

Comhairle Chontae Atha Cliath Theas

PR/1526/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0382 **Application Date:** 06-Oct-2022
Submission Type: New Application **Registration Date:** 06-Oct-2022

Correspondence Name and Address: Cathal & O'Neill & Co. Architects 33, Pembroke Road, Dublin 4

Proposed Development: Construction of a) a metal clad single-storey warehouse, of 3072 sq.m, 13.58m high to parapet at front and part of the sides, and 10.4m high to eaves and 12.9m high to the ridge at part of sides and rear; b) a single storey 2.9m high ESB substation of 14sqm ; c) the widening of the existing vehicular/cycle entrance to The Fox hunter Public House , and the forming of a new vehicular/cycle exit to the north west corner of the site; d) the formation of pedestrian/cycle gate to Hermitage Gardens and pedestrian gate to Lucan Road, e) internal roads and pathways and all associated hard and soft landscaping, f) foul and surface drainage, including attenuation tanks; g) 18 carparking spaces and 16 bicycle spaces.

Location: Lands South Side of Lucan Road, Ballydowd & abutting Hermitage Gardens, Ballydowd, Lucan, Co. Dublin

Applicant Name: Jogor Point Ltd

Application Type: Permission

(SW)

Description of Site and Surroundings:

Site Description:

The subject site is situated on the southside of the N4, adjacent to the service road approaching the west bound diverge at Junction 2. The site is located to the west of the Foxhunter Public House within the overall landholding and comprises a substantial area of hardstanding in use as a car park and grassland beyond this which extends to the rear (southern) boundary of the site. The site is accessed currently from the slip road from the N4 at the Texaco Petrol Station located to the east and is operated in a left in left out arrangement with the exit being via an

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internal avenue that leads to an exit only gate that opens near the top of the slip road serving the flyover to Lucan Village.

The site is situated approximately 2km to the east of Lucan Village and equal distance to the west of the Liffey Valley retail centre. To the north of the site on the opposite side of the N4, is a vast area of green lands zoned to protect the amenity of the Liffey Valley. The site is surrounded to the west, south and east by Hermitage Park, a development of predominantly semi-detached two-storey houses dating from the late 1980s. On its west side the site abuts the termination of a cul-de-sac, Hermitage Garden, part of the overall Hermitage Park development. A Texaco filling station is located to the east of the site. The topography of the site is relatively flat. A 'Wow Burger' food trailer is currently sited in the car park area towards the western boundary of the site.

Corridor 6, Lucan to City Centre, of the NTA's Core Bus Corridor (CBC) Project, as provided for in the Transport Strategy, runs along the N4 at this location.

Site Area:

Stated as 0.6753ha

Proposal:

The proposal comprises:

Construction of

- a) a metal clad single-storey **warehouse**, of 3072 sq.m, 13.58m high to parapet at front and part of the sides, and 10.4m high to eaves and 12.9m high to the ridge at part of sides and rear;
- b) a single storey 2.9m high **ESB substation** of 14sqm ;
- c) **the widening of the existing vehicular/cycle entrance to** The Fox hunter Public House , and the forming of a new vehicular/cycle exit to the north west corner of the site;
- d) the formation of **pedestrian/cycle gate** to Hermitage Gardens and pedestrian gate to Lucan Road,
- e) internal roads and pathways and all associated hard and soft landscaping,
- f) foul and surface drainage, including attenuation tanks;
- g) 18 carparking spaces and 16 bicycle spaces.

SEA Sensitivity:

No overlap is identified with relevant environmental layers.

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Zoning:

The subject site is subject to zoning objective 'RW' - '*To provide for and consolidate retail warehousing*' in the South Dublin County Development plan 2022-2028.

CDP Maps: Outer Horizontal Surface (Dublin), Bird hazards, Outer Horizontal Surface (Casement),

Consultations:

Roads – Recommend refusal.

Waste Management – No report received at time of writing.

Water Services – additional information requested.

Irish Water – additional information requested.

EHO – No objections, subject to conditions.

Heritage Officer – No report received at time of writing.

Parks – Refusal Recommended

TII – Recommend refusal.

NTA – No objections, subject to conditions.

Summary of Submissions/Observations /Representations

Numerous submissions and representations were received:

Planning Policy, Objectives and Zoning

- Non-compliance with zoning
- Logistics not same as warehouse
- Does not comply with development plan requirements
- Not in keeping with building height and density guide
- Applicant has not provided the required travel plan

Impact on Residential Amenity

- It will impact daylight received by existing residents
- Overbearing
- Will result in loss of privacy
- Will overshadow

Design

- Out of keeping with the character of the area.
- Proposal would be taller than the surrounding properties.
- Proposal would appear dominant

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- Overdevelopment
- Unsuitable by mass, height, bulk and design
- There is an abrupt change in height, not in keeping with transitional areas

Traffic, Transport and Parking

- Traffic implications
- Would increase traffic
- Access / slip road is unsuitable and would result in a traffic hazard
- Has not considered bus connects
- Will result in road safety issues
- Does not provide adequate EV parking

Existing Services and Amenities

- Links to existing residential areas are not welcomed
- Negative impact on environment
- Negative impact on infrastructure
- Negative impact on services
- Pedestrian access would result in difficulty accessing driveway

Noise, Air Quality and Human Health

- Increased noise

GI / Ecology

- No green space factor calculation

Other

- Very little employment provided
- Will result in anti-social behaviour
- Insufficient occupant details

The issues raised have been considered in the overall assessment of this application as set out below in this report.

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Relevant Planning History

Subject Site

SD20A/0259 and ABP 309196-21

(a) Formation of a new vehicular, cycle and pedestrian entrance off Hermitage Gardens to the west of the site and two pedestrian/cycle entrances to the north of the site off the N4; (b) construction of a semi-basement/full basement car park for 97 cars, bin and bicycle storage and plantrooms, with two-way access ramp; (c) construction of a 1.2m high (approximately) raised podium over the car park area; (d) a four-storey above podium apartment block containing 15 apartments; (e) a three-storey apartment block (A) containing 21 apartments and a 15.12sq.m substation at ground floor; (f) a three-storey apartment block (B) containing 21 apartments; (g) a twenty storey above podium apartment building containing 104 apartments, entrance lobby, communal facilities including work stations, meeting rooms, laundry and office and external podium level terrace; (h) 328 bicycle parking places dispersed throughout, underground rainwater retention tanks; hard and soft landscaping, including planted communal gardens and play areas; pedestrian and cycle access/egress only will be retained off the N4; the mix of the apartments will be as follows: 37 studio apartments, 42 1-bed apartments, 8 2-bedroom (3 person) apartments, 70 2-bedroom (4 person) apartments, 4 3-bed apartments; total number of apartments proposed is 161; 67% of the apartments will be dual aspect and all will have balconies or private open space; all buildings will have roof plantrooms, green roofs and photovoltaic panels.

Decision: REFUSE PERMISSION (SDCC and ABP)

Reasons for refusal (ABP)

1. On the basis of the information provided with the application and the appeal, and in the absence of an Appropriate Assessment screening report and / or Natura Impact Statement, the Board cannot be satisfied that the proposed development individually, or in combination with other plans and projects, would not result in adverse affects on the integrity of European Site(s), in vies of the site(s) Conservation objectives. In such instances, the Board is precluded from granting permission.

2. The application site is subject to zoning objective 'RW' – 'to provide for and consolidate retail warehousing' in the South Dublin County Development Plan 206-2022. Residential use is a 'not permitted' land use on zoning objective 'RW'. In this regard, the proposed development of 161 apartments and associated communal facilities is a material contravention of the development plan. In addition, the proposed development is contrary to the strategic approach set out in the Core Strategy of the development plan to achieve the National Planning Framework (NPF), the Regional Spatial and Economic Strategy (RSES) and the proper planning and sustainable development of the area.

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3. *The proposed development would fail to comply with Policy H7 – urban design in residential development and Policy H9 – Residential Building Heights, as well as sections 11.2.0, 11.2.1 and 11.2.7 of the South Dublin County Development Plan 2016-2022, and would not comply with the criteria set out in Section 3.2 and SPPR 3 of the Urban Development and Building Heights Guidelines for Planning Authorities issues by the Department of Housing, Planning and Local Government in December 2018. The proposed development would, therefore, materially contravene objectives of the development plan and would be contrary to the proper planning and sustainable development of the area.*

4. *Having regard to the absence of information, and / or inadequacy of submitted information, in relation to daylight and sunlight performance, microclimate conditions, noise protection measures and childcare facilities, the Board is not satisfied that future residents of the proposed development would be provided with acceptable standards of residential amenity, within apartment units, private amenity space and public open spaces. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

5. *Having regard to the design, the excessive height, bulk, scale and massing of the buildings and the proximity of the proposed development to adjoining two-storey residential properties, the Board considered that the proposed development would be visually obtrusive and would adversely impact on the visual amenity of the application site, would seriously injure the residential and visual amenities of property in the vicinity of the site and the character of the wider area, and would set an undesirable precedent for similar types of development in the area. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.*

6. *Having regard to the scale of the proposed development and the consequent intensification of vehicular traffic on the Hermitage Gardens cul-de-sac and the uncertainty in relation to the impact of increased traffic movements on the capacity and efficacy of the junction between this cul-de-sac and the regional road, the Board was not satisfied that the proposed development would not seriously injure the residential amenities of the adjoining residents and endanger public safety by reason of traffic hazard or obstruction of road users. Accordingly, it is considered that the proposed development would be contrary to the proper planning and sustainable development of the area.*

7. *The proposed density equates to 253 dwelling houses per hectare, which represents a substantial increase relative to the existing density on residential sites in the vicinity of the site. Policy H8 – Residential Densities of the South Dublin County Development Plan 2016-2022 states it is the policy of the Council 'to ensure that the density of new residential development is appropriate to its location and surrounding context'. The proposed density, is considered to be*

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inappropriate for the subject site, having regard to the overall accessibility of the site, the context of the surrounding area, and the strategic approach for consolidated development set out in the core strategy of the development plan. As such, the proposed development would be contrary to the development plan and therefore, would not be in accordance with the proper planning and sustainable development of the area.

SD05A/0409 and ABP PL 06S.215037

Proposal: Construction of a residential development of 14 no. dwelling units arranged in 2 no. blocks comprising of 2 no. 2 bed town houses (2 storey) and 3 no. 3 bed town houses (2 storey - all with balconies) to the east of the site; and 1 no. 4 bed terrace house, as well as 6 no. 4 bed semi-detached houses and 2 no. 5 bed semi-detached houses (all 2 storey plus living space in attic - all units have velux windows and balconies) to the west of the overall site. The scheme will be served by a proposed 26 no. surface car parking spaces. Access to the scheme will be via Hermitage Garden and Hermitage Park, and a proposed internal access road and turning circle. Permission is also sought for all site development and landscape works including provision of boundary treatments and all other ancillary works; all on a site parcel of land comprising a total of some 0.49 hectares.

Decision: GRANT PERMISSION (ABP)

SD04A/0701: Land to rear of Foxhunter Pub, Ballydowd, Lucan, Co. Dublin

Proposal: The development will consist of the following: Construction of 16 no. apartments in two separate two-three storey blocks consisting of 15 no. two bedroom apartments and 1 no. 3 bedroom apartment, and 5 no. duplex apartments in a separate two-storey block consisting of 4 no. two bedroom duplex apartments and 1 no. 3 bedroom duplex apartment. Construction of new perimeter fencing and boundary wall, construction of new access road and turning circle and the provision of 35 no. car-parking spaces, a bicycle store, construction of a refuse store and ancillary works. Construction of new entrance piers and new wall on northern boundary. Access to the development is via the N4 carriageway and through the Foxhunter Pub carpark.

Decision: REFUSE PERMISSION

The reasons for refusal were:

- 1. The proposed development would endanger public safety by reason of a traffic hazard or obstruction of road users or otherwise, due to the intensification and generation of traffic turning movements at the median break on the N4 in order to access the development from the west.*
- 1. The intensification of use of an access onto the slip road of the N4 would be in conflict with NRA Policy as set out in their letter of 25/07/94*

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- 2. The proposed development would be in conflict with the following policies of the Planning Authority Paragraph 2.6.12, 2.6.12 (i) of the South Dublin County Development Plan 1998, and would therefore be contrary to the proper planning and sustainable development of the area,*
- 3. Due to the location of the access road and parking area on site adjacent to the site boundary directly behind the existing houses, it is considered that the proposed development would seriously affect the amenities of property in the vicinity and, in particular, those of the houses on the adjoining sites, through noise, traffic generation and general disturbance. The proposed development would therefore seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.*

SD04A/0209 and ABP PL 06S.207503: Foxhunter Bar & Restaurant, Ballydowd, Lucan

Proposal: Change of use from existing 'Off-Licence' to proposed 'Betting Office'.

Decision: REFUSE PERMISSION (ABP)

SD03A/0171 and ABP 06S.204762

Proposal: Construction of 16 no. apartments in two separate two/three storey blocks consisting of 15 no. two bedroom apartments and 1 no. three bedroom apartments and 5 no. duplex apartments in a separate two storey block consisting of 4 no. two bedroom duplex apartments and 1 no. 3 bedroom duplex apartment. The relocation of Blocks A, B and C to facilitate a separation distance of 22m. The omission of Block D and the redesign of Block C into an L shaped block. Revised road layout and enlarged turning circle. The provision of 35 no. car parking spaces instead of original 37 no. Updated landscape proposal.

Decision: REFUSE PERMISSION by ABP (Permission granted SDCC)

An Bord Pleanála refused this application for the following reason:

- 1. Having regard to the vehicular access to the proposed development by means of the termination of the Cul-de-sac within Hermitage Park Housing Estate and the location of the access road and parking area on site adjacent to the site boundary directly behind the existing houses, it is considered that the proposed development would seriously the amenities of property in the vicinity and, in particular, those of the houses on the adjoining sites, through noise, traffic generation and general disturbance. The proposed development would therefore seriously injure the amenities of the area and of property in the vicinity and be contrary to the proper planning and sustainable development of the area.*

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Adjacent Sites

None of relevance identified.

Enforcement History

- S8514 - Live File: Alleged unauthorised development unrelated to the proposed development.

Pre-Planning Consultation

None recorded for the subject proposal.

Relevant Policy in South Dublin County Council Development Plan 2022-2028

CDP Maps: Zoned 'RW' To provide for and consolidate retail warehousing

Other CDP Map designations: Outer Horizontal Surface (Dublin and Casement), Bird Hazards,

Table 8: Total Land Capacity within Strategic Development Areas

Policy CS1: Strategic Development Areas: Prioritise housing and employment growth within the identified residential and employment growth areas set out under the Metropolitan Area Strategic Plan.

Policy CS5: Lands for Employment Ensure that sufficient serviced lands continue to be available in the right place for employment generation over the lifetime of the Development Plan.

CS5 Objective 2:

To ensure that, insofar as possible, space extensive enterprise is located on lands which are outside the M50, and which do not compromise labour intensive opportunities on zoned lands adjacent to public transport.

Table 11: Core Strategy Table 2022-2028

Table 12: Employment Projections for South Dublin 2016-2028

Table 14: RSES Settlement Hierarchy relating to South Dublin County Council

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2.7.1 Lucan

Lucan is situated 14 kilometres to the west of Dublin City along the N4 economic corridor. It is characterised by an historic village core surrounded by generally low-density suburban neighbourhoods based around a polycentric network of local retail centres and a level 3 district centre. The area is served by high frequency bus routes to Dublin City. The Dublin – Kildare rail line serves communities, including Adamstown, to the south of Lucan. Employment is provided for locally through mixed use retail and commercial areas adjacent to the village core. Grange Castle and other business parks provide employment to the south. The GDA Transport Strategy proposes a Luas line to Lucan from Dublin City and upgrading of the Kildare line as far as Hazelhatch involving electrification and high-frequency commuter services.

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

Chapter 4 Green Infrastructure

Section 4.1 Methodology

Policy GI1: Overarching

GI1 Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Section 4.2.1 Biodiversity

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

Section 4.2.2 Sustainable Water Management

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

GI4 Objective 1: To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Strategic Corridor 4: Liffey Valley Corridor

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Chapter 5 Quality Design and Healthy Placemaking

Section 5.2.1 The Delivery of Sustainable Neighbourhoods 'The Plan Approach'

QDP2 Objective 1:

To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.

Section 5.2.2 Context

Policy QDP3: Neighbourhood Context

Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

QDP3 Objective 1:

To ensure new development contributes in a positive manner to the character and setting of the immediate area in which a proposed development is located taking into consideration the provisions set out in Chapters 3 and 4 of this Plan and having regard to the requirements set out in Chapter 12: Implementation and Monitoring in relation to design statements.

SECTION 5.2.3 Healthy Placemaking

Policy QDP3: Neighbourhood Context Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.

QDP4 Objective 2:

To promote a high standard of building and urban design, creating public spaces that are distinctive, safe, universally accessible and facilitate social and cultural diversity and interaction.

5.2.6 High Quality and Inclusive Development

QDP7 Objective 6:

To ensure that development provides an integrated and balanced approach to movement, healthy placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2019).

Policy QDP7: High Quality Design – Development General

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Policy QDP7: High Quality Design – Street Width and Height

QDP7 Objective 7:

To ensure that all proposals for development contribute positively to providing a coherent enclosure of streets and public spaces, taking into consideration the proportions and activities of buildings on both sides of a street or surrounding a public space, providing for good standards of daylight and sunlight, and micro climatic conditions and having regard to the guidance and principles set out in the South Dublin County's Building Height and Density Guide and the Design Manual for Urban Streets and Roads (DMURS) (2019).

Policy QDP7: High Quality Design – Adaptability and Inclusivity

QDP7 Objective 8:

To promote and support a Universal Design Approach to residential and non-residential development – having regard in particular to the universal design principles and guidance in relation to Buildings for Everyone, Housing and Shared Space as promoted by the Centre for Excellence in Universal Design at the National Disability Authority – ensuring that all environments are inclusive and can be used to the fullest extent possible by all users regardless of age, ability or disability consistent with RPO 9.12 and 9.13 of the RSES. (See also Chapter 8: Community Infrastructure and Open Space).

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

QDP8 Objective 1:

To assess development proposals in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. In this regard, all medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq. m or as otherwise required by the Planning Authority) shall be accompanied by a 'Design Statement'. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County's Height and Density Guide. Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement. (See Chapter 12: Implementation and Monitoring).

Policy QDP9: High Quality Design - Building Height and Density Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.

5.2.9 Materials, Colours and Textures

Policy QDP11: Materials, Colours and Textures

QDP11 Objective 1:

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To require the use of high quality and durable materials and finishes that make a positive contribution to placemaking.

QDP11 Objective 2:

To promote the use of structural materials that have low to zero embodied energy and CO2 emissions and ensure a wood-first policy on public buildings funded or part-funded by the Council.

QDP11 Objective 3:

To promote the reuse and recycling of materials to promote the circular economy and reduce construction and demolition waste.

Policy SM1: Overarching – Transport and Movement

SM1 Objective 7:

To engage with relevant agencies including the National Transport Authority (NTA) and Transport Infrastructure Ireland (TII) in relation to strategic and local transportation issues including delivery of transport projects and to encourage consultation with local communities.

SM3 Objective 2:

To facilitate and secure the implementation of major public transport projects as identified within the NTA's Transport Strategy for the Greater Dublin Area (2016-2035) as updated to 2042, or any superseding document, including BusConnects, the DART expansion programme along the Kildare route, the opening of the new rail station at Kishogue and the Luas to Lucan.

Policy SM3: Public Transport – Bus

Policy SM4: Strategic Road Network

Policy SM7: Car Parking and EV Charging

Chapter 9 Economic Development and Employment

Policy EDE1: Overarching

EDE1 Objective 6:

To ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions by supporting and promoting the following measures:

- An increase in employment densities within walkable distances of communities and on public transport routes;
- Promotion of walking and cycling and use of public transport through increased permeability and mobility management measures within and outside employment areas;
- The sourcing of power from district heating and renewables including wind, hydro and solar;

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- Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking.

9.1 Employment in South Dublin County

Policy EDE4:

Urban Growth, Regeneration and Placemaking Support urban growth and regeneration through the promotion of good placemaking to attract employees and employers and to provide a competitive advantage to the County and diverse investment opportunity.

EDE4 Objective 1:

To ensure that economic and employment development is located to optimise existing infrastructure and to support development and investment in the County's urban centres supporting orderly growth and placemaking.

9.3 Space Extensive Land Use

Policy EDE7: Space Extensive Land Use

Recognise the need for land extensive uses and ensure that they are located within appropriate locations having regard to infrastructural, transport and environmental considerations and the need for orderly growth.

EDE7 Objective 1:

To ensure that, insofar as possible, space extensive enterprise is located on lands which are outside the M50, and which do not compromise labour intensive opportunities on zoned lands adjacent to public transport.

EDE7 Objective 2:

To require that space extensive enterprise demonstrates the following:

- a. The appropriateness of the site for the proposed use having regard to EDE7 Objective 1;
- a. Strong energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation;
- b. Maximise on site renewable energy generation to ensure as far as possible 100% powered by renewable energy, where on site demand cannot be met in this way, provide evidence of engagement with power purchase agreements in Ireland (PPA);
- c. Sufficient capacity within the relevant water, wastewater and electricity network to accommodate the use proposed;
- d. Measures to support the just transition to a circular economy;
- e. Measures to facilitate district heating or heat networks where excess heat is

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- produced;
- f. A high-quality design approach to buildings which reduces the massing and visual impact;
 - g. A comprehensive understanding of employment once operational;
 - h. A comprehensive understanding of levels of traffic to and from the site at the construction and operation stage;
 - i. Provide evidence of sign up to the Climate Neutral Data Centre Pact.

EDE7 Objective 3:

To ensure that landscaping and site layout in space extensive developments provides for demonstrated biodiversity measures and that landscape and biodiversity measures integrate into the green infrastructure network, in accordance with the Green Infrastructure Strategy set out in Chapter 4 of this Plan.

10.1 Energy Planning in South Dublin The City Edge Framework Plan will assess how the area can support the County in meeting its climate change and carbon emission requirements.

Policy E3: Energy Performance in Existing and New Buildings

Policy E4: Electric Vehicles

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.3.5 Landscape Character Assessment

Table 12.17: Landscape Character Types

12.4.2 Green Infrastructure and Development Management - GSF

12.5.1 Universal Design

12.5.2 Design Considerations and Statements. Design Statements

12.5.3 Density and Building Heights

12.5.5 Healthy Placemaking and Public Realm: (At the Neighbourhood Level)

12.7.1 Bicycle Parking / Storage Standards; Bicycle Parking Design / Provision

12.7.2 Traffic and Transport Assessments

12.7.3 Travel Plans

Table 12.24: Thresholds for the Submission of a Workplace Travel Plan

12.7.4 Car Parking

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

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12.7.6 Car Parking Design and Layout

12.9.4 Space Extensive Enterprises

12.10.1 Energy Performance in New Buildings

12.10.2 Low Carbon District Heating Networks

12.11.1 Water Management

(i) Flood Risk Assessment

(ii) Surface Water

(iii) Sustainable Urban Drainage System (SuDS)

(iv) Groundwater

(v) Rain Water Harvesting

12.11.3 Waste Management

(ii) Design and Siting of Refuse Storage, Recycling and Bring Facilities in Developments

(iv) Construction and Demolition Waste

12.11.4 Environmental Hazard Management

(i) Air Quality

(ii) Noise

(iii) Lighting

12.11.5 Aviation, Airports and Aerodromes

12.11.6 Restricted and Prohibited Development

12.11.7 Shielding / Safeguarding

Appendix 4: Green Infrastructure Local Objectives and Case Studies

Appendix 10: Building Height and Density Guide 2022

Relevant Government Guidelines

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

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

Section 5 – Dublin Metropolitan Area Strategic Plan, in *Regional, Spatial and Economic Strategy 2019 – 2031*.

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)

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Waste Management Plan for the Dublin Region 2005-2010, Dublin City Council, Dun Laoghaire-Rathdown County Council, Fingal County Council and South Dublin County Council, (2005)

Assessment

The main issues for assessment relate to the following:

- Zoning and Council Policy
 - Principle of Development
 - Building Height
 - Plan Approach
 - Space Extensive
 - Other Employment Policies
 - CDP Implementation
- Residential and Visual Amenity
- Transport, Access and Parking
- Landscaping and Open Space
- Water Supply and Drainage
- Environmental Health
- Public Lighting
- Screening for Appropriate Assessment
- Environmental Impact Assessment

Zoning and Council Policy

Principle of Development

The application site is subject to zoning objective 'RW' - '*To provide for and consolidate retail warehousing*'. In accordance with Table 12.11: Zoning Objective RW: 'To provide for and consolidate retail warehousing', warehousing is permitted in principle. It is noted that very limited information has been provided in relation to the intended end user. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

Space Extensive Uses

Warehousing is defined as a space extensive use. CS5 Objective 2 and all objectives of Policy EDE7 must be met.

The site is located outside the M50 and it is therefore acceptable in terms of CS5 objective 2 and EDE7 objective 1. EDE7 objective 2 sets the following criteria:

To require that space extensive enterprise demonstrates the following:

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- a. *The appropriateness of the site for the proposed use having regard to EDE7 Objective 1;*
 - The site is considered appropriate in the context of objective 1.

- a. *Strong energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation;*
 - The applicant has made no comment on zero carbon. It is not apparent that the proposal would provide renewable energy.

- b. *Maximise on site renewable energy generation to ensure as far as possible 100% powered by renewable energy, where on site demand cannot be met in this way, provide evidence of engagement with power purchase agreements in Ireland (PPA);*
 - The applicant is not proposing renewables. No evidence of PPAs provided.

- c. *Sufficient capacity within the relevant water, wastewater and electricity network to accommodate the use proposed;*
 - The applicant has not demonstrated this.

- d. *Measures to support the just transition to a circular economy;*
 - The applicant has not demonstrated this.

- e. *Measures to facilitate district heating or heat networks where excess heat is produced;*
 - The applicant has not demonstrated this.

- f. *A high-quality design approach to buildings which reduces the massing and visual impact;*
 - The applicant has not demonstrated this. No design statement and no building height analysis has been provided.

- g. *A comprehensive understanding of employment once operational;*
 - The applicant has made no comment on the proposed employment.

- h. *A comprehensive understanding of levels of traffic to and from the site at construction and operation stage;*
 - The applicant has provided a Transport Assessment.

- i. *Provide evidence of sign up to the Climate Neutral Data Centre Pact.*
 - proposal is not for a data centre.

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12.9.4 Space Extensive Enterprises

Insofar as possible, space extensive enterprise should be located on lands which are outside the M50 and which do not compromise labour intensive opportunity on zoned lands adjacent to public transport, as per EDE7 Objective 1.

To require that space extensive enterprises demonstrate the following:

- *Strong energy efficiency measures to reduce their carbon footprint in support of national targets towards a net zero carbon economy, including renewable energy generation;*
- *Maximise onsite renewable energy generation to ensure as far as possible 100% powered by renewable energy, where on site demand cannot be met in this way provide evidence of engagement with power purchase agreements (PPA) in Ireland;*
- *Sufficient capacity within the relevant water and wastewater and electricity network to accommodate the use proposed;*
- *Measures to support the just transition to a circular economy;*
- *Measures to facilitate district heating or heat networks where excess heat is produced;*
- *A high-quality design approach to buildings which reduces the massing and visual impact;*
- *A comprehensive understanding of employment once operational;*
- *A comprehensive understanding of levels of traffic to and from the site at construction and operation stage;*
- *Provide evidence of sign up to the Climate Neutral Data Centre Pact.*

The applicant has not demonstrated compliance with development plan provisions on space extensive enterprise. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.10.1 Energy Performance in New Buildings

Development proposals for medium to large scale residential and commercial developments in excess of 10 residential units and / or 1,000 sq. m of commercial floor space should be accompanied by an Energy Efficiency and Climate Change Adaptation Design Statement.

The statement should detail:

- *How any on-site demolition, construction and long-term management of the development will be catered for;*
- *How energy and climate change adaptation considerations have been inherently addressed in the design and planning of the scheme.*

This statement has not been provided. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

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Other Employment Policies

It is noted that the proposed development does not take place on zoned 'EE' lands, however, EDE1 is considered relevant as it relates to the use and not the zoning.

EDE1 Objective 6:

To ensure that economic and enterprise related development is provided in a manner which facilitates a reduction in greenhouse gas emissions by supporting and promoting the following measures:

An increase in employment densities within walkable distances of communities and on public transport routes;

Promotion of walking and cycling and use of public transport through increased permeability and mobility management measures within and outside employment areas;

The sourcing of power from district heating and renewables including wind, hydro and solar;

Additional native tree planting and landscaping on existing and proposed enterprise zones and development sites to aid with carbon sequestration, contribute to the green infrastructure network of the County and promote quality placemaking.

The applicant has not demonstrated compliance with the above development plan provisions on (economic and enterprise-related development). Had the application been considered otherwise acceptable, additional information around this issue would be requested.

Additional CDP Policy on Implementation

12.3.1 Appropriate Assessment

AA is discussed later in the report.

12.3.2 Ecological Protection

The applicant had not addressed this. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.3.3 Environmental Impact Assessment

EIAR is discussed later in the report.

12.4.2 Green Infrastructure and Development Management

Green Infrastructure

All planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to the following:

- *In the case of small-scale developments this may consist of a simple landscape plan which includes objectives to protect or restore existing on site GI assets, provides for*

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connection to local or primary GI corridors or includes elements which allow the site to act as a local stepping stone;

- *Where the development site is located within or close to a Core or Corridor the development should, at a minimum, protect any existing GI assets and enhance same (for example, not breaking a GI Corridor but enhancing same with a connecting piece of planting, retaining hedgerows or woodlands);*
- *The characteristics and assets of the proximate GI Core, Corridor or Stepping- Stone should be reflected within proposed development, for example continuation of hedgerows, tree planting, waterways;*
- *Development should seek to enhance or restore features that act as ecological corridors, particularly water features, hedgerows, tree lines, areas of un-cultivated land. These, or some element of them, should be incorporated into the proposed development to create pathways for wildlife and / or increase amenity value;*
- *Development sites which are not located proximate to designated GI Cores or Corridors should identify the nearest designated GI Core, Corridor or Stepping Stone and make provision for GI interventions on the site which could eventually provide a link to local Stepping Stones, Cores or Corridors;*
- *Developers should be aware that ecological corridors can also act to quickly spread non-native invasive species. Therefore, identification and control of invasive species site should be included in planning applications and the GI Plan.*

*All development proposals shall be accompanied by a **Green Infrastructure Plan**, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:*

- *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
- *Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
- *Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- *Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site;*
- *Proposals for identification and control of invasive species.*

Regardless of development size or type, applicants must submit an overall site summary quantifying and detailing the following:

- *tree and hedgerow removal;*
- *tree and hedgerow retention;*
- *new tree and hedgerow planting.*

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The site is located within Strategic Corridor 6. The applicant has provided no information regarding landscaping, green infrastructure or biodiversity and the Public Realm Section recommends refusal on that basis. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

Green Space Factor (GSF)

The GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. Minimum scoring requirements are based on the land-use zoning of a site (See GI5 Objective 4), this applies to all development comprising 2 or more residential units and any development with a floor area in excess of 500 sq. m. Qualifying developments are required to reach the minimum Green Space Factor (GSF) score established by their land use zoning. Developers can improve their score by both retaining and enhancing existing landscape features and incorporating new features. A developer will be required to specify the GSF measures included within a proposed development as part of the submitted Green Infrastructure Plan and Landscape Plan. To facilitate the evaluation of the GSF score for a proposed development the Council will make available a Green Space Factor Worksheet to applicants which will be required to be submitted with a qualifying planning application. A Green Space Factor Guidance Note will also be made available on the Council's website under the Development Plan section setting out the applicable weightings and scorings. This will allow developers to calculate the overall site area and the surface areas of contributing to the GSF to see whether a proposed development achieves the required minimum score. Where applicable, a completed worksheet shall be submitted with the Green Infrastructure

The applicant has provided no GSF calculation. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

The Plan Approach

QDP2 Objective 1:

To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal

12.5.2 Design Considerations and Statements

'The Plan Approach' Compliance Report:

The applicant has not provided a compliance report or met QDP2 Objective 1. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

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Design Statements:

In line with the provisions of Policy QDP7 Objective 1, all medium to-large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq. m or as otherwise required by the Planning Authority) shall be accompanied by a Design Statement. The Design Statement should address contextual and urban design issues and clearly explain the design process, the design options considered and the rationale behind the adopted design development strategy. A Design Statement should consist of:

- *A detailed analysis of the proposal and statement based on the 12 design criteria set out in the 'Urban Design Manual' (2009) and reflected in the South Dublin County Council's Building Height and Design Guide*
- *Detailed design including materials and external finishes which should have regard to the policy, objectives and provisions of the South Dublin County Development Plan 2022-2028. In particular the guidance, and performance-based design criteria set out in the South Dublin County's Building Height and Density Guide must be incorporated with due regard being had to relevant Ministerial Guidelines including the 'Urban Design Manual' (2009); 'Sustainable Residential Development in Urban Areas' (2009); 'Urban Development and Building Height – Guidelines for Planning Authorities' (2018); and 'Design Standards for New Apartments – Guidelines for Planning Authorities' (2020) or as may be superseded.*
- *A statement or Quality Audit addressing street design as outlined within the Design Manual for Urban Roads and Streets.*

Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement.

All planning applications for development must demonstrate how the proposal constitutes a positive urban design response to the local context and how it contributes to placemaking and the identity of an area. This should form part of 'the plan approach' statement demonstrating how the eight principles for sustainable and successful neighbourhood development have been addressed and responded to in the development proposal.

The applicant has not provided a design statement. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

Built Form

The proposal would involve the construction of a warehouse, this would measure:

- 13.58m high
- 3,072sq.m floor area

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- Approx. 60m wide (with some elements inset)
- Approx. 62.5m long (with some elements inset)

It would be situated approximately 11.125m from the properties to the west (which abut the redline boundary) and would be approximately 14.225-19.925m from the boundaries / curtilage of the properties to the south. The proposal would be 2.375m from the pub to the east.

At the outset it should be noted that the applicant has not provided any analysis of building height in accordance with Chapter 5 Quality Design and Healthy Placemaking and appendix 10 of the CDP 2022-2028. While the development has been assessed against each element of the relevant policy in turn, the planning authority considers that **the proposed development is of poor architectural quality, which fails to respond to the surrounding context and has overly large and bulky appearance with no apparent articulation or massing strategy along the N4 or along its most sensitive boundary to the west.** It is considered this issue could not be resolved by way of a further information request.

QDP8 Objective 1 states *“To assess development proposals in accordance with the Building Height and Density Guide set out in Appendix 10 of this Development Plan and associated planning guidelines. In this regard, all medium to large scale and complex planning applications (30 + residential units, commercial development over 1,000 sq. m or as otherwise required by the Planning Authority) shall be accompanied by a ‘Design Statement’. The Design Statement shall include, inter alia, a detailed analysis of the proposal and statement based on the guidance, principles and performance-based design criteria set out in South Dublin County’s Height and Density Guide. Any departures within the proposed development from the guidance set out in the Building Height and Density Guide for South Dublin County (Appendix 10) shall be clearly highlighted in the Design Statement. (See Chapter 12: Implementation and Monitoring)”*.

12.5.3 Density and Building Heights

In line with the provisions of the South Dublin Building Heights and Density Guide, development proposals for increased building heights and densities shall be accompanied by a contextual analysis by which the suitability or otherwise of different density and height levels can be assessed with reference to the receiving environment of the proposed development.

The applicant has not provided a contextual analysis. The contiguous elevations provided indicated that the structure would be overbearing. It is considered this issue could not be resolved by way of a further information request.

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Residential and Visual Amenities

Residential Amenity

QDP12 Objective 4 '*To promote appropriate development that enhances the character and vitality of the existing settlements and which does not negatively impact on existing residential amenity*'.

There are concerns regarding the impact of the proposed development on residential amenity of dwelling units to the west. The proposal represents a significant increase in height in the local area and the Planning Authority is concerned that it would have an overbearing effect the existing residential properties to the west. No analysis has been undertaken in relation daylight to loss of daylight and sunlight.

Visual impact

The applicant has provided no information on the visual impact, save for the contiguous elevations. CGIs and photomontages would be welcomed to demonstrate how the proposal would look from key view points. The proposal is situated on the N4, a national road, with significant levels of traffic and would be very prominent. It is therefore essential that a high quality design is proposed in this location. The only information provided regarding materials is on the elevations, which indicated the north elevation, facing the N4, would be 'dri-design rainscreen aluminium façade system. Given the description and lack of variation along this elevation, the planning Authority are concerned that the structure would appear monolithic. Standard insulated wall panels are provided to the side and rear, and metal roof panels are also proposed. Again, the applicant has provided no visual information to indicate that these materials would be acceptable.

It is considered that the proposed development in its current format is excessive in terms of scale and form and this monolithic proposal would be overwhelming and out of character in this area. It would have a detrimental visual impact on the area and in particular the surrounding residential dwellings to the west and to a lesser extent the south. Given the lack of information submitted and the view of the Planning Authority that the proposal has an inappropriate design, it is considered that the proposal would have a negative impact on the residential and visual amenities of the area and planning permission should be **refused**.

12.5.5 Healthy Placemaking and Public Realm: (At the Neighbourhood Level)

Table 3.18 Key Principles for Healthy Placemaking and Public Realm at Neighbourhood level.

The applicant has not provided an analysis in terms of Table 3.18: Key Principles for Healthy Placemaking and Public Realm at Neighbourhood level. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

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12.5.1 Universal Design

Larger scale development proposals should include an Access Statement setting out how universal design approaches will be featured within the development. All development proposals should incorporate best practice design including the elements set out below, where relevant (it should be noted that some of these areas are regulated by other local authority functions such as Building Control):

- *Promotion of lifetime housing design;*
- *Incorporation of adaptable home offices to facilitate working from home;*
- *Provision of designated accessible parking and set down points for people with disabilities and parents with children;*
- *Level pedestrian routes with sufficient width;*
- *Use of surfaces suitable for wheelchairs and buggies;*
- *Use of tactile and blister paving;*
- *Use of colour contrast, particularly in the public realm;*
- *Provision of wayfinding and signage at appropriate levels, particularly in the public realm;*
- *Ensuring level access to buildings from the street that is suitable for wheelchairs and buggies;*
- *Provision of automatic doors.*

The applicant has not provided an Access Statement. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.7.1 Bicycle Parking / Storage Standards; Bicycle Parking Design / Provision Table 12.23 - Warehousing Long Term 1 per 200 sq. m

The Roads Department has raised no objections to the proposed development in this regard.

12.7.2 Traffic and Transport Assessments

The Planning Authority may also require such assessments where a particular development may have a significant impact on the County road network. All such statements should also be prepared in accordance with the Guidelines.

The Roads Department has raised no objections to the proposed development in this regard.

12.7.3 Travel Plans

Table 12.24:

<i>Land Use</i>	<i>Workplace Travel Plan</i>	<i>Indicative Number of Jobs</i>	<i>Standardised Workplace</i>	<i>Indicative Number of Jobs</i>
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	<i>Statement</i>		<i>Travel Plan</i>	
<i>Warehousing</i>	<i>>2,500 sq. m</i>	<i>25-100</i>	<i>>2,500 sq. m</i>	<i>>100</i>

The applicant has not provided this information. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.7.4 Car Parking Standards

The Roads Department has raised no objections to the proposed development in this regard.

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

- *EV charging shall be provided in all residential, mixed use and commercial development and shall comprise a minimum of 20% of the total parking spaces provided, with higher provision within this range required in urban areas.*
- *The remainder of the parking spaces should be constructed to be capable of accommodating future charging points.*
- *In residential and mixed-use schemes EV charging should be provided in blocks or pods unless it can be satisfactorily demonstrated that it can be provided in a more satisfactory and efficient manner.*
- *It should be designed and located in such a way as to ensure passive surveillance and avoid anti-social behaviour.*
- *The applicant should indicate the mechanism for EV charging and payment (for example, fob / credit card or other means) and should ensure that it is available to residents and visitors.*
- *EV charging facilities should not impinge on shared parking allocation.*
- *EV charging facilities should not obstruct or impinge on walking or cycling paths.*
- *Charge points should avoid areas which are already restricted by existing street furniture for example, bollards, road signs, benches, bike racks.*
- *Charge points should not impede lower carbon forms of passenger transport.*
- *Charge points should not be located at the back of the footpath (that is, the side furthest from the road) to avoid cables becoming a trip hazard.*
- *For residential multi-unit buildings, the necessary ducting for all car parking spaces should be installed, allowing provision for additional electrical infrastructure.*
- *For new dwellings with in-curtilage parking, appropriate infrastructure should be provided to allow for installation of a charging point at a later date.*

No EV charging proposed. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

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12.7.6 Car Parking Design and Layout

Parking in Town, District and Shopping Centres and Large Commercial / Residential Development

- *For large commercial developments or residential developments of over 50 dwellings per hectare, large areas of off-street parking will be required as follows:*
 - *Parking Courts: To ensure surface parking does not dominate the urban landscape, parking courts that are highly visible from the public domain, should be restricted in size (with no more than 40 spaces per court) and should be well landscaped. Where larger areas of surface parking are proposed they should be located behind buildings, and / or in the centre of blocks, so that they are obscured from view.*

Parking is proposed to the west side and rear and would not generally be visible. Noted that it is not landscaped.

12.11.1 Water Management

(i) Flood Risk Assessment

Site is not within a flood risk area.

(ii) Surface Water

Development proposals should provide suitable drainage measures in compliance with the South Dublin County Council's Sustainable Drainage Systems (SuDS) Explanatory, Design and Evaluation Guide, 2022.

- *The maximum permitted surface water outflow from any new development should not exceed the existing situation, and on greenfield lands, that of a greenfield site before any development took place;*
- *All new development must take account of the 'precautionary principle' in relation to climate change;*
- *Development proposals should not give rise to the pollution of ground or surface waters either during construction phases or subsequent operation. This will be achieved through adherence to best practice in the design, installation and management of systems for the interception, collection and appropriate disposal or treatment of all surface water and effluents.*

(iii) Sustainable Urban Drainage System (SuDS)

In general, all new developments will be required to incorporate Sustainable Urban Drainage Systems (SuDS).

- *Sustainable Drainage Systems include devices such as swales, permeable pavements, filter drains, storage ponds, constructed wetlands, soakways and green roofs;*

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- *In some exceptional cases and at the discretion of the Planning Authority, where it is demonstrated that SuDS devices are not feasible, approval may be given to install underground attenuation tanks or enlarged pipes in conjunction with other devices to achieve the required water quality. Such alternative measures will only be considered as a last resort;*
- *Development should seek to maximise the use of permeable surfaces, as well as opportunities for stormwater attenuation and storage through SuDS and limit the use of underground attenuation and storage;*
- *Watercourses should remain open in their natural valley and culverting should be confined to road crossings. In exceptional circumstances and at the discretion of the Planning Authority, approval may be given to install a culvert within a development where it is demonstrated that this is the most appropriate design response based on site specific constraints / circumstances.*

(iv) Groundwater

The Planning Authority requires adequate and appropriate investigations to be carried out into the nature and extent of any soil and groundwater contamination and the risks associated with site development work at sensitive locations, in particular, where brownfield development is proposed.

(v) Rain Water Harvesting

Where a development proposal includes rain water harvesting, liaison should take place with the relevant stakeholders, to ensure the implementation of BS8515-2009 (Rain & Grey Water Harvesting), subject to class of use (SI 600 2001) and the economic viability for the end user.

The applicant is proposing concrete tanks. No details of attenuation provided. No details of SuDS provided. Water Services and the Public Realm Section recommend further information be sought in this regard. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.11.3 Waste Management

(ii) Design and Siting of Refuse Storage, Recycling and Bring Facilities in Developments

The following criteria will be considered in the assessment of the design and siting of waste facilities and bring facilities:

- *The location and design of any refuse storage or recycling facility should ensure that it is easily accessible both for residents and / or the public and for bin collection, be insect and vermin proofed, will not present an odour problem, and will not significantly detract from the residential amenities of adjacent property or future occupants;*
- *Provision for the storage and collection of waste materials shall be in accordance with the guidelines for waste storage facilities in the relevant Regional Waste Management*

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Plan and the design considerations contained in Section 4.8 and 4.9 of the guidelines Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities, DHLGH (2020). Refuse storage for houses should be externally located, concealed / covered and adequate to cater for the size and number of bins normally allocated to a household. For terraced houses, the most appropriate area for bins to be stored is to the front of the house, which should be located in well-designed enclosures that do not detract from visual amenity;

- *Access to private waste storage in residential schemes should be restricted to residents only.*

(iv) Construction and Demolition Waste

Construction and Demolition Waste Management Plans should be submitted as part of development proposals for projects in excess of any of the following thresholds:

New residential development of 10 units or more;

New developments other than above, including institutional, educational, health and other public facilities, with an aggregate floor area in excess of 1,000 square metres;

Demolition / renovation / refurbishment projects generating in excess of 100 cubic metres in volume, of Construction and Demolition (C&D) waste;

Civil engineering projects in excess of 500 cubic metres of waste materials used for development works on the site.

The Construction and Demolition Waste Management Plan, as a minimum, should include provision for the management of all construction and demolition waste arising on site, and make provision for the reuse of said material and / or the recovery or disposal of this waste to authorised facilities by authorised collectors. Where appropriate, excavated material from development sites is to be reused on the subject site.

The applicant has not provided a Construction and Demolition Waste Management Plan or sufficient details regarding waste management during its operational phase. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.11.4 Environmental Hazard Management

(i) Air Quality

(ii) Noise

The EHO has raised no objections to the proposal, subject to conditions.

(iii) Lighting

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The co-ordination of proposed Landscape Plans and Public Lighting Plans (and other utilities) to include Environmental Zones, where applicable, will be required from the pre-planning stage all the way through the planning application process to compliance. This is to ensure that all landscape proposals and public lighting on site are practical, viable and compatible.

No lighting plan has been provided. Had the application been considered otherwise acceptable, additional information around this issue would be requested.

12.11.5 Aviation, Airports and Aerodromes

The proposed height is acceptable in the location.

Cranes During Construction:

Any temporary structures, such as cranes to be used during construction, must also be assessed in relation to the ICAO (or EASA) obstacle limitation surfaces. This applies in particular to tower cranes which may extend to a considerable height above a proposed development (and well above the 45m height of an Inner Horizontal Surface). Under S.I. 215 of 2005, prior notification of any crane which might breach an obstacle limitation surface is required to be given, 30 days in advance, to the IAA and to the airport / aerodrome operator, who may set conditions for its operation.

Should permission be granted, a condition is recommended in this regard.

Transport, Access, Parking

A report has been received from TII. This states *'The Authority has examined the above application and considers that it is at variance with official policy in relation to control of development on/affecting national roads, as outlined in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (2012), as the proposed development by itself, or by the precedent which a grant of permission for it would set, would adversely affect the operation and safety of the national road network for the following reason(s):*

- *Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions. The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with the foregoing national policy.*

Given the comments from TII, it is considered that planning permission should be **refused**.

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The NTA has also provided comments. These raise concerns regarding the impact on bus connects. A condition is recommended in the event of grant. However, given the conflict with the current bus connects proposal, the Planning Authority consider that permission should be **refused**.

The Roads Department has stated:

“Access & Roads Layout:

The site is located on the south side of the N4, adjacent to a slip road. Vehicular access to the proposed site is via an existing slip road running parallel to the N4. The access will be shared with the Foxhunter public house. The proposed access will be moved eastwards to be within the 50km speed zone.

Permeability:

The proposed warehouse and public house share the same entry point. Exit for the proposed warehouse and public house is via a point to the west of the proposed site.

A pedestrian and cycle access is proposed at Hermitage Gardens.

An existing preschool is located in Hermitage Gardens. The applicant proposes to provide a pedestrian and cycling access at this point. This would potentially give young children access to vehicular traffic on the proposed site and to the N4.

Roads have strong reservations about his issue.

Car Parking:

To be in line with CDP 2022-2028, tables 12.23 & 12.25:

Car parking (zone 1): Max rate for warehouse is 1 per 100 sq m; therefore 3072 sq m equates to maximum 31no spaces. The applicant proposes to provide 20 car parking spaces.

Roads consider this to be acceptable.

Min 5% of spaces to be provided for mobility impaired which will equate to 1no space. The applicant proposes 1no. mobility impaired car parking spaces.

Min 20% of spaces to be equipped with and EV charging point which will equate to 4no. None are proposed.

100% of spaces to be ducted so that all spaces can be converted to EV charging points when required in the future. None are proposed.

Bicycle Parking:

Bicycle parking: Min rate for warehouse is 1 per 200 sq m; therefore 3072 sq m equates to a minimum of 16no spaces. The developer proposes 16no. covered bicycle parking spaces.

Roads are satisfied with this.

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NTA submission letter.

The NTA made the following recommendation in their submission on 27th October 2022:

“in the event of a grant of permission, the applicant should be required to demonstrate that the design on the northern boundary reflects the current preferred design for the Lucan CBC at this location, in particular with regard to the setting back of the boundary wall.”

The applicant has not demonstrated the boundary wall will comply with this recommendation. Roads are not satisfied with this.

TII submission letter

The TII made the following recommendation in their submission on 7th November 2022:

“Official policy in relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions. The proposal, if approved, would create an adverse impact on the national road and associated junction and would, in the Authority's opinion, be at variance with the foregoing national policy.”

Following on from the TII report, it is national policy that there can be no development that would lead to an increase in traffic.

Road Safety Audit:

A Road Safety Audit is provided. It highlighted a number of problems:

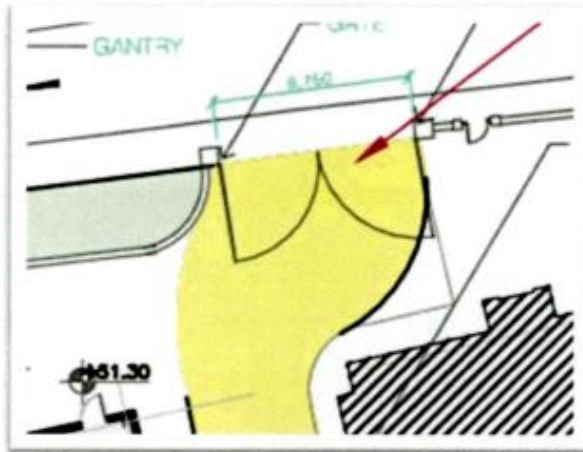
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PROBLEM

The Access is shown to be gated. There is a risk that heavy goods vehicles (HGVs) associated with the warehousing will not be able to gain entry or will have delayed entry which could block the service road. This could lead to delays for emergency vehicles resulting in more severe injuries.



RECOMMENDATION

It is recommended that the gates be set back where HGVs can pull clear of the carriageway.

1.

Roads comment: this proposed solution has not been included in the drawings.

PROBLEM

Although road markings are proposed at the egress point to demonstrate that the service road is one-way only there is a risk that in certain weather conditions and lighting that drivers may not realise this. This could result in wrong way driving and head-on collisions.

2.

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RECOMMENDATION

It is recommended that signage be provided confirming that there is no right turn and that drivers must turn left. Such signs could be provided on approach to the egress point and on a the splitter island between the N4 and the service road.

Roads comment: This proposed solution is not demonstrated in the drawings.

AutoTRAK drawing:

An Autotrak has been provided.

Roads are satisfied with the drawing”.

Refusal is recommended.

Summary of Transport Issues

Having regard to the recommendation of the Roads Department that the proposed development and access arrangements would impact on traffic safety, to the observations raised in the TII and NTA submissions, it is considered that permission should be **refused**.

Services and Drainage

Irish Water has also requested further information regarding the submission of confirmation of feasibility and pre-connection enquiries for both water supply and wastewater. Were the proposals otherwise acceptable, further information would be sought around these issues. Water Services also sought further information in relation to surface water drainage as indicated elsewhere in this report. Were the proposals otherwise acceptable, further information would be sought around these issues.

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Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment.

Table 1: Description of the project and site characteristics

Planning File Reference	SD22A/0382
Brief description of the project	Warehouse
Brief description of site characteristics	Single warehouse
Application accompanied by a NIS Y/N	N

Table 2: Identification of European Sites which may be impacted by the project

European Site	List of Qualifying Interest/ Special Conservation Interest	Distance from proposed development (m/km)	Connections (Source-Pathway-Receptor)	Considered further in screening Y/N
Glenasmole Valley SAC	3 Qualifying Interests CO001209.pdf (npws.ie)	Approx. 13.5km	None apparent.	N
Wicklow Mountains SAC	13 Qualifying Interests ConservationObjectives.rdl (npws.ie)	Approx. 13.3km	None apparent.	N
Wicklow Mountains SPA	2 Qualifying Interests - Merlin (Falco columbarius) [A098] Peregrine (Falco peregrinus) [A103] CO004040.pdf (npws.ie)	Approx. 13.3km	None apparent.	N
South Dublin Bay SAC	4 Qualifying Interests ConservationObjectives.rdl (npws.ie)	Approx. 9km	None apparent.	N

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South Dublin Bay and River Tolka Estuary SPA	14 Qualifying Interests ConservationObjectives.rdl (npws.ie)	Approx. 9km	None apparent.	N
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Table 3: Assessment of Likely Significant Effects

Identify all potential direct and indirect impacts (alone or in combination) that may have an effect on the conservation objectives of a European site, taking into account the size and scale of the project:	
Likely Impacts	Possible Significance of Impacts (duration, magnitude etc.)
<p>Construction phase e.g.</p> <ul style="list-style-type: none"> • Vegetation clearance • Demolition • Surface water runoff from soil excavation/infill/landscaping (including borrow pits) • Dust, noise, vibration • Lighting disturbance • Impact on groundwater/dewatering • Storage of excavated/construction materials • Access to site • Pests 	None apparent.
<p>Operational phase e.g.</p> <ul style="list-style-type: none"> • Direct emission to air and water • Surface water runoff containing contaminant or sediment • Lighting disturbance • Noise/vibration • Changes to water/groundwater due to drainage or abstraction • Presence of people, vehicles and 	None apparent.

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activities <ul style="list-style-type: none"> • Physical presence of structures • (e.g. collision risks) • Potential for accidents or incidents 	
In-combination/Other	None apparent.

Are 'mitigation' measures necessary to reach a conclusion that likely significant effects can be ruled out at screening?
No

Table 4: Screening Determination Statement

Assessment of significance of effects:		
Describe how the proposed development (alone or in-combination) is/is <u>not likely</u> to have <u>significant</u> effects on European site(s) in view of its conservation objectives.		
Conclusion:		
	Indicate (X)	Recommendation
It is clear that there is no likelihood of significant effects on a European site	x	The proposal can be screened out. Appropriate assessment not required.
It is uncertain whether the proposal will have a significant effect on a European site		Request further information to complete screening Request NIS Refuse permission
Significant effects are		Request NIS

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likely		Refuse permission
Completed by	Sarah Watson	
Date	18/11/2022	

Environmental Impact Assessment

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

Other considerations

Development Contributions

Not applicable- Refusal is recommended.

SEA Monitoring Information

- *Building Use Type Proposed*- Warehouse and ESB substation
- *Floor Area (sq.m)*- 3,086sq.m
- *Land Type*- Brownfield/Urban Consolidation
- *Site Area (Ha.)*- 0.6753ha

Conclusion

The proposals have significant deficits in the information presented across several areas. Some of these issues may be possible to resolve by way of a further information request as detailed in the foregoing report. Others serious issues are not possible to overcome.

In particular, the applicant has failed to demonstrate the appropriateness of the development to the surrounding context, in particular, no design statement, photomontages, assessment of visual impact or assessment of the appropriateness of the building height has been demonstrated. Given this lack of information as well as concerns in relation to the design of the structure as presented, the Planning Authority is of the view that the structure has an inappropriate design, visual impact and impact on residential amenity and should therefore be **refused**.

There are also concerns that the development could undermine the delivery of sustainable bus infrastructure in the vicinity of the site contrary to the sustainable travel objectives of the Development Plan. In addition, it is considered that the proposal would endanger public safety

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by reasons of a traffic hazard and would set an undesirable precedent for similar developments and would therefore not be in accordance with the proper planning and sustainable development of the area.

Having regard to the foregoing assessment and conclusion, it is recommended **to refuse permission for the proposals.**

Recommendation

I recommend that a decision to Refuse Permission be made under the Planning & Development Act, 2000 (as amended) for the reasons set out in the Schedule hereto:-

SCHEDULE

REASON(S)

1. Insufficient information has been provided to allow a full assessment. Based on the information provided the proposed development, by reason of its excessive scale and bulk, its inappropriate form and finish, as well as its inadequate response to its context, including neighbouring two-storey residential dwellings would result in a poor quality and visually overbearing form of development that would adversely impact on the visual amenity of the application site, would seriously injure the residential and visual amenities of property in the vicinity of the site and the character of the wider area, and would set an undesirable precedent for similar types of development in the area, accordingly the development fails to comply with Policy QDP9: High Quality Design - Building Height and Density, as well as QDP12 Objective 4, QDP8 Objective 1, Policy QDP3, Policy QDP11 and appendix 10. The proposed development would, therefore, be contrary to the proper planning and sustainable development of the area.
2. Having regard to the submission on file from Transportation Infrastructure Ireland it is considered that the proposal, if approved, would create an unacceptable adverse impact the use of the adjoining national road and associated junction and would, be at variance with national policy national policy relation to development involving access to national roads and development along such roads is set out in the DoECLG Spatial Planning and National Roads Guidelines for Planning Authorities (January, 2012). Section 2.7 of the DoECLG Guidelines concerns development at National Road Interchanges or Junctions.
3. Corridor 6, Lucan to City Centre, of the NTA's Core Bus Corridor (CBC) Project, as provided for in the Transport Strategy, runs along the N4 at this location. The proposal fails to demonstrate that the design on the northern boundary reflects the current preferred design for the Lucan CBC at this location. As such, it is contrary to Policy SM3 Objective 2 of the CDP 2022-2028.

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4. The proposed development, which has failed to incorporate the recommendations from the Road Safety Audit within the proposed design, would endanger public safety by reason of traffic hazard and/or obstruction of road users which would be contrary to Policy SM5 Street and Road Design, which seeks to promote road safety, and would be contrary to the sustainable planning and development of the area.

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REG. REF. SD22A/0382


LOCATION: Lands South Side of Lucan Road, Ballydowd & abutting Hermitage Gardens, Ballydowd, Lucan, Co. Dublin



Gormla O'Corrain,
Senior Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000 (as amended) to Refuse Permission for the above proposal for the reasons set out above is hereby made.

Date: 30/11/2022



Mick Mulhern, Director of Land Use,
Planning & Transportation