

# Comhairle Chontae Atha Cliath Theas

**PR/1536/22**

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

**Reg. Reference:** SD22A/0082      **Application Date:** 24-Mar-2022  
**Submission Type:** Clarification of      **Registration Date:** 07-Nov-2022  
Additional  
Information

**Correspondence Name and Address:** Joseph Cunningham & Associates Aspen House, 76  
Seatown, Dundalk, Co. Louth

**Proposed Development:** Change of use from existing short term tourist accommodation units to full apartment type living accommodation units consisting of 10 two bed ground floor units and 10 two bed duplex type units at first floor level (20 units in total); also, include small elevational changes to facilitate balcony extensions at first floor level and new balcony areas at ground floor level in order to accommodate private amenity space for the individual units; omit Planning Condition 6 of Planning Ref. S01A/0051 (which links the use of units to the City West Hotel); new bicycle shelter and all associated site development works, parking, landscaping and boundary treatment works.

**Location:** Westpark Crescent, Garters Lane, Saggart, Dublin 24

**Applicant Name:** Suites Hotel Management CLG

**Application Type:** Permission

(COS)

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

Site Area: stated as 0.46 Hectares on the application.

Site Visit: 20<sup>th</sup> of April 2022.

### **Site Description**

The subject site is located within an existing development at the north-east corner of the Citywest Hotel Complex and golf course, on the corner of Garter Lane and Naas Road (N7). The site consists of a 3-storey building which is of a semi-circular form. The building comprises of 20 short term tourist accommodation units. Surface car parking is to the front (south-west) of the building. There is existing mature trees and vegetation along the boundaries with Garter Lane (south-eastern boundary) and N7 (northern boundary). The adjoining site to the south-west consists of 4 storey residential apartment buildings, which were previously also used as short

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term tourist accommodation. The site is accessed from Garter Lane via this adjoining residential development.

### **Proposal**

Permission is being sought for the following works:

- Change of use from existing short term tourist accommodation units to full apartment type living accommodation units consisting of 10 two bed ground floor units and 10 two bed duplex type units at first floor level (20 units in total); also, include small elevational changes to facilitate balcony extensions at first floor level and new balcony areas at ground floor level in order to accommodate private amenity space for the individual units;
- Omit Planning Condition 6 of Planning Ref. S01A/0051 (which links the use of units to the City West Hotel);
- New bicycle shelter and all associated site development works, parking, landscaping and boundary treatment works.

### **Zoning**

The subject site is subject to zoning objective 'OS': *'To preserve and provide for open space and recreational amenities'* under the South Dublin County Development Plan 2016-2022.

### **Consultations**

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Roads Department – additional information requested.

Public Lighting – no comments.

Public Realm – additional information requested.

Heritage Officer – no report received.

Architectural Conservation Officer – no report received.

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

Transport Infrastructure Ireland – no report received.

Faite Ireland – no report received.

Department of Housing, Local Government & Heritage – no report received.

Department of Defence – no report received.

SEA Sensitivity Screening – the site overlaps in part with the Strategic Flood Risk Assessment (SFRA) B layer.

### **Submissions/Observations /Representations**

No third party submissions received.

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### Relevant Planning History

#### *Subject site*

SD02A/0411

Retention of alterations to the rear elevation including provision of minor extensions and slight alterations to fenestration to previously approved crescent shaped development. Application Ref. S01A/0051 at lands at Citywest Golf Club. **Permission for retention granted.**

S01A/0051

Twenty hotel suites apartments arranged in crescent shape, 3 storey block, new access via previously permitted development plan reference No. S95A/0477, S97A/0293 and subsequent permission, with associated access road, parking, landscaping, siteworks and service.

**Permission granted.**

Condition No. 6 stated:

*That the proposed development shall be occupied and used only as part of the existing hotel complex on the extended site. Individual units within the complex shall be used for short term tourist accommodation lettings only. Any change will require a grant of planning permission from the Planning Authority or An Bord Pleanala on appeal.*

*Reason: To meet the specific tourism requirements of the development as set out in this application and to ensure that the hotel suites are used solely for tourist accommodation and not sold or occupied as residential units independent of the hotel complex in the interests of amenity and the proper planning and development of the area.*

#### ***Adjacent site also previously linked to Citywest Hotel Complex***

SD16A/0441

Change of use of 80 short term tourist accommodation units (34 1 bed, 46 2 bed units) and the ground floor of the 'reception' block (formerly a hotel reception, dining room and kitchen) to provide for 84 residential apartment units to comprise 34 1 bed, 44 2 bed and 6 3 bed apartments; the provision of balconies/terraces and new openings for windows/doors to all apartment units; the provision of children's play areas, bin stores and 84 bicycle parking spaces. All associated site development, building improvements, landscaping and boundary treatment works above and below ground. **Permission granted.**

SD13A/0190

Permission for omission of conditions attached to Reg. Ref. S95A/0477, S97A/0293 and S97A/0294 in respect of existing development comprising Blocks known as Thomas Scurlock (Nos. 21-34), Dean Swift (Nos. 35-48), Mary Mercer (Nos. 49-62), James Harold (Nos. 63-76), James O'Toole (Nos. 77-90) and Reception (Nos. 91-100). The development sought will consist of the omission of Condition No. 3 of Reg. Ref. S95A/0477, Condition 14 of Reg. Ref.

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S97A/0293 and Condition 14 of Reg. Ref. S97A/0294 (which link the use of the units to the City West Hotel Complex) in so far as they relate to Blocks referenced above in order to facilitate the operation of these units as centrally managed short-term tourist and visitor accommodation independent of the Citywest Hotel Complex. **Permission granted.**

S00A/0563

Retention of two flagpoles and flags at entrance to hotel, along with a digital signpost along the N7/N9 site boundary, two metal signs attached to wing walls at the entrance gate. **Permission granted and refused by SDCC. The decision was appealed by the first party to An Bord Pleanála. ABP granted and refused permission.**

### ***Other sites in relation to the Citywest Hotel Complex – The Round Garden Apartments***

SD18A/0368

Retention of the change of use of 32 apartments from short term tourist accommodation to residential use; associated internal works at ground level to convert fourteen 2 bedroom apartments to fourteen 1 bedroom apartments, including provision of study rooms and increased storage space together with works to provide increased storage space to two apartments; associated internal works at first and second floor (mezzanine) levels to provide enlarged bedrooms, new study rooms and increased storage space to sixteen apartments; associated works in increase the size of fourteen balconies on the southern facade of the building; retention of vehicular access to the development from Church Road via the laneway to the south of the site; associated ground level site and landscaping works including the provision of new or enlarged gardens to the ground floor apartments, reduction in the number of parking spaces from 38 to 29 spaces, removal of associated hard surfacing and the provision of communal open space measuring 711sq.m including a children's play area, cycle parking for up to 32 bicycle and hard and soft landscaping. **Permission and retention permission granted.**

SD14A/0209 & ABP Ref. PL 06S.244266

Development will consist of the following modifications : construction of a new colonnade to the southern elevation of the existing building creating larger balconies for the dwelling at first floor level and private open space for the ground floor apartments; modifications to the site layout including reconfiguration of the existing car parking layout, a new landscaped public courtyard and provision of new outdoor playcentre for the existing residents and all ancillary site works and services; retention of the existing building on revised site boundaries; retention of the change of use of the existing apartments from short stay holiday accommodation to standard residential use. **SDCC refused permission and retention permission** for the following reasons:

*1. The proposed retention of the change of use of the apartments from short term 'golf apartments' for tourism purposes to permanent residential accommodation would result in the*

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*provision of a 32 unit apartment block on 'F - open space' zoned lands. This would materially contravene the development objective indicated in the Development Plan for this land use zoning which is 'to preserve and provide for open space and recreational amenities'. The permanent residential use would have no link or connection to tourism or to recreational amenities and instead would provide for a speculative large scale residential use on lands which have not been zoned as suitable for this purpose. The proposed retention would also undermine the restriction on housing on similar developments in the vicinity and would be contrary to the proper planning and sustainable development of the area.*

*2. The proposed development would materially contravene Condition 10 of S96A/0462 in that it would permit access from Garters Lane, where visibility splays are inadequate, to a permanent residential development via the vehicular access to the south-east of the site instead of via the access avenue to Citywest Hotel and Golf Club.*

*3. The proposed development would result in the removal of short term tourist accommodation in proximity to Citywest Hotel and Golf Club, a major tourism amenity in the County. The removal of this accommodation would undermine Policy EE28: 'Major Leisure Facilities', which states: 'It is the policy of the Council to secure the sustainable provision of major leisure facilities in the County...'*  
*and, with specific reference to LZO 9 'Citywest Destination Resort Complex, Saggart', the aim of which is to support and facilitate the enhancement of such facilities.*

*4. The proposed apartments would be seriously substandard in terms of floorspace for 2 bedroom apartments and would not meet the requirements of the Sustainable Urban Housing: Design Standards for New Apartments (Department of the Environment 2007) which require 73sq.m of floorspace for two bedroom apartments. This would also contravene Policy SN19: Minimum Standards for New Residential Units of the County Development Plan 2010-2016. In addition, no storage areas have been provided and no information has been submitted regarding the use and layout of the large mezzanine floors at second floor level.*

*5. The proposed development would result in substandard levels of private open space to units 19, 21, 23, 26, 28 and 30 due to lack of adequate balcony depth resulting in limited amenity potential. In addition, the semi-private open space proposed is too small to provide for the expected needs of the inhabitants of 32 apartments. No public open space has been provided, and no public parks are located in proximity to the development. This shortfall of public open space is not reflected in a generous provision of semi-private open space. The proposal would not therefore be in compliance with several policies within the County Development Plan which provide for the protection of residential amenity in apartment developments including: - Policy SN27: Private Amenity Space.*

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*Policy SN26: Semi-Private Amenity Space*

*Policy SCR42: Public Open Space and Children's' Play Areas*

*Policy SN17: Bin Storage*

*The proposal would therefore materially contravene the South Dublin County Development Plan 2010-2016.*

*6. The application makes no reference to the location of the site within the curtilage of a Protected Structure, being the walled garden, previously part of the Tassagart House and associated stables complex (RPS:290 and RPS:292). No architectural heritage assessment has been submitted and the impacts of the proposal on the protected site boundary wall cannot be ascertained. The proposal would therefore not comply with Policy AA11 Development Proposals involving Protected Structures.*

*7. The proposed development would set an undesirable precedent for large residential developments on open space zoned lands, which would in themselves and cumulatively be harmful to the development objectives of the area and be contrary to the proper planning and sustainable development of the area.*

First party appeal against decision to An Bord Pleanála. **Permission refused by ABP** for the following reason:

*Having regard to the restricted size of the two-bed apartment units, in particular the shortfall in aggregate living areas and storage area, as well as external bin store areas, it is considered that the proposed development and the development proposed to be retained would lead to a poor standard of residential amenity for the intended occupants, would be contrary to the residential quality policies of the planning authority as set out in the South Dublin County Development Plan 2010-2016, would be contrary to the provisions of the "Sustainable Urban Housing Design Standards for New Apartments – Guidelines for Planning Authorities" issued by the Department of the Environment, Heritage and Local Government (2007) and would be contrary to the provisions of the "Quality Housing for Sustainable Communities Best Practice Guidelines" issued by the Department of the Environment, Heritage and Local Government (2007).*

*The proposed development and the development proposed to be retained would give rise to a cramped form of development, would constitute the over-development of a restricted site, and would, therefore, seriously injure the amenities of the area and the amenities of future occupants, and would be contrary to the proper planning and sustainable development of the area.*

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### Relevant Enforcement History

S4947

Change of use of 10 no. premier suites of the apart-hotel from tourist to commercial use. Alleged non-compliance with planning permission in that one block is being used as residential (change of use). **Closed due to insufficient information.**

### Pre-Planning Consultation

PP003/21

Change of use of the complex consisting of 20 units from short term lettings to apartment-style dwellings.

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

*Section 1.7.3 Self Sustaining Growth Towns*

*Policy CS3 Emerging Moderate Sustainable Growth Town*

*It is the policy of the Council to support the sustainable long term growth of Moderate Sustainable Growth Towns/Emerging Moderate Sustainable Growth Towns based on the capacity of public transport connections and the capacity of social infrastructure.*

*Policy H6 Sustainable Communities*

*It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.*

*Policy H7 Urban Design in Residential Developments*

*It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).*

*Policy H8 Residential Densities*

*It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.*

*Policy H9 Residential Building Heights*

*It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.*

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### *Policy H10 Mix of Dwelling Types*

*It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.*

### *Section 2.3.0 Quality of Residential Development*

#### *Policy H11 Residential Design and Layout*

*It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.*

#### *Policy H12 Public Open Space*

*It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.*

#### *Policy H13 Private and Semi-Private Open Space*

*It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.*

#### *Policy H14 Internal Residential Accommodation*

*It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.*

#### *Policy H15 Privacy and Security*

*It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.*

#### *Policy H15 Residential Consolidation*

*It is the policy of the Council to support residential consolidation and sustainable intensification at appropriate locations, to support ongoing viability of social and physical infrastructure and services and meet the future housing needs of the County.*

### *Section 3.2.0 Community Facilities*

#### *Section 3.13.0 Open Space Management & Use*



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### *Policy C12 Open Space*

*It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.*

### *Policy UC6 Building Heights*

*It is the policy of the Council to support varied building heights across town, district, village and local centres and regeneration areas in South Dublin County.*

### *Section 6.3.0 Walking and Cycling*

#### *Policy TM3 Walking and Cycling*

*It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation.*

### *Section 6.4.3 Road and Street Design*

#### *Policy TM12*

*It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.*

### *Section 6.4.4 Car Parking*

#### *Policy TM7 Car Parking*

### *Section 7.1.0 Water Supply & Wastewater*

#### *Policy IE1 Water & Wastewater*

*It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County.*

### *Section 7.2.0 Surface Water & Groundwater*

#### *Policy IE2 Surface Water & Groundwater*

*It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

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*Section 7.3.0 Flood Risk Management*

*Policy IE3 Flood Risk*

*It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.*

*Section 8.0 Green Infrastructure*

*Policy G1 Overarching*

*Policy G1 Green Infrastructure Network*

*Policy G3 Watercourses Network*

*Policy G4 Public Open Space and Landscape Setting*

*Policy G5 Sustainable Urban Drainage Systems*

*Policy G6 New Development in Urban Areas*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 10.0 Energy*

*Policy E4 Energy Performance in New Buildings*

*Section 11.2.0 Place Making and Urban Design*

*Section 11.2.1 Design Statements*

*Section 11.2.2 Masterplans*

*Table 11.17: Masterplan Considerations*

*Section 11.2.7 Building Height*

*Section 11.3.1 Residential*

- (i) Mix of Dwelling Types*
- (ii) Residential Density*
- (iii) Public Open Space/Children's Play*
- (iv) Dwelling Standards*
- (v) Privacy*
- (vi) Dual Aspect*
- (vii) Access Cores and Communal Areas*
- (viii) Clothes Drying Facilities*

*Table 11.21: Minimum Space Standards for Apartments*

*Section 11.4.1 Bicycle Parking Standards*

*Table 11.22: Minimum Bicycle Parking Rates*

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*Section 11.4.2 Car Parking Standards*

*Table 11.24: Maximum Parking Rates (Residential Development)*

*Section 11.4.3 Car Parking for Electric Vehicles*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.4.5 Traffic and Transport Assessments*

*Section 11.6.1 (i) Flood Risk Assessment*

*Section 11.6.1 (ii) Surface Water*

*Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)*

*Section 11.6.1 (iv) Groundwater*

*Section 11.6.1 (v) Rainwater Harvesting*

*Section 11.6.1 (vi) Water Services*

*Section 11.7.1 Energy Performance In Existing Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

#### **Relevant Government Policy & 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.*

*Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).*

*Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).*

*Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).*

*Sustainable Urban Housing: Design Standards for New Apartments, Department of Housing, Local Government and Heritage, (2020)*

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*Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).*

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

*OPR Practice Note PN01 Appropriate Assessment Screening for Development Management (March 2021).*

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

*Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).*

*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).*

*National Cycle Manual, National Transport Authority, (June 2011).*

*Childcare Facilities Guidelines for Planning Authorities, Government of Ireland (2001)*

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Change of Use;
- Planning Condition;
- Part V;
- Residential and Visual Amenity;
- Landscaping;
- Traffic, Access and Parking;
- Services and Drainage;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

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### ***Zoning and Council Policy***

#### ***Land Use Zoning***

The subject site is located within zoning objective 'OS': *'To preserve and provide for open space and recreational amenities'*. Residential development is Open for Consideration under this zoning objective. The County Development Plan states that these uses may be acceptable to the Planning Authority subject to a detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in the Plan. Proposed uses in this category will be subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level. Such uses may only be permitted where they do not materially conflict with other aspects of the Plan.

The existing building and use were granted under Reg. Ref. S01A/0051, with subsequent design related amendments granted under Reg. Ref. SD02A/0411. The parent permission was for 20 'hotel suites'. At the time the parent permission was granted the site was zoned Objective 'F' *"to preserve and provide for open space and recreational amenities"* (under the 2010-2016 County Development Plan). Hotel/Motel use was open for consideration under this zoning objective at the time. A condition on the parent permission required the units to be occupied and used for short term tourist accommodation lettings only, as part of the existing hotel complex on the extended site.

The subject application would involve the change the use of the short-term tourist accommodation to residential apartments. The site is located on Garter Lane on the edge of the Citywest Hotel lands in Saggart. The Saggart/Citywest area, within which the subject site is located, is defined as a 'Self-Sustaining Growth Town' under the County Development Plan (Variation No. 4). The self-sustaining growth town of Saggart/Citywest will develop based on the capacity of the public transport network and social infrastructure. Policy CS3 outlines it is the policy of the Plan to support sustainable long-term growth based on the capacity of public transport connections and the capacity of social infrastructure.

A precedent has been set for a similar change of use on lands zoned 'Open Space' and associated with the Citywest Hotel Complex, as a result of Reg. Ref. SD16A/0441 on the adjoining lands and Reg. Ref. SD18A/0368 at Round Garden, further south of the subject site. These permissions involved the change of use of 84 and 32 short term tourist accommodation units to residential apartments respectively. The subject development would add 20 residential apartments to this. It is also the last of the originally granted tourist accommodation of the Citywest Hotel Complex in this specific area (north-east of the Citywest Hotel Complex).

The subject site is approx. 900m from the Saggart Luas stop. There are Dublin Bus services along Garter Lane, with a bus stop directly at the entrance to the site from Garter Lane. This

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includes services to the city centre. Under the revised BusConnects network Orbital, Other City Bound and Peak Time Routes are proposed along Garter Lane. The site is also approx. 1 km to Saggart Village, which has a number of local facilities.

Taking into account the planning history of the adjacent and similar lands, the site context and location in terms of public transport and social infrastructure, it is considered that the use of the building for permanent residential use would be acceptable, subject to adequate residential amenity and compliance with other relevant policies, objectives and standards.

#### *Design Statement*

Under Section 11.2.1 of the County Development Plan development proposals of this size (above 10 dwellings) shall be accompanied by a Design Statement. The applicant has submitted a Planning Information Report which sets out the proposed development and how it has been assessed against the relevant standards. Given that the proposed development is for the change of use of an existing building, it is not considered that a full Design Statement is required in this instance.

#### *Change of Use*

The proposed development would provide for the change of use from existing short term tourist accommodation units to full apartment type living accommodation units. The applicant states that the units were originally connected to the City West Hotel. They state that because the hotel has changed ownership it is now proposed to change the use of these units. The applicant states this is in order to regularise the current situation. A letter of consent from the management company has been submitted stating that they have contacted the individual owners of each of the 20 units and gained consent.

The applicant should be requested to clarify the existing use i.e., whether the units are currently being used as residential apartments. If so, the change of use from short term tourist accommodation to residential apartments should be applied for as retention permission. If this is the case, revised statutory planning notices should be submitted as part of the additional information response. **This can be addressed by way of additional information.**

#### *Planning Condition*

The proposal would also involve the omission of Planning Condition 6 of Planning Ref. S01A/0051 (which links the use of units to the City West Hotel). This condition reads as follows:

*That the proposed development shall be occupied and used only as part of the existing hotel complex on the extended site. Individual units within the complex shall be used for short term*

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*tourist accommodation lettings only. Any change will require a grant of planning permission from the Planning Authority or An Bord Pleanála on appeal.*

*Reason: To meet the specific tourism requirements of the development as set out in this application and to ensure that the hotel suites are used solely for tourist accommodation and not sold or occupied as residential units independent of the hotel complex in the interests of amenity and the proper planning and development of the area.*

The condition states that any change will require a grant of planning permission. Therefore, the granting of the subject application would not materially contravene this condition. Given that the proposed change of use acceptable in principle, the Planning Authority finds the omission of this condition acceptable.

### ***Part V***

Section 96(13)(b) of the Planning and Development Act 2000, as amended, states that this section shall not apply for permission for “*the conversion of an existing building or the reconstruction of a building to create one or more dwellings, provided that 50 per cent or more of the existing external fabric of the building is retained*”. Over 50% of the existing external fabric of the building is to be retained. It is therefore considered that Part V does not apply in this instance.

### ***Residential and Visual Amenity***

#### ***Unit Mix and Type***

The proposed 20 apartments would all be 2-bed, 3 person apartments. 10 apartments would be provided at ground floor and 10 duplex type apartments would be provided over the first and second levels. The apartments on the ground floor would be own door (accessed from the front elevation). The apartments on the upper floors would be accessed by 5 stairwells externally accessible from the rear elevation.

While the proposed development would provide for only 2 bed apartments, the adjacent lands (and overall site) provide for a mix of 1 bed, 2 bed and 3 bed apartments. A range of housing has also been permitted within the wider vicinity of the site. Given the scale of the development and surrounding housing, the proposed unit mix is considered to be in compliance with the County Development Plan. The proposed unit mix also complies with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (Apartment Guidelines).

As per section 3.6 of the 2020 Apartment Guidelines “*planning authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres, in accordance with the standards set out in Quality Housing for Sustainable*

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*Communities (and reiterated here in Appendix 1). This type of unit may be particularly suited to certain social housing schemes such as sheltered housing."*

This unit type is not provided for in SDCC's County Development Plan, nor is it imposed by a Specific Planning Policy Requirement of the 2020 Guidelines. The correct standard is therefore the County Development Plan, which contains a blanket minimum floor size of 73sq.m for all 2 bed apartments. The proposed apartments would be approx. 69.4sq.m to 122.9sq.m in size. One apartment type would be approx. 69.4sq.m in size, and therefore under the 73sq.m standard. Considering that this is only marginally under, and that the proposal is to retrofit an existing building, this is considered to be acceptable in this instance.

6 apartment types are indicated in the application documentation. However, it is not clear what apartment type each apartment is (only indicated for some). There are also 2 of every type, so the numbering should be reviewed. **This should be addressed by way of additional information.**

### *Standard of Accommodation*

The existing units would be amended to provide for 20 apartments. This would largely involve internal amendments and elevational changes to facilitate balcony extensions at first floor level and new balcony areas at ground floor level in order to accommodate private amenity space for the apartments. The first and second level apartments would be over 2 storeys with bedrooms, kitchen, bathroom, dining and private amenity on the lower floor (first floor level) and living and storage on the upper floor (second floor level). The ground floor apartments would all be at ground level.

The double bedrooms in Types 1 and one of the Type 3s would be undersized. For these apartment types, the largest bedrooms would be 10.8sq.m, 11.2sq.m and 10.5sq.m. However, the total aggregate bedroom areas for the apartments would be 20.8sq.m, 22.4sq.m and 20.7sq.m. Given this, and that they are only slightly under, the bedroom sizes are considered to be acceptable.

The proposed storage would range from 5.0sq.m to 5.3sq.m. This is slightly under the County Development Plan standard, however, is considered sufficient given the proposal is to retrofit an existing building. Floor to ceiling heights would be approx. 2.5m to 2.8m, which is in compliance with the Apartment Guidelines. The apartments would be dual or triple aspect. This exceeds the requirements and is therefore in compliance.

### *Private and Communal Open Space*

Private amenity spaces in the form of balconies and terraces would largely be provided on the south-west (front) elevation, except at the ground floor for apartment nos. 1 and 10 where it



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would be provided on the side elevations, located east and south of the building (due to the layout of the building). The private amenity spaces all would be approx. 6sq.m to 15.5sq.m in size. The 6sq.m spaces are under the County Development Plan requirement of 7sq.m. It is also considered that private amenity space should be provided in line with 2 bed 4 person apartments under the Apartment Guidelines, which is also 7sq.m. **This should be addressed by way of additional information.**

It is noted that achievement of the standards for private open space is dependent of works being carried out. The units appear to currently be occupied. No timescale has been set out in the application documentation for the carrying out of these works. Therefore, if permission is granted, a condition should be included imposing a timescale for the carrying out of these works, namely one year from the date of grant of permission, or other such period as agreed in writing with the Planning Authority within one month of the date of the final grant of permission.

Modifications to the existing areas of open space have been indicated to provide amenity areas and landscaping. However, as also pointed out by the Public Realm Section, it is not clear what is proposed as communal open space. **The applicant should be requested to clarify this via additional information.**

### *Visual and Residential Amenity*

The closest residential development to the site is the adjacent apartment buildings to the south-west of the site. The south-eastern (inner circular) elevation would be amended to provide for private amenity space for the ground floor apartments and extend the existing private amenity spaces for the first floor apartments. The side elevations would be amended to provide for private amenity spaces at the ground floor for the apartments on the sides. No changes to the overall height of the building are proposed. Given the small scale and nature of the proposed external works it is not considered that the proposed development would have an unacceptable impact on visual and residential amenity.

### *Landscaping*

The applicant states that 500sq.m of public open space and landscaping would be provided. As noted above it is not clear whether this includes communal open space. **The applicant should clarify this.** High quality, usable communal open space should be provided in line with the County Development Plan and Apartment Guidelines. In terms of public open space, it is acknowledged that due to accessibility of the site from the public realm, meaningful public open space may not be able to be provided. However, this still needs to be addressed and justified.

It is noted that the site is adjacent to open space on the adjacent lands, including a playground. However, as this land is outside of the control of the applicant, access to this cannot always be

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guaranteed. It is therefore important that sufficient and quality open space is afforded to the development within the grounds of the subject site.

The retention of the existing trees and vegetation along the north-west site boundary is welcomed. The applicant states that infill/additional tree and shrub infill are proposed along this boundary. It is not clear from the submitted documentation what is proposed and what it to be retained. As noted by the Public Realm Section below, **detail on the retention of existing trees and vegetation should be provided via additional information.**

The Public Realm Section has reviewed the proposed development and requests additional information as follows:

### *Main Concerns:*

- *Lack of detailed landscape proposals for the proposed development.*
- *lack of SuDS (Sustainable Drainage System) shown for the proposed development.*
- *lack of information provided in relation to existing vegetation on site.*

### *Public Open Space*

*All public open spaces shall be of a high quality in terms of design and layout, be located in such a manner as to ensure informal supervision by residents and be visually and functionally accessible to the maximum number of residential units. The proposed development should create positive additions to the open spaces of the area in the form of planting, permeability, and usable open space. Open space design within developments shall:*

- *include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion;*
- *have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;*
- *have public spaces that feel safe, secure and attractive for all to use; and have trees and other planting within public spaces for people to enjoy, whilst also providing shading, and air quality and climate change mitigation.*

*The applicant shall provide clarification and additional information in relation to the following issues:*

- i. The applicant has not provided details as to the levels and gradients with the proposed public open space areas. The developer shall submit level details for the open space areas, this shall include cross section drawings where applicable.*
- ii. The applicant has failed to provide of plan which clearly delineates public, communal and private spaces provided, as well as a detailed breakdown of the total area of same. Response should include a plan which clearly delineates public, communal and private spaces to be provided, as well as a detailed breakdown of the total area of same.*

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iii. *Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The applicant should show how public open spaces in the wider area will link in and integrate with the proposed development. The public realm should be integrated into the adjacent development areas, creating continuous green infrastructure connections that form both physical and biodiversity links.*

### *Landscape Plan*

*There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, details of proposed play provision, detailed design of SUDs features including swales and integrated tree pits. The landscape proposals to be prepared by a suitably qualified landscape architect.*

### *Existing Trees and Hedgerows*

*There are concerns with the lack of information submitted in relation to existing trees and hedgerows within the site. The applicant is requested to submit a detailed tree and hedgerow survey report for the trees within the proposed development area. This tree survey shall be undertaken by a suitably qualified arborist. The report shall provide detailed information on the condition and health of the existing trees, and it shall also clearly detail what impacts the development will have on the trees but also potentially the tree roots. The Council recognises the importance of existing trees and requires that they be given adequate consideration at all stages of the development process, from feasibility stage to post completion management. The applicant is requested to submit the following information in accordance BS 5837:*

1. *Tree Report and Survey*
2. *Arboricultural Impact Assessment*
3. *Tree Constraints Plan*
4. *Tree Protection Plan*
5. *Arboricultural Method Statement (AMS)*

### *SUDS*

*There is a lack of SuDS (Sustainable Drainage System) shown for the proposed development. Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022.*

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*A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system.*

*The current proposed drainage system needs to be developed further in order to sustainably manage surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. SuDS that should be considered for the SHD development include:*

- *Bio retention systems*
- *Infiltration systems*
- *Tree pits*
- *Channel rills*
- *Green area detention basins*
- *swales*

*Revised proposals to be provided by the applicant in this regard. Response should include revised layout and drawings.*

### *Green Infrastructure*

*The applicant is requested to submit green infrastructure proposals to help mitigate and compensate for the impact of the proposed development on this green field site and the removal of a hedgerow. These proposals shall include additional landscape details, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

*The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following additional information be provided:*

#### *1. Landscape Proposals*

*The applicant is requested to submit comprehensive and detailed landscape proposals for the development, prepared by a qualified Landscape Architect. Such proposals should include a scaled landscape plan(s) with cross-sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design*

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*details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause. The Landscape Proposals shall provide the following detailed information:*

- A. *A Landscape Masterplan to scale of not less than 1:500 showing –*
  - i. *The species, variety, number, size and locations of all proposed planting*
  - ii. *Details of Hard landscape works, specifying surface material and furniture*
  - iii. *Details of natural SuDs features*
  - iv. *Details of proposed play provision*
  - v. *Detailed Sections and Elevations*
- B. *Specifications for mounding, levelling, cultivation and other operation associated with plant and grass establishment*
- C. *A timescale for implementation*

### *2. Existing Trees and Hedgerows*

*The applicant shall submit and agree a comprehensive Tree and Hedgerow Report with SDCC Public Realm Section. This shall comprise a detailed Tree and Hedgerow Survey and Arboricultural Impact Assessment, Tree Constraints Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by an independent, qualified Arborist and shall include all of the following:*

- i) *Tree Survey Plan: all trees and hedges on and adjacent to the subject site (i.e., within falling distance thereof) shall be accurately plotted, tagged and shown on a scaled drawing of a topographical survey of the site*
- ii) *Tree Survey Schedule: a summary of the surveyed trees and hedges, giving a breakdown of their tag nos., species, size, age, condition and useful life expectancy*
- iii) *Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development on the surveyed trees and hedges; along with a summary table of the tree population and quantification of impacts/losses etc. (total number surveyed and total numbers/percentage to be retained and felled respectively).*
- iv) *Design Iteration - Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] shall demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South*

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*Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate*

- v) *Tree Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development.*
- vi) *Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs') of all trees and hedgerows to be clearly shown on this drawing.*
- vii) *Arboricultural Method Statement: clear and practically achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.*
- viii) *Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages.*
- ix) *The applicant is requested to submit pictures of the existing trees/hedgerows subject to any tree protective fencing. This shall include a location map of where each picture was taken from.*

### 3. SUDS

*Natural SUDS features shall be incorporated into the proposed drainage system. The SUDS shall be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022. A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. In addition, the applicant shall provide the following:*

- *The applicant shall show further proposed SuDS features for the development such as Green roofs, grass areas, tree pits, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS*
- *Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
- *The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.*

The report from the Public Realm Section is noted. It is considered that these items should be addressed **via additional information.**

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### *Traffic, Access and Parking*

27 car parking spaces and 20 bicycle parking spaces would be provided. Bicycle parking spaces would be provided within a shelter structure. The Roads Department has reviewed the proposed development and requests additional information:

#### *Description:*

1. *Change of use from existing short term tourist accommodation units to full apartment type living accommodation units consisting of 10 two bed ground floor units and 10 two bed duplex type units at first floor level (20 units in total) – **Relevant***
2. *Omit Planning Condition 6 of Planning Ref. S01A/0051 (which links the use of units to the City West Hotel) – **Not relevant to Roads Dept***
3. *New bicycle shelter, all associated site development works, parking, landscaping and boundary treatment works – **Relevant***

#### *Proposed COU:*

### **2.0 PROPOSED DEVELOPMENT**

The existing units are termed as short-term letting (tourist) units which were originally connected to the City West Hotel. As the CWH has now changed ownership and the units in Westpark Crescent are privately owned and no longer connected to the CWH is it proposed to apply for COU of these units to full apartment type living accommodation in order to regularise the current situation.

#### *Zone 1:*

*Luas/PT is more than 400m from site*

#### *Outline:*

*The approach here is to consider this as a new application while being cognisant that the building exists, and this application is akin to a retention.*

*The change of use is from short-term letting to full apartment living so the standards for apartment buildings will apply.*

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#### Traffic:

##### 3.11 Roads and Traffic

The development site has a single access onto the public road, Garters Lane, which together with pedestrian footpaths and bicycle lanes. The main entrance onto Garters Lane has been upgraded under PP Reg. Ref. SD16A/0441, in accordance with the current requirements and regulations.

Based on the previous Traffic and Transportation Assessment for the adjoining Blocks under planning Ref. SD16A/0441, this proposal for COU will not have any significant impact in terms of traffic volumes from that of the existing similar use and therefore we would consider that the recent upgrading works to this entrance are adequate for the road user safety and caters for the link/junction capacity.

*Rational is satisfactory to Roads Dept – No significant increase in traffic anticipated.*

#### Car Parking:

Table 11.34: Maximum Parking Rates (Residential Development)

DWELLING TYPE	NO. OF BEDROOMS	ZONE 1	ZONE 2
Apartment	1 Bed	1 space	0.75 space
	2 bed	1.25 space	1 space
Duplex	3 bed+	1.5 spaces	1.25 space
	1 Bed	1 space	1 space
House	2 Bed	1.5 space	1.25
	3+ bed	2 space	1.5

The number of spaces provided for any particular development should not exceed the maximum provision. The maximum provision should not be viewed as a target and a lower rate of parking may be acceptable subject to:

Maximum Car-parking			
	Units	Rate	Spaces
2-bed	10	1.25	12.5
Duplex	10	1.25	12.5
Total	20		25



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#### 3.8 Parking Facilities

Car parking layout has been revised to cater for the requirements, 27 no. car parking spaces is provided in accordance with the standards set out in Chapter 11, Table 11.24 of the SDCC Development Plan 2016 – 2022, with 10% of the spaces being electric charging spaces and 5% being mobility spaces. 20 no. bicycle parking spaces will be provided and designed in accordance with the requirements of the 'National Cycle Manual, NTA (2011)' as illustrated on the proposed site layout plan Drg. No C2101 – P03 and P11 to serve the proposed residential apartment units.



*Maximum car spaces is 25, with 27 existing/proposed.*

*Roads see this as a satisfactory total given that the building and mature grounds are existing and the proposed only exceeds the max by a small margin.*

*Bicycle Parking:*

*10no bicycle parking spaces have been proposed.*

#### 11.4.1 BICYCLE PARKING STANDARDS

Table 11.22 sets out Minimum Bicycle Parking rates for all new development in the County. Bicycle parking rates are divided into two main categories:

- **Long Term:** These are to be designed for use by residents and employees. Such spaces should be located in a secure area that is not freely accessible to the general public.
- **Short Stay:** These are to be designed for ease of use by the general public. Such spaces should be located in highly visible areas that are easy to access.

Table 11.22: Minimum Bicycle Parking Rates

CATEGORY	LAND USE	LONG TERM	SHORT STAY
Accommodation	Hotel †	1 per 5 staff	1 per 10 bedrooms
	Nursing Home	1 per 5 staff	1 per 10 residents
	Residential Apartment	1 per 5 apartments	1 per 10 apartments
	Student Accommodation	1 per bedroom	1 per 5 bedrooms

*SDCC CDP 2016-22 11.4.1 sets out the minimum standards for bicycle parking spaces.*

Minimum bicycle parking			
	Units	Rate	Spaces
2-bed	10	1/5	2
Duplex	10	1/5	2
Total	20		4

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*Department of Housing, LG & Heritage - Sustainable Urban Housing: Design Standards for New Apartments – Bicycle Parking & Storage - 4.17*

- *Quantity – a general minimum standard of 1 cycle storage space per bedroom shall be applied. For studio units, at least 1 cycle storage space shall be provided. Visitor cycle parking shall also be provided at a standard of 1 space per 2 residential units. Any deviation from these standards shall be at the discretion of the planning authority and shall be justified with respect to factors such as location, quality of facilities proposed, flexibility for future enhancement/enlargement, etc.*

*20 units with 40 bedrooms gives a min of 40 spaces.*

*Roads Department feel that 30no bicycle spaces will suffice given the location.*

*All bicycle parking must be covered.*

*Taking in Charge:*

*The applicant is to provide a Taking In Charge Map that distinguishes between all areas to be offered to SDCC. All roads, paths, relevant services to be constructed to a taking in charge standard.*

*Sightlines for Garter Lane junction:*

*Roads Department have concerns that the existing sightlines are not to the required standard.*

*Applicant to submit a drawing of the junction illustrating the existing junction geometry with existing sightlines clearly identified.*

*Bin storage:*

*Proposed bin storage is deemed to be adequate.*

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

*1. Applicant to submit a drawing of the junction illustrating the existing junction geometry with existing sightlines clearly identified.*

*2. Applicant to submit revised drawings showing 30no covered bicycle parking spaces.*

*3. The applicant is to provide a Taking In Charge Map that distinguishes between all areas to be offered to SDCC. All roads, paths, relevant services to be constructed to a taking in charge standard.*

The report from the Roads Department is noted. The Garter Lane junction is outside the subject site and outside of lands within the control of the applicant. This junction is existing and was upgraded as part of the previous planning permission on the adjacent lands. It is also noted that the proposed development is for a change of use from an existing accommodation type use and,

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as advised by the Roads Department, no significant increase in traffic is anticipated. Given this it is therefore considered that the item relating to the junction should not be requested.

In relation to bicycle parking the Apartment Guidelines 2020 would require 40 spaces for the residents and 10 spaces for visitors. An increased bicycle provision from that proposed (20) should therefore be provided. Additionally, it is not clear from the information submitted whether any part of the site is proposed for taking in charge by SDCC. **These items should be requested via additional information.**

### *Services and Drainage*

Water Services has reviewed the proposed development and has no objection subject to conditions. This includes a condition to use permeable paving as part of the Sustainable Urban Drainage System (SuDS). The Public Realm Section have recommended that additional information be sought in relation to SuDS. **It should therefore be addressed by way of additional information.**

Irish Water has reviewed the proposed development and has no objection subject to standard conditions relating to connection agreements. There are existing waste supply and foul water connections for the building. However, if any changes to these are proposed this should be addressed with Irish Water as a condition of permission.

### *Environmental Health*

The H.S.E. Environmental Health Officer has reviewed the proposed development and finds to acceptable subject to conditions relating to noise control and air quality during construction. This report is noted and should be conditioned as such in the event of a grant of permission.

### *Screening for Environmental Impact Assessment*

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

### *Screening for Appropriate Assessment*

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involved the change of use of an existing building to residential apartments.

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Having regard to:

- the scale and domestic nature of the development,
- the location of the development, and
- the consequent absence of a pathway to the European site,

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

#### Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2016-2022,
- the established character of the area, and
- the scale, design and standard of the proposed development,

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

#### Recommendation

Request Additional Information.

#### Additional Information

Additional Information was requested on the 18<sup>th</sup> of May 2022

Additional Information was received on the 11<sup>th</sup> of August 2022 (not deemed significant).

#### Additional Information Consultations

Water Services – no objection subject to conditions.

Irish Water – no objection subject to conditions.

Public Realm Section – no objection subject to conditions.

Roads Department – no objection subject to conditions.

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

Since the additional information request was issued, the South Dublin County Development Plan 2022-2028 has come into effect as of the 3<sup>rd</sup> of August 2022. The additional information submitted will be assessed under this Plan. The following policies and objectives are considered relevant to the proposed development:

*Policy CS8: Saggart*

*Policy NCBH1: Overarching*

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*Policy NCBH2: Biodiversity*

*Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas*

*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.*

*Policy GI2: 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.*

*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.*

*Policy GI5: Climate Resilience*

*Table 4.1 Strategic Green Infrastructure Corridors*

*Strategic Corridor 5: Camac River Corridor*

*Policy QDP1: Successful and Sustainable Neighbourhoods*

*Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods*

*Policy QDP7: High Quality Design – Development General*

*Policy QDP10: Mix of Dwelling Types*

*Policy QDP11: Materials, Colours and Textures*

*Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment*

*H1 Objective 12:*

*Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:*

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- *there are unique site constraints that would prevent such provision; or*
- *that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- *the scheme is a social and / or affordable housing scheme.*

*Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).*

*Policy H3: Housing for All*

*H3 Objective 4:*

*To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved.*

*Policy H7: Residential Design and Layout*

*Policy H8: Public Open Space*

*Policy H9: Private and Semi-Private Open Space*

*Policy H10: Internal Residential Accommodation*

*Policy H11: Privacy and Security*

*Policy SM2: Walking and Cycling*

*Policy SM7: Car Parking and EV Charging*

*Policy COS5: Parks and Public Open Space – Overarching*

*Policy E3: Energy Performance in Existing and New Buildings*

*Policy IE2: Water Supply and Wastewater*

*Policy IE3: Surface Water and Groundwater*

*Policy IE7: Waste Management*

*Policy IE8: Environmental Quality*

*Policy IE9: Casement Aerodrome*

*12.3.1 Appropriate Assessment*

*12.3.2 Ecological Protection*

*12.3.3 Environmental Impact Assessment*

*12.4.1 Green Infrastructure Definition and Spatial Framework*

*12.4.2 Green Infrastructure and Development Management*

*12.5.1 Universal Design*

*12.5.2 Design Considerations and Statements*

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

*12.6.1 Mix of Dwelling Types*

*12.6.7 Residential Standards*

*Table 3.21: Minimum Standards for Apartments*

*12.6.10 Public Open Space*

*12.7.1 Bicycle Parking / Storage Standards*

*12.7.4 Car Parking Standards*

*12.7.5 Car Parking / Charging for Electric Vehicles (EVs)*

*12.11.1 Water Management*

*12.11.3 Waste Management*

*12.11.4 Environmental Hazard Management*

*12.11.5 Aviation, Airports and Aerodromes*

The key policies and objectives relevant to the proposed development are assessed as follows:

#### ***Principle of Development***

Under the 2022-2028 CDP 'Residential' development is Open for Consideration under the Open Space zoning '*only where this accords with H3 Objective 4*'.

*H3 Objective 4* reads as:

*To support community led housing developments for older persons and social and Council affordable housing in established areas on lands designated with Zoning Objective "OS" (To preserve and provide for open space and recreational amenities), only where the quality and quantum of remaining public open space is deemed to be adequate, and the amenities of the area are preserved.*

The proposed development has not been indicated as a community led housing development for older persons nor social or Council affordable housing.

However, under section 12.2.1(vi) the CDP states that '*there are instances throughout the County where land uses do not conform with the zoning objective of a site. These include instances where such uses:*

- 1. were in existence on 1st October 1964 (that is, prior to planning legislation), or*
- 2. have valid permission, or*
- 3. have no permission and may or may not be the subject of enforcement proceedings'.*

The existing use, short-term tourist accommodation, has a valid permission on the OS zoning under Reg. Refs. S01A/0051 and SD02A/0411. It is therefore considered to come under category 2 of the above listed non-conforming uses.

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The CDP states that '*Development proposals that relate to uses referred to under categories 1 and 2 above, particularly those that would intensify non-conforming uses, will be permitted only where the proposed development would not be detrimental to the amenities of the surrounding area and would accord with the principles of proper planning and sustainable development. This includes the integration of land use and transport planning*'.

The proposal would involve utilising the existing units as full apartment type living accommodation units with associated works. The proposal does not involve intensifying the existing non-conforming use, the number of units would remain at 20 no. Works proposed include enlarging or providing private amenity space and improvements to open space and parking.

It is also considered that the proposed development would improve the impact of the non-conforming use on the amenities of the surrounding area. The site adjoins a site with a number of buildings already permitted to be in full apartment type use. The subject building is the only one within this complex that remains in a more commercial type of accommodation, potentially disrupting the residential nature of the remainder of the overall site. This part of the open space lands has not been used for open space purposes since permission for the building was granted in 2001, then constructed.

As such, the proposed development would not be detrimental to the amenities of the surrounding area and would accord with the principles of proper planning and sustainable development.

### ***Dwelling Mix***

The 2022-2028 CDP also introduces the following objective in relation to dwelling mix:

#### ***H1 Objective 12:***

*Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:*

- there are unique site constraints that would prevent such provision; or*
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- the scheme is a social and / or affordable housing scheme.*

*Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).*

The proposed development would provide for only 2 bed apartments. However, it is noted that the building and apartments are existing. In this instance, this is considered to be a unique site constraint. The proposed mix is therefore considered to be in compliance with this objective.



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#### ***Green Infrastructure***

The subject site is located within Primary GI Corridor – Camac River as identified on Figure 4.4.: Green Infrastructure Strategy Map of the 2022-2028 CDP. Under Table 4.1 Strategic Green Infrastructure Corridors, Strategic Corridor 5: Camac River Corridor has the following relevant overarching objectives:

- *To avoid further fragmentation of the Green Infrastructure network at the urban fringe and strengthen existing ecological links between built-up areas along this corridor.*
- *To enhance the GI network by addressing habitat quality issues along the Camac River and by identifying and including additional 'stepping stone' opportunities along the river.*
- *To improve the ecological GI value and connectivity of landscape features created as part of permitted development.*

Under section 12.4.2 the CDP states that the development should, at a minimum, protect any existing GI assets and enhance same. The proposal would involve the removal of a small section of Buxus groundcover and one tree immediately west of the building to facilitate the construction of a balcony and additional car parking. It would otherwise retain existing trees and vegetation, including the significant buffer along the northern and eastern boundaries. The proposed planting scheme includes additional trees to open space. It would also involve permeable paving to car parking spaces and new tree pits.

Given the above, the proposed development is considered to comply with Policy Objectives GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the CDP 2022-2028.

#### ***Public and Communal Open Space***

The open space policies and objectives under the CDP, in particular those that pertain to public open space, have changed. This is discussed further under the following section of this report (under Item 2).

#### **Assessment of Additional Information**

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

*The applicant is requested to:*

- (a) Clarify the existing use i.e., whether the units are currently being used as residential apartments. If so, the change of use from short term tourist accommodation to residential apartments should be applied for as retention permission. If this is the case, revised statutory planning notices should be submitted as part of the additional information response.*
- (b) Clearly detail and number the apartment types and specify what type each apartment is.*
- (c) Submit a revised proposed development that increases the size of the private amenity spaces to comply with the (2-bed 4-person apartment) requirements of the South Dublin County Development Plan 2016-2022 and Sustainable Urban Housing: Design Standards for New Apartments (2020).*

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Applicant's Response:

- (a) Advise that they have queried the current use with the directors and some of the owners of the units and they have confirmed as far as they are aware that the existing use is predominantly short-term letting use.
- (b) The applicant has submitted revised proposed floor plans Drg Nos. C2101-P04, P05 & P06.
- (c) Private amenity space in line with the 2022-2028 CDP.

Assessment:

- (a) The applicant has confirmed that the units are not currently in permanent residential use for which this application is applying for. Retention permission therefore does not need to be applied for.
- (b) The revised proposed floor plans indicate the apartment type for each apartment.
- (c) The new South Dublin County Development Plan 2022-2028 provides for 2 bed 3 person apartments. The proposed balconies would provide for the minimum private amenity space of 6sq.m under the CDP.

It is therefore considered that these items have been satisfactorily addressed.

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

*In relation to landscaping and open space the applicant is requested to submit the following:*

- (a) Documentation/drawings identifying the area(s) of usable communal open space for the proposed development (within the subject site). The applicant should also address how public open space has been considered.*
- (b) Comprehensive and detailed landscape proposals for the development, prepared by a qualified Landscape Architect. Such proposals should include a scaled landscape plan(s) with cross-sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause. The Landscape Proposals shall provide the following detailed information:*

- A. A Landscape Masterplan to scale of not less than 1:500 showing –*
  - i. The species, variety, number, size and locations of all proposed planting*
  - ii. Details of Hard landscape works, specifying surface material and furniture*
  - iii. Details of natural SuDs features*
  - iv. Details of proposed play provision*
  - v. Detailed Sections and Elevations*

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*B. Specifications for mounding, levelling, cultivation and other operation associated with plant and grass establishment*

*C. A timescale for implementation*

*(c) A detailed Tree and Hedgerow Survey and Arboricultural Impact Assessment, Tree Constraints*

*Plan, Tree Protection Plan and Arboricultural Method Statement, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report should be carried out by an independent, qualified Arborist and shall include all of the following:*

*(i) Tree Survey Plan: all trees and hedges on and adjacent to the subject site (i.e., within falling distance thereof) shall be accurately plotted, tagged and shown on a scaled drawing of a topographical survey of the site*

*(ii) Tree Survey Schedule: a summary of the surveyed trees and hedges, giving a breakdown of their tag nos., species, size, age, condition and useful life expectancy*

*(iii) Arboricultural Impact Assessment: a thorough, detailed and realistic analysis and assessment of the likely impacts of the proposed development on the surveyed trees and hedges; along with a summary table of the tree population and quantification of impacts/losses etc. (total number surveyed and total numbers/percentage to be retained and felled respectively).*

*(iv) Design Iteration - Adjustments, Revisions to Proposed Site Layout: subsequent to and arising from the Impacts Assessment, the applicant's design team [especially arborist, consulting architect(s) and engineer(s)] shall demonstrate in their submission, that it has sufficiently explored and investigated layout alternatives, to achieve an optimal solution that meets South Dublin County Councils Tree Strategy and its Development Plan standards in respect of tree preservation and tree retentions, as appropriate*

*(v) Tree Constraints Plan: a scaled site plan (1:500@A1) showing the impacts of all surveyed trees in relation to the site layout of the proposed development.*

*(vi) Tree Protection Plan: a scaled site plan (1:500@A1) of the proposed development, clearly showing and distinguishing (by colour coding) those trees and hedges to be retained and protected and those to be removed; showing alignments of Tree Protection Fencing and areas to be excluded from construction activities and compound(s), site office(s), plant, equipment and materials storage. Root Protection Areas (RPAs') of all trees and hedgerows to be clearly shown on this drawing.*

*(vii) Arboricultural Method Statement: clear and practically-achievable measures to be used during the construction period, for the protection and management of all trees and hedges that are to be retained, as shown in the Tree Protection Plan.*

*(viii) Summary Table: Summary of all trees and hedgerow proposed for removal and retention to include numbers and percentages.*

*(ix) The applicant is requested to submit pictures of the existing trees/hedgerows subject to any tree protective fencing. This shall include a location map of where each picture was taken from.*

*(d) Natural SUDS features should be incorporated into the proposed drainage system. The SUDS should be an integrated multi-disciplinary approach which locally addresses water*

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*quality, water quantity, and provides for amenity and biodiversity enhancement which meets the objectives of South Dublin County Council Development Plan 2016-2022. A comprehensive SUDS Management Plan should be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation. In addition, the applicant is requested to:*

- show further proposed SuDS features for the development such as Green roofs, grass areas, tree pits, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS*
- demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.*
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.*

### Applicant's Response:

The applicant has submitted a cover letter, Tree & Hedgerow Survey, Assessment, Management, Mitigation & Protection Measures report, Landscape Specifications and Maintenance Programme, Landscape Plan, Tree survey drawing, and Engineering Report.

### Assessment:

The applicant has not clarified how public and communal open space has been assessed. It is not clear whether the open space proposed is intended as public and/or communal open space. Given that the applicant has indicated that no areas are to be taken in charge and the areas are not easily accessible from the public realm, this would suggest that the open spaces areas are intended as communal open space. However, this would need to be clarified.

The applicant has previously advised that 500sq.m of open space is proposed.

Under section 8.7.3 of the 2022-2028 CDP the overall standard for public open space is 2.4 hectares per 1,000 population. This will be applied to all developments with a residential element, such as the subject proposal. Within that standard, there are specified percentages as set out in Table 8.2 which must, as a minimum, be provided on site.

As per COS5 Objective 6 the occupancy rate for dwellings with two or fewer bedrooms is 1.5 persons. For the subject proposal of 20 no. dwelling units, this equates to 30 persons. At a rate of 2.4ha per 1,000 population, **0.072ha or 720sqm of public open space** is required for the subject development.

Under Table 8.2 the specified percentage of open space for the proposed development is a minimum of 10% of the site area. In this instance, this equates to **0.046ha or 460sq.m of public**

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**open space to be provided on site at a minimum. This is included within the overall requirement of 0.072ha or 720sqm of public open space.**

In terms of communal open space, Table 3.21 of the CDP requires a minimum of 6sq.m per 2 bed 3 person unit. This equates to a minimum of **120sq.m communal open space** required.

The applicant needs to clarify how they intend to comply or address the above requirements. If the open space onsite is intended as communal open space and the 720sq.m of public open space cannot be achieved onsite, the applicant is referred to COS Objectives 4 and 5 of the CDP. These objectives provide discretion to Council for the remaining open space requirement (720sq.m), to be made up by the provision or upgrading of parks or through financial contribution.

If the applicant intends to provide the full 120sq.m communal open space and 720sq.m public open space onsite, a significant redesign of the open space is required. This space should be of a higher quality, easily accessible from the public realm, with pedestrian and cyclist permeable, contribute to biodiversity etc.

Regardless of the above, the Planning Authority and Public Realm Section would have concerns with the landscape layout and design as currently proposed. The applicant is requested to consider omitting part of the road to the north of the building (around the building), between the car parking spaces to the west of the building and to the rear (next to the bin store) and replacing this with open space. Pedestrian and cyclist access can be incorporated into the space to provide access to the stairwells at this location. Public Realm also require detail on the proposed tree pits and planting.

Public Realm have also raised concerns with the lack of information submitted in relation to the proposed play provision for the development. The landscape plan references connections to the open space and play area on the adjoining lands. These adjoining lands are outside the control of the applicant and the Council and therefore this adjoining open space and play area cannot be guaranteed going forward. It is therefore important the appropriate open space and play provision is provided within the site boundary.

Water Services have reviewed the information submitted and advise that permeable paving should be used for the proposed paving areas to contribute to SUDS.

**The above should be addressed via clarification of additional information.**

The Public Realm Section's comments are included in this report for clarity:

*The Public and communal open spaces for the proposed development should be designed to all relevant qualitative standards, in addition public and communal open spaces should be designed to be usable and functional within the overall proposed development.*

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*Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The applicant should show how public open spaces in the wider area will link in and integrate with the proposed development. The public realm should be integrated into the adjacent development areas, creating continuous green infrastructure connections that form both physical and bio-diversity links.*

*The proposed development should create positive additions to the open spaces of the area in the form of planting, permeability, and usable open space.*

*Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing housing developments and contiguous lands. The main open space/park area to the east lacks an informal kickabout area, additional provision in landscape proposals should be made for teenagers.*

### *1. Landscape Proposals*

*The focus of the landscape proposals should be to retain the existing mature trees on site and to protect and enhance existing ecology and biodiversity function of the green infrastructure network within the subject site. The landscape design objectives for the proposed scheme should be:*

- i. Retain and protect existing hedgerows and trees on site*
- ii. To protect and enhance biodiversity value and ecological function of the existing green infrastructure network*
- iii. Provide connectivity within the scheme, allowing it to be integrated within the wider context for both future amenity areas and residential developments.*
- iv. Cater for creative play opportunities distributed throughout the public open space*
- v. Integrate public and shared private amenity space*
- vi. Create a safe, diverse, interesting and attractive range of open space with passive surveillance from the surrounding residential development*
- vii. Create an appropriate setting for the proposed development.*

### *2. SuDS and Green Infrastructure*

*The principles of Green Infrastructure planning are central to sustainable land use and development. Green Infrastructure is the network of green spaces, habitats and ecosystems within a defined geographic area, which can range in size from an entire country to a neighbourhood. The Green Infrastructure involves the planning, management and engineering of green spaces and ecosystems in order to provide specific benefits to society. The applicant should have cognizance of the broader green/blue infrastructure network within the local area and how the landscape proposals for this development will interconnect with the existing green/blue infrastructure.*

*The current proposed drainage system needs to be developed further in order to sustainably manage surface water through a natural hydrological regime or SUDS scheme within the development.*

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*The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. Additional SuDS that should be considered for development are the following:*

- *Bio retention systems*
- *Infiltration systems*
- *Tree pits*
- *Channel rills*
- *Green area detention basins*

### 2. *Arboricultural Impact*

#### 3. *Protection of Existing Hedgerows and Trees*

*In order to ensure the protection of hedgerows and trees to be retained within the site, the applicant shall implement all recommendations pertaining to Tree Protection within the submitted Tree Survey Report.*

#### 4. *Planting plan*

*It is a necessity that a detailed planting plan is submitted with this application. We specifically require detail on the proposed tree pits and proposed open space and boundary planting. This plan must include details on tree/plant species, varieties, quantities, sizes and all specifications in relation to both hard and soft landscaping. Constructed tree pits/structural soil shall be utilised to ensure that the necessary soil volume can be achieved on site to ensure the healthy growth and development of the proposed tree species. Tree pits incorporating SUDS features should include a deep cellular water storage/attenuation area below the surface which acts as a soakaway allowing surface water to infiltrate into the ground.*

#### 5. *Play*

*There are concerns with the lack of information submitted in relation to the proposed play provision for the development. The applicant is requested to provide fully detailed play proposals as part of the landscape scheme for the proposed development. There seems to be insufficient play items proposed considering the size of the overall proposed development. In addition, no provision has been made for teenagers within the development. Additional play provision needs to be made within the landscaping scheme for both children in the 0-12 age group and for teenagers.*

*The applicant shall consider the provision of additional universally accessible equipment within the play proposals for the development. Additional details, specifications and images need to be provided in relation to the proposed playgrounds and play spaces for the development. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design. The applicant should consider the use of engineered woodchip as playground surfacing material.*

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### ***Item 3 Requested***

*The applicant is requested to submit the following:*

*(a) A revised proposed development showing 30 covered bicycle parking spaces.*

*(b) Taking In Charge Map that distinguishes between all areas to be offered to SDCC. All roads, paths, relevant services to be constructed to a taking in charge standard.*

Applicant's Response:

30 no. bicycle parking spaces have been provided.

The development is to remain in private ownership and therefore no taking in charge map is applicable.

Assessment:

The Roads Department have reviewed the information submitted and state that they have no objections subject to a condition that the applicant must comply with any conditions as per previously granted permissions.

**A taking in charge map may be required depending on the response to the above item regarding public open space.**

### **Conclusion**

While the proposed development is acceptable in principle, **Clarification of Additional Information** is required in relation to the quantity and quality of communal and public open space.

### **Recommendation**

Request Clarification of Additional Information.

### **Clarification of Additional Information**

Clarification of Additional Information was requested on the 7<sup>th</sup> of September 2022

Clarification of Additional Information was received on the 7<sup>th</sup> of November (not deemed significant).

### **Additional Information Consultations**

Public Realm Section – no objection subject to conditions.

### **Assessment of Clarification of Additional Information**

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

*Insufficient information has been submitted in relation to Additional Information Item 2. Under section 8.7.3 of the 2022-2028 CDP the overall standard for public open space is 2.4 hectares per 1,000 population. This will be applied to all developments with a residential element, such as*



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*the subject proposal. Within that standard, there are specified percentages as set out in Table 8.2 which must, as a minimum, be provided on site.*

*As per COS5 Objective 6 the occupancy rate for dwellings with two or fewer bedrooms is 1.5 persons. For the subject proposal of 20 no. dwelling units, this equates to 30 persons. At a rate of 2.4ha per 1,000 population, 0.072ha or 720sqm of public open space is required for the subject development.*

*Under Table 8.2 the specified percentage of open space for the proposed development is a minimum of 10% of the site area. In this instance, this equates to 0.046ha or 460sq.m of public open space to be provided on site at a minimum. This is included within the overall requirement of 0.072ha or 720sqm of public open space.*

*In terms of communal open space, Table 3.21 of the CDP requires a minimum of 6sq.m per 2 bed 3 person unit. This equates to a minimum of 120sq.m communal open space required.*

*The applicant is requested to clarify how they intend to comply or address the above requirements. If the open space onsite is intended as communal open space and the 720sq.m of public open space cannot be achieved onsite, the applicant is referred to COS Objectives 4 and 5 of the CDP. These objectives provide discretion to Council for the remaining open space requirement (720sq.m), to be made up by the provision or upgrading of parks or through financial contribution.*

*If the applicant intends to provide the full 120sq.m communal open space and 720sq.m public open space onsite, a significant redesign of the open space is required. This space should be of a higher quality, easily accessible from the public realm, with pedestrian and cyclist permeable, contribute to biodiversity etc. A taking in charge drawing may be required showing proposed areas of public open space as part of the applicant's response.*

*Regardless of the above, the Planning Authority and Public Realm Section would have concerns with the landscape layout and design as currently proposed. The applicant is requested to consider omitting part of the road to the north of the building (around the building), between the car parking spaces to the west of the building and to the rear (next to the bin store) and replacing this with open space. Pedestrian and cyclist access can be incorporated into the space to provide access to the stairwells at this location. Public Realm also require detail on the proposed tree pits and planting.*

*Public Realm have also raised concerns with the lack of information submitted in relation to the proposed play provision for the development. The landscape plan references connections to the open space and play area on the adjoining lands. These adjoining lands are outside the control of the applicant and the Council and therefore this adjoining open space and play area cannot be guaranteed going forward. It is therefore important the appropriate open space and play provision is provided within the site boundary.*

### Applicant's Response:

The applicant has submitted a revised landscape proposal. This shows the landscaping and open space broken down into public open space, communal open space and what is referred to as environmental open space. The applicant states that given the site constraints it has not been

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possible to provide the full POS requirements. They understand a contribution in lieu will be acceptable. The applicant has also submitted a completed Green Space Factor worksheet, which demonstrates a pass rate of 0.73. A figure of what is to be managed by a private management company has been included.

### Assessment:

The revisions to the landscape plan are to be welcomed. Provision for play has been made within the subject site itself. The Public Realm Section have reviewed the proposed development and have no objection subject to conditions. The Public Realm Section find the revised landscape proposals acceptable in principle. They recommend conditions are attached including the implementation of the landscape plan, retention of a landscape architect, contribution in lieu of public open space, green infrastructure, landscape management, SUDS management, and tree protection. Public open space is discussed further below.

In the absence of a supporting Development Contribution Scheme and having regard to Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu and COS5 Objective 5-7, the Planning Authority refrains from implementing CDP provisions requiring 2.4ha of public open space per 1000 population. The Planning Authority will continue to implement its policy provisions in relation to minimum on-site public open space provision ranging from 10-20% depending on land use zoning, as per COS5 Objective 4 and in accordance with details set out in Table 8.2.

It is not considered that the areas proposed as public open space are of a sufficient quality, easily accessible from the public realm, with pedestrian and cyclist permeability. These areas are therefore not considered to contribute to public open space and would more likely be used by the residents as communal open space. The total communal open space is therefore considered to be approx. 706sq.m. Given that this well exceeds the minimum requirement, and that the building is existing, the proposed open space provisions are considered to be acceptable.

Access to surrounding public open space be improved through enhanced permeability. The applicant should investigate the provision of a pedestrian access to Garter Lane from the subject site. This should be addressed by way of **condition** and subject to approval by the Planning Authority and relevant internal departments i.e., roads, public realm.

The figure in the submitted landscape response shows that the majority of the site would be managed by a private management company. Not included within this management area are the trees, hedgerows and other vegetation along the boundaries of the site. If it is intended that these spaces are to be taken in charge by Council, this will need to be agreed. This can be addressed by way of **condition**.

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

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### **Development Contributions**

No proof of payment of a Development Contribution relating to the previous use has been received with the planning application, therefore a development contribution has been raised in relation to the proposed Change of Use. In the event contributions have been paid, proof of such can be furnished to the Planning Authority and a condition regarding contributions may therefore not be applicable.

Residential Apartments:

20 no. 2 bed 3 person apartments

1,823.6sq.m (total apartment floorspace)

<b>Unit No.</b>	<b>Type</b>	<b>Sq.m</b>
1	3	90.8
2	1	69.4
3	1	69.4
4	1	69.4
5	2	73.4
6	2	73.4
7	1	69.4
8	1	69.4
9	1	69.4
10	3	90.8
11	6	120.4
12	4	98.7
13	4	98.7
14	4	98.7
15	5	122.9
16	5	122.9
17	4	98.7
18	4	98.7
19	4	98.7
20	6	120.4
	<b>Total</b>	<b>1823.6</b>

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<b>Planning Reference Number</b>	SD22A/0082
<b>Summary of permission granted &amp; relevant notes:</b>	Apartments
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	N/A
<b>Is development commercial or residential?</b>	Residential
<b>Standard rate applicable to development:</b>	104.49
<b>% reduction to rate, if applicable (0% if N/A)</b>	0
<b>Rate applicable</b>	€104.49
<b>Area of Development (m2)</b>	1823.6
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	1823.6
<b>Total development contribution due</b>	€190,547.96

### **SEA monitoring**

Building Use Type Proposed: Residential  
Floor Area: 2,507sq.m (existing)  
Land Type: Brownfield/Urban Consolidation.  
Site Area: 0.46 Hectares.

### **Conclusion**

The proposed landscaping and open space have been satisfactorily addressed and it is considered that planning permission should be granted subject to conditions.

### **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 -

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2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### SECOND SCHEDULE

#### Conditions and Reasons

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application (and as amended by Further Information received on the 11th of August 2022 and Clarification of Further Information received on the 7th of November 2022) within 6 months of the grant of permission, or other timeframe agreed with the Planning Authority in writing, 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. Implementation of Landscape Plan  
The landscaping scheme shown on drawing No. 2251\_LP\_C Landscape Plan shall be implemented in full, within the first planting season following completion of the development, in addition:
  - (a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Plan (Dwg. No. 2251\_LP\_C).
  - (b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
  - (c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.
  - (d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted  
REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022
3. Retention of Landscape Architect
  - (i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and

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shall notify the planning authority of that appointment in writing prior to commencement.

(ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

(iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

REASON: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

### **4. Green Infrastructure**

The applicant shall submit a green infrastructure plan showing connections through the site and connections to wider GI network.

REASON: In the interests of the amenity and environmental quality of the locality and to assimilate the development into its surroundings, in accordance with policy GI5 Objective 4 and other relevant policies relating to GI within the CDP 2022-2028.

### **5. Landscape Management**

Prior to commencement of development a landscape management plan, including long term design objectives, levels and gradients, management responsibilities and maintenance schedules for all for all public open space areas shall be submitted to and approved by the local planning authority. The development shall be carried out in accordance with the approved management plan.

REASON: To ensure satisfactory landscape treatment and that the maintenance of all public open space areas to be TIC is feasible, in accordance with the policies and objectives contained within the CDP 2022-2028.

### **6. SUDS**

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposals for the catchment in the residential areas.
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage / attenuation calculations for same.
- The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the

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same time to help treat and attenuate water coming from hard landscaping areas.

- Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.

- Tree Pits to incorporate SuDS bioretention features and sufficient growing medium.

SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function.

The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with the policies and objectives contained within the CDP 2022-2028.

### 7. Tree Protection

(i) To ensure the protection of trees to be retained within the site, the developer shall implement all the recommendations pertaining to tree retention, tree protection and tree works, as detailed in the submitted Tree Survey and Tree Protection Plan. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the Public Realm Section for written agreement upon completion of the works. The developer shall also be made aware of their obligations to constantly assess and survey the trees after construction because of the potential impact and the age/condition of these trees as outlined in the tree survey.

(ii) No drainage or service runs (including cables, pipes or similar services) shall be laid beneath the canopy of any tree identified for retention or within any fenced protection zone unless otherwise agreed in writing by the local planning authority.

REASON: Required prior to commencement of development to satisfy the Local Planning Authority that the trees to be retained will not be damaged during demolition or construction and to protect and enhance the appearance and character of the site and locality and in accordance with relevant policies and objectives in the CDP 2022-2028.

### 8. Taking in Charge.

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

A plan indicating any part of the development, as approved, intended to be offered for Taking-in-Charge to the Planning Authority, such areas shall be fully consistent with the Planning Authority's Taking-in-Charge policy and requirements. The plan shall make provision for all of the following:

(a) All drainage and service ducts including accessories are fully located in, and accessible from, areas to be offered for Taking-in-Charge.

(b) Where applicable any wayleaves in favour of SDCC shall be fully executed prior to being offered for Taking-in-Charge.

(c) Site features to be retained and protected within any part of the approved development

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intended to be offered for Taking-in-Charge.

(d) Any external common areas of the development as approved that it is intended to be retained in private ownership.

REASON: In the interest of the proper planning and sustainable development of the area and to provide clarity on the nature and extent of areas intended to be offered for Taking-in-Charge to the Planning Authority.

### 9. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.



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### 10. Irish Water Connection Agreement.

If any changes to existing connection agreement(s) is proposed, prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

### 11. 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.

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.

### 12. Minimise Air Blown Dust.

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

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

### 13. 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

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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.

### 14. Pedestrian Access

Within 6 months of the grant of permission, or other timeframe agreed with the Planning Authority in writing, the applicant/developer shall submit to the Planning Authority for agreement provision of a pedestrian access from the subject site to Garter Lane.

**Reason:** To improve pedestrian permeability and accessibility to and from the site.

### 15. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €190, 547.96 (One hundred ninety thousand five hundred forty-seven euros and ninety-six cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

**REASON:** The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

**NOTE RE: CONDITION** - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing

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customerservice@water.ie.

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

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

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**REG. REF. SD22A/0082**

**LOCATION: Westpark Crescent, Garters Lane, Saggart, Dublin 24**



**Deirdre Kirwan,  
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:** 05/12/22

  
**Gormla O'Corrain,  
Senior Planner**