

Comhairle Chontae Atha Cliath Theas

PR/0028/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0421 **Application Date:** 08-Nov-2022
Submission Type: New Application **Registration Date:** 08-Nov-2022
Correspondence Name and Address: JEArchitecture Park House, Ballisk Court, Donabate, Co Dublin
Proposed Development: Installation of a 7.5m x 8.65m retractable canopy/awning, glazed partitions and planters for a 65sq.m sheltered outdoor seating area to the front of existing commercial unit.
Location: Peachtree East Restaurant, Unit A3, Tallaght Cross East, Dublin 24
Applicant Name: Peach Tree Food Ltd
Application Type: Retention

(AOCM)

Description of Site and Surroundings:

Site Area: stated as 0.0473 hectares.

Site Description:

The application site contains the ground floor restaurant unit of Block A3, Tallaght Cross East, and a 60 sq.m area of external seating. The site is located on the northern part of a public square, with varied uses including a hotel and bar and other medical units located elsewhere at ground floor level of other blocks. The surrounding area is mixed use in nature.

Site Visited: 6 December 2022

Proposal:

Retention is sought for the following:

- Installation of a 7.5m x 8.65m retractable canopy/awning, glazed partitions and planters for a 65 sqm sheltered outdoor seating area to the front of existing commercial unit

Zoning:

The site is subject to zoning objective 'TC' – *'To protect, improve and provide for the future development of Town Centres.'*

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Consultations:

Roads:	No objection
Public Realm:	No comments or conditions to add
Water Services:	No objection, conditions recommended
Irish Water:	No objection, conditions recommended

SEA Sensitivity Screening

Indicates no overlap with relevant environmental layers

Submissions/Observations /Representations

Submission expiry date – 12 December 2022
No submissions or observations were received.

Relevant Planning History

SD07A/0613: (1) Change of use from limited cafe to full licensed restaurant; (2) new internally illuminated projecting external sign. **Permission granted.** Relevant conditions:

5. The applicant/operator shall cease to use the outdoor seating area including furniture and windbreakers and remove such structures from the site within five years of the date of final grant of permission unless, prior to that date, a further permission for its retention is granted by the Planning Authority or An Bord Pleanála on Appeal.

REASON: To enable the Planning Authority to reassess the development in the context of possible future requirements pertinent to the proper planning and sustainable development of the area.

6. The proposed outdoor seating area shall not be used or erected before 8.00 hours on weekdays and 9.00 hours on Saturdays nor after 22.30 hours Monday to Thursday and 23.30 hours Friday to Sunday.

REASON: In the interest of public health and residential amenity

8. The proposed windbreakers located around the outdoor seating area shall be no more than 1.1 metres in height.

REASON: In the interest of visual amenity.

Relevant Enforcement History

None recorded for subject site.

Pre-Planning Consultation

None recorded for subject site.

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

Chapter 4 Green Infrastructure

Section 4.1 Methodology

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.

Section 4.2.2 Sustainable Water Management

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.

Section 5.2.6 High Quality and Inclusive Design

QDP7 Objective 3: To require a high quality of design and finish for new and replacement shopfronts, signage, and advertising, having regard to the requirements set out in Chapter 12: Implementation and Monitoring.

QDP7 Objective 4: To ensure that the principles of good shopfront design as set out in South Dublin County Council Shopfront Design Guidelines (2019) (or any superseding guidelines) are adhered to.

Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)

Policy IE3: Surface Water and Groundwater

Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Chapter 12 Implementation and Monitoring

Section 12.5.6 Shopfront Design

Section 12.5.7 Signage – Advertising, Corporate and Public Information

Relevant Government Guidelines

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

Regional, Spatial & Economic Strategy 2020-2032 (RSES), Eastern & Midlands Regional Assembly (2019)

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

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

Circular Letter NRUP 01/2022 Launch of the Town Centre First Policy (11.02.2022)

Assessment

The main issues for assessment concern the following:

- Zoning and Council Policy
- Visual and Residential Amenity
- Green Infrastructure
- Water Supply and Wastewater
- Appropriate Assessment
- Environmental Impact Assessment

Zoning and Policy

South Dublin County Development Plan 2022 - 2028

The site is subject to zoning objective 'TC' – *'To protect, improve and provide for the future development of Town Centres.'* Restaurant / Café is permitted in principle under this zoning objective.

Tallaght Town Centre Local Area Plan 2020

The site is located within The Centre neighbourhood of the LAP, which has the vision of *Continued transformation towards a high quality mixed use urban centre of city scale and character, with a vibrant mixed use residential community continuing to emerge in an attractive network of streets.* Relevant key objectives for The Centre are listed below:

- TC1: Continue the transformation of the centre with an increase in existing residential, commercial, retail, civic, services and cultural uses and functions.
- TC6: Facilitate economic development, employment generation and provide an Innovation Centre which supports small business and accommodates growth and future success of local businesses
- TC7: Improve interface with all existing and proposed routes and open spaces.
- TC10: Improve and enhance the public realm.

The development assists in economic development and to an extent enhances the public realm through the provision of planter boxes. It is considered that the works therefore accords with the objectives of the LAP in this regard.

Visual and Residential Amenity

Retention is sought an enclosed area of 60 sq.m to the front of the existing restaurant, to facilitate outdoor dining. The roof of the structure is retractable, in theory allowing for open air dining

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during summer months and providing shelter during the winter. The enclosure has clear glazing on three sides, extending from the front elevation of the northern building forming part of the Tallaght Cross East development.

Section 12.5.6 of the Development Plan states that the following relevant design criteria '*Ensure canopies, outdoor seating and displays add to the attractiveness and vibrancy of an area and do not disrupt movement along footpaths.*' The seating area is located at the northern part of the square forming part of Tallaght Cross East development. The square currently functions mainly as a throughway, without much engagement or activity, save for the existing restaurant. The maximum protrusion of the outdoor seating area is 7.5m. Planter boxes have been placed around the 3 external sides of the outdoor seating area, enhancing the public realm. It is noted that outdoor seating, not enclosed, has previously operated at the site with permission. It is not considered that the enclosure provides any significant impact in terms of pedestrian movements and does not impact on the functioning of the square. In this regard, the proposal is considered acceptable for retention.

It is noted that uses within the square cannot be guaranteed long term. To safeguard against any significant changes to the functioning of the square, to ensure the adaptability of units and to futureproof the enhancement of public realm, in the event of a grant, permission should be granted for a period of 5-years. This can be achieved by **condition**.

It is noted that signage is shown on the photographs provided with the application, and these were evident from the site visit. These signs were not included in the description on the statutory notices and would not be considered to come under the scope of the wording of the statutory notices. Signage shall therefore not be permitted under this application and the applicant should satisfy themselves that the signage present either qualifies as exempted development or must be regularised.

Green Infrastructure

The site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link, as per Figure 4.4 of the Development Plan.

The structure would not increase the amount of hardstanding at the site, as it relates to retention of a structure for external seating that has been placed over an area of existing impermeable paving.

The Public Realm section have reviewed the application and have stated no comment. Water Services have reviewed the application and have recommended the inclusion of a **condition** requiring the provision of SuDS, e.g., planter boxes, to attenuate surface water prior to entering the surface water drainage network. The development has not materially increased the amount of

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hardstanding at the site since the structure has been placed over existing impermeable paving. In this regard, it is not considered necessary to include this **condition** in the event of a grant.

Water Supply and Wastewater

Irish Water have reviewed the application and have stated no objection to the development, recommending **conditions** requiring pre-connection agreements where relevant. This is not considered a necessary **condition** to include as services are already provided to the existing premises.

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 town centre and comprises the retention of an external seating area and associated awnings and works.

Having regard to:

- the scale and 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

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

Other Considerations

Development Contributions

Are any exemptions applicable?	No
Is development commercial or residential?	Commercial
Standard rate applicable to development:	112.57
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€112.57
Area of Development (m2)	60
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	60
Total development contribution due	€6,754.20

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SEA Monitoring Information

Building Use Type Proposed:	Retention outdoor seating
Floor Area:	60 sq.m
Land Type:	Urban
Site Area:	0.0473 Hectares.

Conclusion

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

Recommendation

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for Retention for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be retained and completed fully in accordance with plans, particulars and specifications lodged with the application, save as may be required by other conditions attached hereto.
REASON: To ensure that the development is in accordance with the permission and that effective control is maintained.
2. Duration of Permission
This permission will be effective for a period of 5 years from the date of final grant of permission to ensure the ongoing monitoring of the development and allow for the adaptation and reconsideration of the design of the seating area at a later date based on any significant changes to the functioning of the square associated with Tallaght Cross

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East.

REASON: To ensure the ongoing proper planning and sustainable development of the area.

3. Signage.

No advertising sign(s) or structure(s) (including any signs installed to be visible through windows), banners, canopies, flags, or other projecting elements shall be erected except those, which are exempted development, without the prior approval of the Planning Authority or An Bord Pleanála on appeal.

REASON: In the interest of visual amenity, compliance with development plan policies and the proper planning and sustainable development of the area.

4. Financial Contributions.

The developer shall pay to the Planning Authority a financial contribution of €6, 754.20 (Six Thousand Seven Hundred and Fifty Four Euros and Twenty 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 Act 2000 (as amended). This contribution is to be paid on receipt of Final Grant of Permission.

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

NOTE RE: CONDITION

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

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 requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.


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REG. REF. SD22A/0421

LOCATION: Peachtree East Restaurant, Unit A3, Tallaght Cross East, Dublin 24



Jim Johnston,
Senior Executive Planner

ORDER: A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for Retention for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

Date: 10/01/23



Gormla O'Corrain,
Senior Planner