

Comhairle Chontae Atha Cliath Theas

PR/0020/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0415 **Application Date:** 03-Nov-2022
Submission Type: New Application **Registration Date:** 03-Nov-2022
Correspondence Name and Address: BMA Planning Taney Hall, Eglington Terrace,
Dundrum, Dublin 14
Proposed Development: The development will consist of retention of as built
2no. two bed, two storey duplex units with associated
private and communal amenity spaces, bin and bike
store and all associated amendments to hard and soft
landscaping and car parking on the adjoining street at
Parklands Parade all in lieu of previously permitted
creche and community facility at this location.
Location: 2 & 4, Parklands Parade, Saggart, Co. Dublin
Applicant Name: Greenacre Residential DAC
Application Type: Retention

(NM)

Description of Site and Surroundings:

Site Area: Stated as 0.15 Hectares

Site Description:

The application site for retention is located on the corner of Parklands Parade in Citywest at the junction with Cuil Duin Avenue and bounded by Garter Lane to the west, Citywest Drive to the south, Bianconi Avenue to north and the N82 to the east. The site is located within close proximity to the N7 as well as the Citywest Shopping Centre. The area is predominately a mix of residential, office and industrial uses.

The subject developments for retention are two flat roofed, semi-detached, corner unit duplexes with a brick clad façade and dedicated parking to the front. The area is predominantly residential in nature with varying unit types including apartments, duplexes and houses. The architectural language for the area is consistent but with varying roof treatments and ridge heights throughout the development but with a relatively uniform building line.

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Proposal

The proposed development consists of:

- Retention of as built, 2 no. two bed, two storey duplex units with associated private and communal amenity spaces, bin and bike store and all associated amendments to hard and soft landscaping and car parking on the adjoining street at Parklands Parade all in lieu of previously permitted creche and community facility at this location
- Total area of works 192sqm

Zoning:

The site is subject to land-use zoning objective – ‘RES-N’ – ‘*To provide for new residential communities in accordance with approved area plans*’.

Consultations:

Irish Water: No objections subject to conditions.

Surface Water Drainage: No objections subject to conditions.

Roads Department: No objections.

Parks Department: No objections subject to conditions.

Environmental Health: No report received at the time of writing.

Transport Infrastructure Ireland: No objections.

SEA Sensitivity Screening

Indicates no overlap with the relevant layers.

Submissions/Observations

None received.

Recent Relevant Planning History

Subject

SD18A/0420 – **Permission Granted** for amendments to the permitted residential development (Reg. Ref. ABP-300555-18) arising from Condition 2 and will consist of: (a) development of a crèche and community facility (271sq.m) with associated external play area and car parking in lieu of duplex units A-01 and A-02 within Block A and all associated amendments to the permitted site layout plan, hard and soft landscaping and adjoining street; (b) revised boundary treatments to the permitted dwelling units to comprise Type 1, 2m high brick walls to the side of the dwelling units; Type 2, 1.8m high vertical timber fencing to the rear and side boundaries of the rear gardens and Type 3, 1.8m high brick gossip wall to the front of the dwelling units; the proposed amendments will result in a reduction in the total number of units on the site from 526 to 524 dwellings; all associated site and development works on c.23.9ha site at Fortunestown Lane and Garter Lane (lands generally bounded by the Luas Red Line, Saggart Luas stop and Fortunestown Lane to the south, Garter Lane to the west, Bianconi Avenue to the

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north and Citywest Business Park, Citywest TLC Nursing Home and the Cuil Duin residential development to the east).

SHD3ABP-300555-18 – **Permission Granted** for A residential development comprising: 526 residential units and all associated site and development works as follows: - 274 3-bed 2 storey terraced units, 185 4-bed 2 and 3 storey terraced and end of terrace units, 67 2-bed apartment/duplex units (37 2-storey, 2 bed terraced duplexes, 18 1-storey 2 bed terraced apartments and 12 1 storey 2 bed end of terrace apartments). The development also provides for a district park (4.58 ha) and a neighbourhood park (0.71 ha) in accordance with the Fortunestown Local Area Plan 2012. Permission is also sought for 789 car parking spaces, bin storage areas, ESB substations and all associated site development and infrastructural works. Vehicular access to serve the proposed development will be provided via two new access points off Garter Lane and via a new signalised junction at the southeastern corner of the site to replace the existing roundabout off Fortunestown Lane. Provision is made for a future access to Bianconi Avenue. In addition, an interim local square is proposed within the subject site providing a direct pedestrian link from the proposed development to the Saggart Luas stop. Two direct pedestrian links are proposed between the subject site and the adjoining school sites permitted under Reg Ref No SD16A/0255 providing a direct link between the school and the proposed district park and a direct link from the west of the school site to the proposed residential development. Lands identified for future development are located along the southern boundary of the current application site adjacent to Fortunestown Lane/Saggart Luas Stop. These areas will be subject of a future planning application (Phase 2) and will include the final design and layout of the local square.

CONDITION 2(a)

The proposed development shall be amended as follows:

(a) Duplex Units A-01 and A-02 in Block A shall be omitted from the development. The space thus created shall be used for the construction of a two or three storied building, containing a crèche with community floorspace above, which shall be the subject of a separate planning application. The area of open space proposed to the east of this area may be used for vehicular access to the crèche and/or play space to serve the crèche. The combined crèche and community facility shall be constructed as part of phase 2 of the overall residential development authorised by this permission (as modified by condition 4 of this order) and shall be made available for use prior to the commencement of construction of phase 3 of the residential development. Details of management arrangements for the operation of the community floorspace shall be included in the planning application for the combined crèche/community development.

Recent Relevant Enforcement History

None.

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Pre-Planning Consultation

None.

South Dublin County Development Plan 2022-2028

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

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

Policy GII: Overarching

GII 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

GI3 Objective 1:

To ensure that hydromorphological assessments are undertaken where proposed development is within lands which are partially or wholly within the Riparian Corridors identified as part of this Development Plan.

GI3 Objective 2:

To require development proposals that are within riparian corridors to demonstrate how the integrity of the riparian corridor can be maintained and enhanced having regard to flood risk management, biodiversity, ecosystem service provision, water quality and hydromorphology.

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

Policy QDP1: Successful and Sustainable Neighbourhoods

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP3: Neighbourhood Context

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Policy QDP6: Public Realm

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

Policy QDP7: High Quality Design – Adaptability and Inclusivity

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

Policy QDP9: High Quality Design - Building Height and Density

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:

- 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 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 H13: Residential Consolidation

H13 Objective 2:

To maintain and consolidate the County's existing housing stock through the consideration of applications for housing subdivision, backland development and infill development on large sites in established areas, subject to appropriate safeguards and standards identified in Chapter 12: Implementation and Monitoring.

Policy H14: Residential Extensions

H14 Objective 1:

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

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Policy COS5: Parks and Public Open Space – Overarching

COS5 Objective 7:

To require at the sole discretion of the Planning Authority a pro rata contribution in lieu of provision of public open space where, due to the small size, configuration or location of a particular development or on sites with less than three units it is not possible to provide functional public open space on site.

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE4: Flood Risk

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.3.8 Architectural Conservation Areas

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.4.3 Riparian Corridors

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.7 Residential Standards

12.6.8 Residential Consolidation

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

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12.6.8 Residential Consolidation Infill Sites

Development on infill sites should meet the following criteria:

- *Be guided by the Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities DEHLG, 2009 and the companion Urban Design Manual;*
- *A site analysis that addresses the scale, siting and layout of new development taking account of the local context should accompany all proposals for infill development. On smaller sites of approximately 0.5 hectares or less a degree of integration with the surrounding built form will be required, through density, features such as roof forms, fenestration patterns and materials and finishes.*
- *Larger sites will have more flexibility to define an independent character;*
- *While the minimum standards set will be sought in relation to refurbishment schemes it is recognised that this may not achieve a positive planning outcome,*

SOUTH DUBLIN COUNTY DEVELOPMENT PLAN 2022-2028 Implementation and Monitoring (IM) particularly in relation to historic buildings, 'living over the shop' projects, and tight (less than 0.25 Hectares) urban centre infill developments. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole, subject to overall design quality in line with the guidelines

- *Sustainable Urban Housing: Design Standards for New Apartments, 2020;*
- *Significant site features, such as boundary treatments, pillars, gateways and vegetation should be retained, in so far as possible, but not to the detriment of providing an active interface with the street;*
- *Where the proposed height is greater than that of the surrounding area a transition should be provided (See Chapter 5, Section 5.2.7 of this Chapter and Appendix 10: Building Height and Design Guide);*
- *Subject to appropriate safeguards to protect residential amenity, reduced public open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops;*
- *Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area;*
- *All residential consolidation proposals shall be guided by the quantitative performance approaches and recommendations under the 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' and / or any updated guidance;*

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- *It should be ensured that residential amenity is not adversely impacted as a result of the proposed development;*
- *Delivery of Public Open Space and Contribution in Lieu shall be in accordance with the provisions set out under Section 8.7.4 of Chapter 8: Community Infrastructure and Open Space.*

12.6.8 Backland Development

The design of development on backland sites should meet the criteria for infill development in addition to the following criteria:

- *Be guided by a site analysis process in regard to the scale, siting and layout of development;*
- *Avoid piecemeal development that adversely impacts on the character of the area and the established pattern of development in the area;*
- *Demonstrate that there is no undue overlooking, and that overshadowing is assessed having regard to 'Site Layout Planning for Daylight and Sunlight' (2nd edition): A Guidelines to Good Practice (BRE 2011) and BS 8206-2: 2008 – 'Lighting for Buildings – Part 2: Code of Practice for Daylighting' or any updated guidance;*
- *Access for pedestrians and vehicles should be clearly legible and, where appropriate, promote mid-block connectivity.*

Relevant Government Guidelines

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2008).

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, (2008)

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

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013)

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

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

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Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Residential and Visual Amenity
- Density
- Accommodation
- Roads
- Parks
- Environmental Health
- Drainage
- Green Infrastructure
- Transport Infrastructure Ireland
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

Zoning and Council Policy

The site is located in an area which is zoned '*RES-N*' – '*To provide for new residential communities in accordance with approved area plans*'. Residential development is permitted in principle and therefore a development consisting of two, two-storey duplex units would be acceptable subject to accordance with the relevant provisions of the County Development Plan.

It should be noted that **Policy COS3 SLO 2** of the South Dublin County Development Plan 2022-2028 states that it is policy to *deliver a community centre / community facilities within Citywest as part of the delivery of infrastructure identified in the Fortunestown Local Area Plan.*

And

Policy COS2 SLO 1 of the South Dublin County Development Plan 2022-2028 states *Citywest / Fortunestown areas are provided (from within their own community) public, purpose built and suitable amenities including:*

- *Library;*
- *Community centre and a community café;*
- *Accessible playgrounds / playspaces, teenspaces and youth amenities (such as a skate park);*
- *Designed green spaces including a managed public park with adequate, accessible public seating and that can host festivals and community events;*
- *Greater biodiversity in the area and more tree coverage;*
- *Adequate numbers of pitches and clubhouses / pavilions for sports;*
- *Adequate public childcare and afterschool facilities;*
- *School sites.*

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Condition 2(a) of ABP-300555-18 stated that the subject site was designated as the site for the provision of a creche and community centre which was applied for and granted permission under SD18A/0420. The applicant has noted that a site has been designated as an alternative location for the community centre and creche and a Planning Application was lodged under reference SD22A/0398. Additional Information was requested in relation to this application and therefore, the applicant does not have the benefit of Planning Permission for a creche and community centre at this site to date. Therefore, until Planning Permission is received for SD22A/0398 (or any subsequent application) and works have been substantially completed or the two applications for development are inextricably linked (by means of a red-line boundary) permission for the retention of residential dwellings at the subject site location should be **refused**. It is noted that a potential solution would be to include the proposed new creche with the current application, thereby providing more certainty in relation to the delivery of the required childcare services, however this is beyond the scope of the current application.

Residential and Visual Amenity

The development for retention mirrors the two duplex units at the opposite end of the terrace of dwellings in terms of size, scale and appearance which were granted permission under ABP-300555-18. It is considered appropriate that the units for retention follow the same design aesthetic and serve to add a sense of balance to the parade of units by bookending the development. The same design features are incorporated into development including a brick façade, flat roof with parapet with a uniform building line. Overall, the development for retention would not injure the visual amenity of the area. Notwithstanding the appropriate nature of the proposed development for retention, Condition 2(a) requires the applicant to provide a creche and community centre at this location which was granted permission under SD18A/0398. It is noted that the applicant has confirmed that they intend to build said facilities at the adjacent site to the east (SD22A/0398) but until this has been granted permission and substantially completed, this application for retention should be **refused**.

Density

The provision of an additional two, two-bedroomed duplex units as part of the overall development does not materially alter the density ratios at approximately 50u/ha which aligns with the requirements of the Fortunestown LAP and is therefore **appropriate**. However, the application should be **refused** for the reason outlined throughout the report.

Internal Accommodation

The internal accommodation of the proposed dwellings for retention accords with the Quality Housing for Sustainable Communities and the County Development Plan and aligns with other two-storey duplex units in this part of the development and is therefore **acceptable**.

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Roads

The Roads Department have **no objections** to the proposed development for retention, which is considered appropriate, but the development for retention should be **refused** as highlighted and the following report was received:

Description:

The development will consist of retention of as built 2no. two bed, two storey duplex units with associated private and communal amenity spaces, bin and bike store and all associated amendments to hard and soft landscaping and car parking on the adjoining street at Parklands Parade all in lieu of previously permitted creche and community facility at this location.

The change of use does not impact the previously permitted road layout. There is, however, a reduction in car parking spaces from 5 no. on-street spaces to 2 no. on-street spaces.

2 no. on-street parking spaces on Parklands Parade to be allocated to the 2 no. subject dwellings. This is considered acceptable.

Both units share a communal space which houses a bike & bin store.

No Roads objections.

Parks

The Parks Department have no objections to the proposed development for retention subject to one condition regarding the provision of an as built landscape plan which is deemed **appropriate** in the event of a grant of permission. Notwithstanding this the application for retention should be **refused**.

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:

As Built/As Constructed Landscape Plan

The applicant is requested to submit an As Built/As Constructed drawings for the completed landscape scheme on the open space (this as built drawing should show all services – particularly where they traverse the open spaces). The applicant is also requested to submit a detailed planting plan/schedule which provides the following information:

- *name of plants and trees planted (both English & Latin names)*
- *number of plants in each specific planted area (or location and number of trees)*
- *size of plants/trees planted, whether bare-root or container grown*
- *density of plants planted – how many plants per m2 of planted area*

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REASON: To ensure that the development achieves a high standard of design, layout and amenity and makes provision for hard and soft landscaping which contributes to the creation of a high quality, accessible, safe and attractive public realm in accordance with relevant policies in the CPD 2022-2028.

Environmental Health

No report was received from the Environmental Health Officer but notwithstanding this, there is unlikely to be a significant impact on the accepting site requiring substantial input.

Drainage

The Water Services section have no objections to the proposed development subject to **conditions** which should be attached in the event of a grant of permission. Notwithstanding this the proposed development for retention should be **refused**. The following report was received:

Surface Water Report: No Objection Subject To:

1.1 Include SuDS (Sustainable Drainage Systems) in proposed in proposed development such as swales, permeable paving planter boxes and other such SuDS.

Flood Risk

No Objection

2.1 All floor levels shall be a minimum of 500mm above the highest known flood level for the site.

- The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.***
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.***

Irish Water have no objection to the proposed development subject to standard conditions.

Part V Social Housing

The proposed development relates to the retention of an additional two residential units. The applicant should liaise with the South Dublin County Council Housing Department to ensure that the provision of social and affordable housing (Part V) would not be affected by the increase in units as part of the overall scheme.

Green Infrastructure

The site does not appear to be located within a Primary or Secondary GI Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028) and given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

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Transport Infrastructure Ireland

TII have no objections or comments in regards the proposed development for retention.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established residential area and comprises of the construction of two, two-bed duplex units.

Having regard to:

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

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

Environmental Impact Assessment (EIAR)

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

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Other Considerations

Development Contributions	
Planning Reference Number	SD22A/0415
Summary of permission granted & relevant notes:	2, 2 Storey, 2 Bed Duplex Units for Retention
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m²)	192
Amount of Floor area, if any, exempt (m²)	0
Total area to which development contribution applies (m²)	192
Total development contribution due	€22,867.20

SEA Monitoring Information	
Building Use Type Proposed	Floor Area (sq.m)
Residential – House	192
Land Type	Site Area (Ha.)
Brownfield/Urban Consolidation	0.15

Conclusion

A development consisting of two, two-storey residential (duplex) units is acceptable in principle subject to adherence to the provisions of the South Dublin County Development Plan 2022 – 2028. Notwithstanding this, a condition of the grant of permission by An Bord Pleanála (ABP-300555-18) was that a creche and community facility be provided at this location. It is understood that the applicant has applied for planning permission for the creche and community centre at a site within close proximity of the subject site which is appropriate. Therefore, until the applicant has received planning permission for the development of a creche

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and community centre at the adjacent site and substantial works have been completed, an application for the retention of the residential units at the subject site should be **refused**.

Recommendation

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

SCHEDULE

REASON(S)

1. The subject application if granted would result in the non-provision of a crèche with community floorspace as required by Condition 2(a) under Planning Consent ABP-300555-18 for which no suitable alternative provision would be made. Accordingly, the development would fail to comply with the requirements of Section 28 Ministerial Guidelines Childcare Facilities – Guidelines for Planning Authorities thus resulting in the under provision of childcare facilities for the development as consented. The development if retained would therefore be contrary to Childcare Facilities – Guidelines for Planning Authorities and the proper planning and sustainable development of the area.

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REG. REF. SD22A/0415

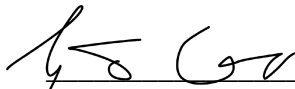
LOCATION: 2 & 4, Parklands Parade, Saggart, Co. Dublin



Colm Harte,
Senior Executive Planner

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

Date: 09/01/23



Gormla O'Corrain, Senior Planner