requirements of ESB to serve the site. At Block A it is proposed to provide the following: 21 no. photovoltaic panels arranged in 3 no. rows; and a screen plant area accommodating an internal plant room of 13.24 sqm and an external plant area of 34.72 sqm surrounded. The proposed screened plant rises approx. 1 metre above the permitted lift overruns. At Block B it is proposed to provide the following: 21 no. photovoltaic panels arranged in 3 no. rows on the 5-storey section of the permitted building; a red brick internal plant room of 10.3 sqm on the 4-storey section of the building; and a screened external plant area of 29.2 sqm on the 4-storey section of the building. The proposed roof plant rises approx. 1 metre above the permitted lift over run. At Block C it is proposed to provide the following: 21 no. photovoltaic panels arranged in 3 no. rows on the 6-storey section of the permitted building; a red brick internal plant room of 10.3 sqm on the 5-storey section of the building; and a screened plant area of 32 sqm on the 5-storey section of the building. The proposed roof plant rises approx. 1 metre above the permitted lift over run. At

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Block D it is proposed to provide the following: 21 no. photovoltaic panels arranged in 3 no. rows; a screened with an internal plant room of 13.5 sqm and an external plant area of 24.33 sqm; a c. 3-metre-high red brick ESB substation with LV switch room to the southwest of the Block D, and the ancillary relocation of 1 no. car parking space. The proposed screened plant rises approx. 2 metre above the permitted parapet level. At Block E it is proposed to provide the following; 18 no. photovoltaic panels arranged in 3 no. rows; and the reconfiguration of the ground floor to replace 1 no permitted retail unit with an enlarged Plant Room (117.15 sqm), ESB substation (13.6 sqm), a Generator Room (21.82 sqm), and a Low Voltage (L V} switchroom (13.71 sqm). These works require the removal of existing windows and doors at the permitted retail unit. At Block F it is proposed to provide 18 no. photovoltaic panels arranged in 2 no. rows. These, and all associated site works including landscaping at a site of 2.9 hectares.

Location: Citywest Shopping Centre, Fortunestown, Dublin 24
Applicant Name: Citywest Drive Limited Partnership
Application Type: Permission

(CM)

Description of site and surroundings

The subject site is located on lands directly adjacent to the Citywest Shopping Centre, with development proposed on two separate parcels of lands;

- at the southwest quadrant of the junction of Fortunestown Lane and Citywest Road, to the north of the shopping centre,
- to the south (rear) of the shopping centre.

The Citywest Road runs to the east of the site, Fortunestown Lane to the north, Citywest Drive to the west and Verschoyle Drive to the south. Fortunestown Luas station is located directly north of the site. The parcel of land to the south of the Shopping Centre is currently a greenfield site.

Site Area – Stated as 2.9 Ha.

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Description of Proposed Development

The development will consist of amendments to the Strategic Housing Development permitted under An Bord Pleanála Reference TA065.305556. The proposed amendments comprise:

- the provision of photovoltaic panels on the roofs of all 6 no. blocks,
- the provision of roof plant at Blocks A, B, C and D,
- the provision of an ESB substation at Block O that requires the relocation of no. 1 carparking space,
- and the reconfiguration of the ground floor of Block E to provide an enlarged plant room.

At Block A it is proposed to provide the following:

- 21 no. photovoltaic panels arranged in 3 no. rows;
- and a screen plant area accommodating an internal plant room of 13.24 sqm and an external plant area of 34.72 sqm surrounded.
- The proposed screened plant rises approx. 1 metre above the permitted lift overruns.

At Block B it is proposed to provide the following:

- 21 no. photovoltaic panels arranged in 3 no. rows on the 5-storey section of the permitted building;
- a red brick internal plant room of 10.3 sqm on the 4-storey section of the building;
- and a screened external plant area of 29.2 sqm on the 4-storey section of the building. The proposed roof plant rises approx. 1 metre above the permitted lift over run.

At Block C it is proposed to provide the following:

- 21 no. photovoltaic panels arranged in 3 no. rows on the 6-storey section of the permitted building;
- a red brick internal plant room of 10.3 sqm on the 5-storey section of the building;
- and a screened plant area of 32 sqm on the 5-storey section of the building.
- The proposed roof plant rises approx. 1 metre above the permitted lift over run.

At Block D it is proposed to provide the following:

- 21 no. photovoltaic panels arranged in 3 no. rows;
- a screened with an internal plant room of 13.5 sqm and an external plant area of 24.33 sqm;
- a c. 3-metre-high red brick ESB substation with LV switch room to the southwest of the Block D,
- and the ancillary relocation of 1 no. car parking space.
- The proposed screened plant rises approx. 2 metre above the permitted parapet level.

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At Block E it is proposed to provide the following;

- 18 no. photovoltaic panels arranged in 3 no. rows;
- and the reconfiguration of the ground floor to replace 1 no permitted retail unit with an enlarged Plant Room (117.15 sqm), ESB substation (13.6 sqm), a Generator Room (21.82 sqm), and a Low Voltage (L V) switchroom (13.71 sqm).
- These works require the removal of existing windows and doors at the permitted retail unit.

At Block F it is proposed to provide 18 no. photovoltaic panels arranged in 2 no. rows.

These, and all associated site works including landscaping at a site of 2.9 hectares.

Zoning

The site is zoned 'DC' – "To protect, improve and provide for the future development of District Centres".

SEA Monitoring

No overlap indicated with the relevant layers.

Consultations Received

Environmental Services Department	Requests Additional Information.
Roads	No Objection.
Public Realm	No comment.

External

Department of Defence	No report received.
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Observations/Representations/Submissions

None Received.

Relevant Planning History:

Parent Permission

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

Decision: Grant Permission with conditions.

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Other applications on subject site

SD17A/0301 - Unit Nos. 27M, 28M & 29M, Citywest Shopping Centre, Citywest, Dublin 24

Development of a 0.08ha site at ground and first floor levels consisting of: (i) the amalgamation and extension of the existing, permitted retail units at first floor level, resulting in an increase in floor area of 48sq.m and (ii) the change of use of the units at both ground and first floor levels from retail as permitted to use as an indoor children's play facility (c.800sq.m), including soft play areas, an ancillary cafe, ancillary staff accommodation, and all associated works. Also to include 2 internally illuminated box signs with the external signage zone between ground and first floor levels.

Decision: Grant Permission with conditions

SD17A/0151 - Unit 1A, Citywest Shopping Centre, Saggart, Dublin 24

Change of use of first floor (690sq.m) retail unit, permitted under Reg. Ref: SD03A/0857, to gym studio with changing facilities and associated signage together with all ancillary site works.

Decision: Grant Permission with conditions

SD17A/0006 - Unit 1B, Citywest Shopping Centre, Fortunestown Walk, Saggart, Dublin, 24

Change of use of first floor Unit 1B (179sq.m) from commercial to medical care as extension to existing first floor medical care unit.

Decision: Grant Permission with conditions

SD16A/0431 - Unit 28/29, Citywest Shopping Centre, Citywest, Dublin 24.

Permission for development on a site (248sq.m) consisting of the subdivision of the existing permitted retail unit at ground floor level (c.245sq.m) to accommodate two separate uses as follows: (i) a café use for the sale of food for consumption on and off the premises (106sq.m), and (ii) a take-away and ancillary restaurant use (139sq.m). The development will also include signage at fascia level, a new access door to facilitate the proposed café use, plant at basement level and all ancillary works.

Decision: Grant Permission with conditions

SD14A/0108 and PL06S.244369- Citywest Shopping Centre, Citywest, Dublin 24

Application for: Provision of a two storey 'drive-thru' restaurant (624sq.m. plus an enclosed yard measuring 36sq.m.) including the ancillary sale of hot food for consumption off the premises. The development will also consist of amendments to the existing car parking layout; lighting; signage (elevational and freestanding) and freestanding structures for the drive-thru restaurant including a height restrictor and customer order points with canopies; outdoor seating area with associated fence and lighting; plant; landscaping; boundary treatments and all associated site works above and below ground on a development area of 0.2228 Ha. The development is proposed in the location of a two storey pub/restaurant (862sq.m.) that was permitted under Reg. Ref. SD03A/0857.

Decision: Grant Permission with conditions

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SD07A/0669 - Citywest Shopping Centre, Citywest, Dublin 24

New internally illuminated Dunnes Stores sign mounted externally at east elevation at high level (Amendments/modifications to previously approved plans (Reg. Ref. SD03A/0857, SD06A/0306) to commercial/shopping centre building Block F on lands (6.92H) located on south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane, Fortunestown, Dublin 24).

Decision: Grant Permission with conditions

SD07A/0633 - Citywest Shopping Centre, southwest quadrant at junction of Fortunestown Lane and Citywest Road, Fortunestown, Dublin 24

Amendments/change of use to previously approved plans (Reg. Ref. SD03A/0857, SD06A/0306) to commercial/shopping centre building Block F on lands (6.92H). Amendments/change of use to Unit No. 9 ground floor from approved commercial retail use to retail banking and financial services.

Decision: Grant Permission with conditions

SD07A/0233 - Citywest Shopping Centre, (under Construction), SW Quadrant at Junction Of, Fortunestown Lane, Citywest Rd, Fortunestown, Dublin, 24

For amendments/change of use to previously approved plans Reg. Ref SD03A/0857, SD06A/0306 to commercial/ shopping centre building Block F on lands (6.92 H) located on south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane, Fortunestown, Dublin 24. The development consists of the amendments/ change of use to Unit No. 1 Ground Floor from approved commercial retail use to restaurant use, external signage/ logo, and associated plant screening at roof level.

Decision: Grant Permission with conditions

SD07A/0232 - Citywest Shopping Centre, (Under Construction) SW Quadrant At, Jnt of Fortunestown Lane, Citywest Road, Fortunestown, Dublin 24

For amendments/change of use to previously approved plans Reg. Ref. SD03A/0857, SD06A/0306 to commercial/shopping centre building Block F on lands (6.92 H) located on south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane, Fortunestown, Dublin 24. The Development consists of the amendments/ change of use to Unit No. 3 Ground Floor from approved commercial/retail use to use as licensed bookmaker office, 3 no. satellite dishes and external signage/ logo.

Decision: Grant Permission with conditions

SD07A/0231 - Citywest Shopping Centre, (under Construction), SW Quadrant at Junction Of, Fortunestown Lane, Citywest Rd, Fortunestown, Dublin, 24

Application for: Amendments/change of use to previously approved plans Reg. Ref. SD03A/0857, SD06A/0306 to commercial/shopping centre building Block F on lands (6.92 Ha) located on south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane, Fortunestown, Dublin 24. The development consists of the

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amendments/change of use to Unit No. 4 Ground Floor from approved commercial/ retail use to restaurant for sale of hot food for consumption on/ off the premises and external signage and logo.

Decision: Grant Permission with conditions

SD07A/0230 - Citywest Shopping Centre, (under construction), SW quadrant at junction of Fortunestown Lane, Citywest Road, Fortunestown, Dublin, 24

For amendments/change of use to previously approved plans Reg. Ref SD03A/0857, SD06A/0306 to commercial/shopping centre building Block F on lands (6.92 Ha) located on south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane, Fortunestown, Dublin 24. The development consists of the amendments/change of use to Unit No. 5 ground floor from approved commercial retail use to retail off license for sale of wine, beer, spirits etc. and external signage/logo.

Decision: Grant Permission with conditions

SD07A/0229 - City West Shopping Centre, (under Construction), SW Quadrant at Junction of Fortunestown Lane, Citywest Road, Fortunestown, Dublin, 24

For amendments/change of use to previously approved plans Reg. Ref. SD03A/0857, SD06A/0306 to commercial/shopping centre building Block F on lands (6.92 Ha) located on south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane. The development consists of the amendments/change of use to Unit No. 7 ground and 1st floor from approved commercial retail use to restaurant/coffee house and external signage and logo.

Decision: Grant Permission with conditions

SD06A/0919 - Fortunestown Lane Citywest Road N82 & Fortunestown Way, Fortunestown, Dublin 24

Upgrading and widening of sections of Fortunestown Lane, Citywest Road (N82) and Fortunestown Way including footpaths, cycle paths and roundabout at junction of these roads, construction of new roundabout at entrance to Citywest Shopping Centre (under construction) and construction of all associated services and works including relocating bus bays, public lighting, and diversions, as necessary.

Decision: Grant Permission with conditions

SD06A/0434 - South West Quadrant of Fortunestown Lane, Citywest Road, N82, Fortunestown, Dublin 24

Amendments/modifications to previously approved retail, commercial, residential development (SD05A/0582) (as amended) on lands on the south west quadrant of the junction between the N82 Citywest Road and Fortunestown Lane, Fortunestown, Dublin 24. The proposed amendments/modifications involves inter alia the following: (1) revisions, amendments to profile on the glazed mall roof to previously approved pitched apex form (SD03A/0857) and associated plant rooms, lantern light, and roof access to Rotunda Drum; (2) amendments layouts to provide

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57 units (9 x 1 bed, 48 x 2 bed) in 3 storey block over mall in lieu of approved 54 units together with associated changes to internal layout, external wall, window and balcony elevations; (3) amendments to external elevation configuration and material specification to own door offices fronting Citywest Road; (4) formation of new entrance doors/shop front on southern elevation to Units 14/15; (5) provision of retail/restaurant external roof garden area (circa 60sq.m) accessed off Unit 7A, 1st floor; (6) all associated modifications to design, layout, section/elevations that occur as a result of the above changes.

Decision: Grant Permission with conditions

SD05A/0582 - South West Quadrant of Junction of Fortunestown Lane, Citywest Road N82, Fortunestown, Dublin 24

Amendments/modifications to previously approved retail, commercial/residential development (PA Reg. Ref. SD03A/0857). The proposed amendments/modifications relate to Block F (shopping centre and associated retail development and own door offices) and involve the following; revisions to residential development over mall to provide 54 1 and 2 bed residential units in 3 storey block over mall fronting internal access road in lieu of previously approved 65 units around landscaped podium courtyard in 2 storey blocks; revised internal configuration of retail/commercial development and anchor store at ground and 1st floor involving increase in crescent retail units totaling 853sq.m gross floor area; reconfiguration southwards of anchor retail unit and increase in area of 322sq.m: addition of floor space at 3rd and 4th floor over part of own door office units fronting Citywest Road (totaling 522sq.m gross floor area) and minor repositioning of own door office building; omission of previously approved crèche; provision of services utility block to the rear of main anchor unit and service yard fronting wayleave and increase in floor area (212sq.m gross floor area); amendments to service yard and loading bay facility; omission of car park entrance connecting surface car park to basement car park including other ancillary works integrating the proposed extended car park (Reg. Ref. SD05A/0353) into the overall scheme, revised external elevational treatment to all external facades of Block F including improved feature canopy and glazed entrance drum to mall; the additional floor area resulting from the proposed amendments noted above is 1909sq.m gross floor area over and above that already permitted.

Decision: Grant Permission with conditions

SD05A/0353 - Southwest Quadrant of junction of Fortunestown Lane, Citywest Road N82, Fortunestown, Citywest Road, Dublin 24

Application for: Amendments to approved plan Reg. Ref. SD03A/0857 forming part of phased integrated mixed-use retail/commercial and residential development. The amendments will consist of extension to existing approved basement carpark under retail/commercial use for provision of plant, retail storage, ancillary accommodation, including public toilets, management offices 4175sq.m and 60 additional car park spaces.

Decision: Grant Permission with conditions

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SD04A/0081 - Site fronting Fortunestown Lane on part, SW Quadrant of Junction Of, Fortunestown Lane, Citywest Road, Tallaght, Dublin 24

Application for: Development consisting of a 2 storey, multi recreational complex and play centre facility and plant attached to community building forming part of proposed mixed use, retail, commercial and residential development with frontage to Fortunestown Lane at site located on the south west quadrant of junction of Fortunestown Lane.

Decision: Application Declared Withdrawn

SD03A/0857/FEP - South West quadrant of junction of Fortunestown Lane, Citywest Road, Dublin 24.

Decision: Grant Further Extension of Duration of Permission

SD03A/0857/EP - South West quadrant of junction of Fortunestown Lane, Citywest Road, Dublin 24.

Decision: Grant Extension of Duration of Permission

SD03A/0857 and PL06S.208124 - South West Quadrant of junction of, Fortunestown Lane, Citywest Road, Dublin 24.

Application for: Phased integrated mixed-use retail/commercial and residential development incorporating the following uses in separate buildings: A total of 380 residential units comprising 13 1-bed, 305 2-bed and 57 3-bed units, with balconies and associated surface and underground car parking in a mixture of apartment and townhouses in the following arrangement: 4 3-storey duplex/apartment blocks (56 units); 1 5-storey apartment block including roof penthouse (145 units) over basement carparking (157 spaces); 1 4-storey apartment block including penthouse comprising 34 units; 3 2-storey courtyard housing units (5 units) including 12 3-storey duplex/apartment corner units; a courtyard residential development (65 units) comprising 16 2-storey maisonettes and 49 apartments units at landscaped courtyard podium level over the glazed retail mall; 5 storey residential feature building comprising 25 apartments on four levels with retail at ground floor (472sq.m); a commercial/shopping centre building incorporating a retail anchor store 60% Food (2926sq.m) and 40% Drapery/Textile & Household goods (1952sq.m) (4877sq.m gross floor area) with staff stock facilities at first floor (1515sq.m), glazed retail mall comprising retail units, non-retail services units, restaurant/ cafes (29 units totalling 3284sq.m), a revised 2 storey arcade with ground floor commercial/retail units and first floor and second floor feature office/restaurant/medical suites (2999sq.m) underground car park for 223 spaces and surface car park comprising 340 spaces; 8 2-storey own door offices (1699sq.m); crèche/playhouse with drop-off (375sq.m); community hall; 2 storey pub and restaurant (862sq.m); Permission is also sought for all ancillary site development, road widening works, service yard and loading facilities, bin stores, cycle parking, pathways, cycle tracks, hard and soft landscaping and boundary treatments, open spaces, signage. Vehicular access is proposed from Fortunestown Lane with new dedicated entrance to residential Block A/B off Fortunestown

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at NW site boundary and minor ancillary service access from the Citywest Road N82. An Environmental Impact Statement is being submitted with this application.

Decision: Grant Permission with conditions and Appeal PL06S.208124 Withdrawn.

Planning Enforcement

None.

Pre-Planning Consultation

LRDPP01/22 – It should be noted that the LRD reference was applied, but that the Planning Authority concurred with the applicant that this application for alterations to a permitted scheme of 100+ houses is not itself a large-scale residential development.

Relevant Policy and Guidelines

National Policy and Guidelines

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

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

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

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

South Dublin County Development Plan 2022 – 2028

Chapter 5 Quality Design and Health Placemaking

Section 5.2.7 Density and Building Heights

Policy QDP8 High Quality Design – Building Height and Density Guide

Policy QDP9 High Quality Design – Building Height and Density

Chapter 6 Housing

Policy H7 Residential Design and Layout

H7 Objective 2 (Energy efficiency measures and renewable energy)

Chapter 10 Energy

Policy E1 Responding to European, National and Regional Policy and Legislation

Policy E3 Energy Performance in Existing and New Buildings

Policy E7 Solar Energy

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Chapter 12 Implementation

Section 12.10.4 Solar Photovoltaic

Section 12.11.6 Restricted and Prohibited Development

Assessment

The main issues to consider are as follows:

- Scope of Assessment
- Zoning and council policy;
- Quality Design and Healthy Placemaking;
- Open Space, Green Infrastructure and Natural Heritage;
- Sustainable Movement
- Infrastructure and Environmental Services
- Energy
- Aviation Safety
- Screening for Environmental Impact Assessment
- Screening for Appropriate Assessment

Scope of Assessment

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

Section 34

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

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

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

In this context, the Planning Authority is restricted to only considering the modifications to the permitted SHD. It is noted that the permitted development was a contravention of the Fortunestown Local Area Plan. Subsection 34 (6) referred to above relates to material

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contraventions and outlines that consideration of material contravention should be restricted to the modification. The modifications to the permitted development are not considered a material contravention and the principle of the overall development is not a relevant consideration in this application.

Zoning and Council Policy

The site is zoned 'DC', "To protect, improve and provide for the future development of District Centres." The proposal relates to ancillary features and supporting services for a permitted development. As such, the principle of the proposed use is settled.

Quality Design and Healthy Placemaking

The applicant has provided a Visual Impact Assessment. The VIA shows the plant having a negligible visual impact in most cases. Blocks B, C and D present broad facades to neighbouring sites and would be widely visible, though the VIA has not picked up such views. The provision of roof plant on these blocks should be acceptable, subject to quality finishes being provided to match the brick finishes of the buildings themselves. The applicant can address this by way of **additional information**, given that there are other issues with the application.

Building Height

The proposed changes to alter the building heights by 1 or 2 metres as compared to permitted lift overruns and parapet heights. This is considered to be a negligible change when considering the scale of the proposed plant areas and their likely impact on any adjoining visual receptors.

Open Space, Green Infrastructure and Natural Heritage

The Public Realm Department has assessed the proposal and states that it has no comment to add. This is noted.

Sustainable Movement

The applicant has proposed the relocation of one parking space around Block D, due to the provision of the ESB substation. The parking space in question has not been identified in the drawings. The drawings insofar as they relate to car parking and landscaping for the scheme, are similar in general layout terms to the Site Layout Plan submitted with the final planning application under ABP-305556-19. The plans do not take account of the layout agreed as per conditions 2 and 3 of that permission, which is – properly speaking – the layout as permitted.

The agreed and permitted layout has a much revised car parking and public realm layout around Block D, in particular around the location of the proposed ESB substation. The ESB substation as proposed in this application may therefore not be accessible given the revised layout. Furthermore, the car parking space proposed for relocation was removed/replaced elsewhere as part of the revisions under condition 3.

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The applicant should be requested therefore to provide as **additional information**, revised layouts for Block D, the ESB substation, and associated car parking. If alterations to the layout agreed under condition 3 are required, revised notices should be submitted and provide an accurate description of the proposed changes; this would be deemed **significant additional information**.

Infrastructure and Environmental Services

The applicant is required to agree drainage and attenuation of surface water as per the parent permission, condition 12. The proposed development would reduce the floor space of some green roofs in the development. Water Services has sought additional information in relation to:

- Location of ESB substation in relation to existing water network; and
- Additional SUDs to account for additional hardstanding.

In relation to the drainage layout, the applicant can include this in their submission of **additional information**.

The applicant should also update their attenuation calculations and design to reflect the increase in hardstanding on the roofs and due to the ESB substation, as part of **additional information**.

Energy

The proposed solar panels are welcome and would conform to relevant policies in both the Housing, Energy and Implementation chapters of the County Development Plan.

Aviation Safety

In relation to glint and glare, the applicant has not submitted an assessment report. The Department of Defence has also not made a submission on the application.

The County Development Plan recommends in section 12.10.4 that glint and glare assessment may be included in such applications, in particular when the site is in close proximity to airport flight approach routes, rail lines or other sensitive visual receptors. In this case, the site is 2.5 km from the nearest approach surfaces to Casement Aerodrome. It is not considered necessary for a glint and glare assessment to be provided.

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.

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Screening for Appropriate Assessment

Having regard to:

- Nature and scale of the works;
- Location of the works within a modified landscape and relative to any designated site;
- Lack of any hydrological connectivity to any aquatic receptors that link to a European site;

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

Conclusion

The proposed provision of roof plant and solar panels is acceptable in principle. The proposed provision of an ESB substation does not reflect the most up to date agreed layout by way of conditions 2 and 3 of the parent permission. The applicant should submit revised plans and re-advertise if necessary. Additionally, there are some other issues which can be dealt with by way of additional information.

Recommendation

Request Further Information.

Further Information

- Further Information was requested on 29/08/2022.
- Further Information was received on 11/10/2022.

No submissions/observations on the further information have been made.

Further information

The following Further Information was requested.

Item 1: Layout.

The submitted plans do not take account of the layout agreed as per conditions 2 and 3 of the parent permission. As per condition 1, these agreed layouts are to be implemented as part of the permission. The agreed and permitted layout has a much revised car parking and public realm layout around Block D, in particular around the location of the proposed ESB substation. The ESB substation as proposed in this application may therefore not be accessible given the revised layout - it may not be accessible, for instance. Furthermore, the car parking space proposed for relocation was removed/replaced elsewhere as part of the revisions under condition 3.

The applicant is requested therefore to provide as additional information, revised layouts for Block D, the ESB substation, and associated car parking. If alterations to the layout agreed under condition 3 are required, revised notices should be submitted and provide an accurate description of the proposed changes; this would be deemed significant additional information.

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Item 2: Material Finishes.

The applicant is invited to reconsider the material finishes to provide additional brick finishes to match the permitted buildings, on elevations visible externally to the site (west from Block D, south from Block C, east from Block B).

Item 3: Water Services and SUDs.

The applicant is requested to:

(a) Submit a drawing to clarify where proposed substation is relative to existing surface water network. The setback distance from any surface water pipe shall be as per the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(b) Submit a report to explain how surface water from additional hardstanding will be attenuated. Clearly show on a drawing where additional hardstanding is created and show how and where this will be attenuated. Show in a report and drawing in m³ what additional surface water attenuation is required and what attenuation is provided.

Note: The applicant is invited to consult with SDCC Water Services prior to lodgement of additional information.

Further Consultations

Roads Department – No objection subject to **conditions**.

Irish Water – No objection subject to **conditions**.

Surface Water Drainage – No objection subject to **conditions**.

Further Submissions/Observations

None received.

Assessment

Item 1: Layout.

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

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1.1 Response

Please refer to the revised architectural drawings prepared by MDO Architects, which incorporates the revised permitted site layout, which has been agreed with the Planning Authority of South Dublin County Council via compliance submissions for conditions attached to the the parent permission (An Bord Pleanála (ABP) Ref. ABP-305556-19).

Relevant conditions which required amendments to the layout originally submitted under ABP Ref. ABP-305556-19 include:

- Condition 2 – requiring that a revised site layout be provided for agreement to incorporate the omission of car-parking spaces around Blocks A, C and E and replacement with landscaped areas;
- Condition 3 – requiring a revised site layout be provided for agreement to incorporate the re-arrangement of the layout around Block D to provide potential future connections to adjoining lands;
- Condition 4 – requiring revised landscaping plans and associated details to be provided for agreement; and,
- Condition 6 – requiring that details of roads, footpaths, cycle paths and traffic arrangements be to the requirements of the Planning Authority, and that revised drawings / reports be submitted for agreement as appropriate.

Revised layout and detail drawings to comply with the above conditions were submitted to the Planning Authority in mid-July 2022. Compliance discharge letters for the above conditions were received and dated between the 09th and 16th August 2022. It is noted that the subject planning application was submitted on the 04th July 2022, prior to the discharge of these conditions and confirmation of the agreed permitted site layout.

In this regard, as demonstrated in the '*permitted and compliant*' site layout and the '*proposed*' site layout prepared by MDO Architects, there are no proposed changes to the site layout (outside of the building envelope of the apartment blocks) agreed at compliance stage with the Planning Authority. Accordingly, the proposal for the enlarged ESB substation proximate to Block D is hereby omitted from the application, with the proposed development solely relating to:

- a. The provision of photovoltaic panels on the roofs of all 6 no. blocks;
- b. The provision of roof plant at Blocks A, B, C and D; and,
- c. The reconfiguration of the ground floor of Block E, comprising the replacement of 1 no. permitted retail unit with an enlarged Plant Room (117.15 sqm), ESB substation (13.6 sqm), a Generator Room (21.82 sqm), and a Low Voltage (LV) switchroom (13.71 sqm).

Considering the above, and on the basis that there are no substantive changes to the permitted and compliant site layout proposed in this application, it is submitted that revised statutory notices may not be required.

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Based on the additional information submitted the Roads Department have issued a report recommending no objections subject to **conditions**. An extract taken from the Roads report states the following:

Additional Information Requested by SDCC:

1. Layout.

The submitted plans do not take account of the layout agreed as per conditions 2 and 3 of the parent permission. As per condition 1, these agreed layouts are to be implemented as part of the permission. The agreed and permitted layout has a much revised car parking and public realm layout around Block D, in particular around the location of the proposed ESB substation. The ESB substation as proposed in this application may therefore not be accessible given the revised layout - it may not be accessible, for instance. Furthermore, the car parking space proposed for relocation was removed/replaced elsewhere as part of the revisions under condition 3.

The applicant is requested therefore to provide as additional information, revised layouts for Block D, the ESB substation, and associated car parking. If alterations to the layout agreed under condition 3 are required, revised notices should be submitted and provide an accurate description of the proposed changes; this would be deemed significant additional information.

Applicant Submitted Response:

In this regard, as demonstrated in the 'permitted and compliant' site layout and the 'proposed' site layout prepared by MDO Architects, there are no proposed changes to the site layout (outside of the building envelope of the apartment blocks) agreed at compliance stage with the Planning Authority. Accordingly, the proposal for the enlarged ESB substation proximate to Block D is hereby omitted from the application, with the proposed development solely relating to:

- a. The provision of photovoltaic panels on the roofs of all 6 no. blocks;
- b. The provision of roof plant at Blocks A, B, C and D; and,
- c. The reconfiguration of the ground floor of Block E, comprising the replacement of 1 no. permitted retail unit with an enlarged Plant Room (117.15 sqm), ESB substation (13.6 sqm), a Generator Room (21.82 sqm), and a Low Voltage (LV) switchroom (13.71 sqm).

Considering the above, and on the basis that there are no substantive changes to the permitted and compliant site layout proposed in this application, it is submitted that revised statutory notices may not be required.

Roads Department Assessment:

As per the above response:

- *there are “no proposed changes to the site layout agreed at compliance stage” and*
- *the ESB sub-station has been “omitted” from the proposal now*

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These items no longer present issues from a roads perspective.

*No Roads objections subject to the following **conditions**:*

- 1. All conditions as per parent permission SHDABP-305556-19 are adhered to if granted.*

It is considered appropriate to attach the above **condition** in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 2: Material Finishes.

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

2.1 Response

Please refer to the revised architectural drawings prepared by MDO Architects, which details that brick finishes have been provided to the proposed rooftop plant areas that would be visible from the public realm.



The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Item 3: Water Services and SUDs.

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter submitted states the following:

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3.1 Response

Please note that revised drainage details were submitted to the Planning Authority in response to the requirements of Condition 12 of the parent permission (ABP Ref. ABP-305556-19) on the 16 June 2022. However, these submitted drainage details did not incorporate the changes to the layout agreed with the Planning Authority in response to Conditions 2, 3, 4 and 6.

In a letter dated the 10 August 2022, the Planning Authority confirmed that further details and revisions to the drainage layout are required to be submitted for compliance with Condition 12.

Accordingly, Barrett Mahony Consulting Engineers have conducted a comprehensive review of the drainage design of the development, in consideration of both:

- (a) The '*permitted and compliant*' layout agreed with the Planning Authority by compliance; and,

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- (b) The reduction in green roof area provided by the subject application (through the provision of roof level plant and PV panels).

In this regard, please refer to the RFI Response Letter, Surface Water Design Report and associated engineering drawings prepared by Barrett Mahony Consulting Engineers in response to Item 3 (a) and (b).

In relation to Item 3 (a), it is noted that the standalone ESB substation proximate to Block D is no longer subject of this application. This substation will form part of a future separate amendment application that is currently being prepared, following ongoing consultation with ESB. The substation is illustrated on both the '*permitted and compliant*' site layout (as agreed with the Planning Authority under Conditions 2, 3, 4 and 6) and the '*proposed*' site layout. An application including this ESB substation, at the location currently illustrated on the permitted and compliant site layout, will be submitted by mid-October.

The revised engineering drawings with this response illustrate the surface water drainage layout. These drawings, together with other required details will be submitted to the Planning Authority for compliance with Condition 12, incorporating the modifications required arising from the permitted and compliant layout, together with the increase in hardstanding provided by this application (due to a reduction in green roof area).

As illustrated on the drainage layout and detailed in the RFI Response Letter, existing secondary road drainage piping proximate to the ESB substation at Block D will be replaced as part of development works associated with the permitted development. All surface water drainage to be constructed will be kept a minimum of 3m from structures and maintain minimum separation from other services in accordance with GDSDS Guidance.

I trust that this response and submitted documentation has comprehensively addressed the matters raised and I look forward to receiving a favourable decision.

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Based on review of the additional information submitted both Surface Water Drainage and Irish Water have issued reports recommending no objections subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

Surface Water Report: No Objection Subject To:

1.1 Prior to commencement of development submit a drawing to clarify where proposed sub station is relative to existing surface water network. The setback distance from any surface water pipe shall be as per the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

1.2 Prior to commencement of development submit a drawing showing what SuDS (Sustainable Drainage System) are proposed for the development.

Examples of SuDS can be found in SuDS Guide on South Dublin County Council Web Site at [sdcc-suds-explanatory-design-and-evaluation-guide.pdf](#)

Flood Risk No Objection

- 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.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

An extract taken from the Irish Water report states the following:

1 Water

1.1 Prior to commencement of development submit a drawing to clarify where proposed sub station is relative to existing watermain network. The setback distance from any public water main shall be as per the requirements of Irish Water.

1.2 Where relevant obtain a confirmation of feasibility letter from Irish Water for proposed development.

- All development shall comply with Irish Water Standards.*

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

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2 Foul

2.1 Prior to commencement of development submit a drawing to clarify where proposed sub station is relative to existing foul water network. The setback distance from any public wastewater main shall be as per the requirements of Irish Water.

2.2 Where relevant obtain a confirmation of feasibility letter from Irish Water for proposed development.

- All development shall comply with Irish Water Standards.

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

It is considered appropriate to attach the above **conditions** in the event of a grant. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

Other Considerations

Development Contributions

The proposed development consists of the installation of numerous roof mounted solar photovoltaic (PV) panels system Blocks A, B, C, D, E & F covering an area of c. 159.83sq.m. Details submitted confirms the output of the proposed installation will be:

Power: 36kW=0.036MW

The South Dublin Development Contributions Scheme 2016-2020 under section (xvi) states that, 'renewable energy development with a capacity up to 0.5MW will be exempt'.

Therefore, the proposed development is exempt from development contributions.

Assessable area is nil.

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Development Contributions

Planning Reference Number	SD22A/0299
Summary of permission granted & relevant notes:	Residential - PV solar panels to Blocks A, B, C, D,E & F.
Are any exemptions applicable?	Yes
If yes, please specify:	The first 40 square metres of an extension to a house (including garages and conversion of attic to habitable areas) shall be exempt (subsequent extensions or extensions above 40 square metres to be charged at the residential rate per square metre). This exemption will not apply to development for which retention permission is sought.
Is development commercial or residential?	Residential
Standard rate applicable to development:	104.49
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€104.49
Area of Development (m2)	0
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	0
Total development contribution due	€0.00

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Roof mounted solar photovoltaic (P.V.) system	159.83sqm
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	2.9ha

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Conclusion

Having regard to the policy set out in the current South Dublin County Development Plan 2022-2028 and the scale and design of the proposed development, it is considered that, subject to the conditions set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the provisions of the South Dublin County Council Development Plan and 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 11.10.2022, 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. 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

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the South Dublin County Council Development Plan.

3. 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
- 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.

4. Glint/Glare Assessment regarding Aviation.

Prior to the commencement of development, the applicant/owner shall submit the following to the Planning Authority:

- (a) written confirmation that the applicant has forwarded a Glint and Glare Assessment which considers the predicted effect of the proposed solar panels on sensitive aircraft receptors of the proposed development to the Irish Aviation Authority.
- (b) the written agreement of the Irish Aviation Authority and/or the Air Corps Traffic Service, which states that:
 - (i) the proposed construction works - inclusive of cranes - will not affect the safety, efficiency or regularity of aircraft generally and/or of Air Corps operations.

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(ii) the proposed development - inclusive of the solar panels - will not affect the safety, efficiency or regularity of aviation operations or the emergency services (e.g. Coast Guard helicopters) operated in the vicinity of Tallaght Hospital.

REASON: In the interests of public safety, protecting the environment and in the interests of the amenities of the area.

5. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) Prior to commencement of development the applicant shall submit to the Planning Authority for written agreement a drawing to clarify where proposed sub station is relative to existing surface water network. The setback distance from any surface water pipe shall be as per the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

(d) Prior to commencement of development the applicant shall submit to the Planning Authority for written agreement a drawing showing what SuDS (Sustainable Drainage System) are proposed for the development. Examples of SuDS can be found in SuDS Guide on South Dublin County Council Web Site at [sdcc-suds-explanatory-design-and-evaluation-guide.pdf](#)

(e) The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.

(f) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

6. Roads Requirements.

All relevant conditions as per parent permission SHDABP-305556-19 shall be attached to this permission.

REASON: In the interest of clarity and in the interest of proper planning and sustainable development.

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.

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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: 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 shall notify the Irish Aviation Authority and the Department of Defence regarding any cranes likely to penetrate ICAO surfaces.

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REG. REF. SD22A/0299

LOCATION: Citywest Shopping Centre, Fortunestown, Dublin 24



Jim Johnston,
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: 07/11/22_____



Gormla O'Corrain,
Senior Planner