

Comhairle Chontae Atha Cliath Theas

PR/0059/23

Record of Executive Business and Chief Executive's Orders

Reg. Reference:	SD22A/0425	Application Date:	10-Nov-2022
Submission Type:	New Application	Registration Date:	10-Nov-2022
Correspondence Name and Address:	Hughes Planning & Development Consultants 85, Merrion Square South, Dublin 2, D02 FX60		
Proposed Development:	<p>Alterations to previously approved development (Reg. Refs. 5D16A/0269 and 5D18A/O285) comprising; Retention permission for: (i) an increase in the number of residential apartment units from 37 to 42 units now consisting of 2 one-bedroom units, 34 two-bedroom units, and 6 three-bedroom units, and; (ii) all associated site and engineering works necessary to facilitate the development; Planning permission for: (i) the amalgamation of unit nos. 22 and 23 and the amalgamation of unit nos. 34 and 33; (ii) internal alterations to provide for an increased quantum of storage space; (iii) alterations to private amenity spaces to provide for extension of ground floor private courtyards and balconies, of unit nos. 6-11, 17-20, 22-25, 27-30, 32-35, and 37-40 and the addition of private amenity spaces to unit nos. 12-16, 21, 26, 31, 36, and 41-42; (iv) the provision of fire escape stairs from the third floor to the fourth floor; (v) revisions to the permitted site layout to now provide for 50 car parking spaces (inclusive of 3 disabled parking spaces and 5 electric vehicle charging spaces); (vi) the provision of 110 residential bicycle spaces (88 residential bicycle spaces and 22 visitor bicycle spaces); (vii) relocation of bin store from eastern boundary wall to northern boundary wall; (viii) landscaping, including communal public open space comprising 1 playground (583sq.m total), and all associated boundary treatments, and; (ix) all associated site and engineering works necessary to facilitate the development.</p>		
Location:	Larkfield House, Coldcut Road, Liffey Valley, Dublin 22		
Applicant Name:	Cavvies Limited		
Application Type:	Permission and Retention		
<u>Description of Site and Surroundings:</u>			

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Site Area:

Stated as 0.44ha

Site Description:

The subject site is located on the Coldcut Road near the junction with the Fonthill Road and within close proximity to the M50 and the N4 interchanges. Liffey Valley shopping centre and the River Liffey are located to the north of the site and the area overall is a mix of light industrial, retail and residential. The existing structure is a five-storey detached and occupied apartment building which has been converted from a previous fitness centre. The building has a curved roof and an entirely glazed front façade with a mix of brick and concrete render to the gable elevations and rear. There is off street parking to the north and west of the site.

Proposal:

Retention permission is sought for the following:

- (i) an increase in the number of residential apartment units from 37 to 42 units now consisting of 2 one-bedroom units, 34 two-bedroom units, and 6 three-bedroom units, and;
- (ii) all associated site and engineering works necessary to facilitate the development

Planning permission is sought for the following:

- the amalgamation of unit nos. 22 and 23 and the amalgamation of unit nos. 34 and 33;
- (ii) internal alterations to provide for an increased quantum of storage space;
- (iii) alterations to private amenity spaces to provide for extension of ground floor private courtyards and balconies, of unit nos. 6-11, 17-20, 22-25, 27-30, 32-35, and 37-40 and the addition of private amenity spaces to unit nos. 12-16, 21, 26, 31, 36, and 41-42;
- (iv) the provision of fire escape stairs from the third floor to the fourth floor;
- (v) revisions to the permitted site layout to now provide for 50 car parking spaces (inclusive of 3 disabled parking spaces and 5 electric vehicle charging spaces);
- (vi) the provision of 110 residential bicycle spaces (88 residential bicycle spaces and 22 visitor bicycle spaces);
- (vii) relocation of bin store from eastern boundary wall to northern boundary wall;
- (viii) landscaping, including communal public open space comprising 1 playground (583sq.m total), and all associated boundary treatments, and;
- (ix) all associated site and engineering works necessary to facilitate the development.

SEA Sensitivity:

No overlap identified with relevant layers.

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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 2022-2028.

Consultations:

- *Water Services* – No objection subject to conditions.
- *Irish Water* – No objection subject to conditions.
- *Parks* – Refuse Permission.
- *Roads* – Request Additional Information.
- *Housing Strategy Unit* – No objection subject to Part V condition
- *Transport Infrastructure Ireland* – No observations.

Submissions/Observations /Representations

1 Representation was made from Cllr Johansson which can be summarised as follows:

- History of planning breaches by the applicant.
- Safety concerns regarding the new balconies.
- Daylight concerns due to single aspect.
- This application may be to delay on-going legal issues regarding previous breaches.

Relevant Planning History

Subject site

SD20A/0117 - **GRANT PERMISSION & REFUSE RETENTION** - Retention planning permission is sought for 7 additional apartment units to that permitted under Reg. Refs SD18A/0285 and SD16A/0269 to now provide for 44 units (3 studios, 1 one bed unit, 35 two bed units and 5 three bed units) in lieu of the permitted 37 apartment units with associated internal alterations to accommodate same within the existing 4-5 storey building, known as Larkfield House. Planning permission is sought for elevation treatments to include balconies/terraces, revisions to the permitted layout (SD18A/0285 and SD16A/0269) to now provide for 49 car parking spaces to be accessed from Coldcut Road, 18 bicycle spaces, landscaping including communal public open space, 1 playground, 1 ESB substation, boundary treatments and all associated site and engineering works necessary to facilitate the development.

Reasons For Refusal

The proposed development, by reason of its poor quality design and configuration, would result in substandard accommodation and inadequate residential amenity for future occupants. In particular, having regard to:

- *the poor internal layout,*
- *the single aspect nature of the apartments,*
- *the inadequate daylight and sunlight to living areas,*
- *the proposed studio units in a suburban location,*

the proposed development would materially contravene the Housing policies and objectives as set out in the South Dublin County Development Plan 2016-2022, in particular policies H11 (Residential Design and Layout), and H14 (Internal Residential Accommodation). The proposal would also fall significantly short of the quantitative and qualitative standards set

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out in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018), and 'Quality Housing for Sustainable Communities' (2007). As such, the proposal would not be in accordance with the proper planning and sustainable development of the area.

The proposed development would provide substandard living accommodation for future occupants of the building which would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

SD18A/0285 – Grant Permission and Grant Retention - Retention Permission is sought for alterations to the development permitted under SD16A/0249 and Permission is sought for further alterations to the existing development to provide 37 no. residential units with terraces/balconies (25 no. 2 bed units and 12 no. 3 bed units) over 5 floors. Permission is also sought for modifications to permitted bicycle and bin stores at ground floor level and alterations to communal open space permitted under SD16A/0249. Vehicular access from Coldcut Road, car parking provision (42 no. spaces), landscaping and site services remain as permitted under SD16A/0249.

Condition 1

Development to be in accordance with submitted plans and details.

- i. The development shall be retained, carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.*
- ii. This permission is for a period of 2 years only. Within six months of the date of Final Grant of Permission, the developer shall submit, for the written agreement of the Planning Authority, a programme outlining the phased delivery of the works within the two-year period.*

REASON: To ensure the works are completed in a timely manner, to provide an adequate standard of residential amenity for the existing residents on site and to ensure that the development shall be in accordance with the permission, and that effective control be maintained.

SD17A/0145 & PL06S.248994; Liffey Valley Fitness, Coldcut Road, Dublin 22

Proposal: Change of use of the existing 3 storey building from Leisure Centre to Residential to provide 27 residential units as permitted under SD16A/0249. The modifications include converting and extending as existing mezzanine plant floor to residential use, fenestration alterations (with the addition of new balconies) and a revised car parking layout. A total of 48 residential units (40 2- bed apartments, 4 1-bedroom apartments and 4 studios) are now proposed with 52 car parking spaces. All other aspects of the development remain as permitted under SD16A/0249.

Decision: permission refused by both South Dublin County Council and An Bord Pleanála.

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Reason for Refusal outlined by An Bord Pleanála as follows:

The proposed development by reason of its design and layout would result in substandard accommodation and inadequate residential amenity for future residents. In particular, having regard to:

- *the inadequate floor to ceiling heights at ground and first floor level;*
- *the high percentage of single aspect units and*
- *the poor internal layout and, in particular, the substandard widths of the living rooms serving the two-bedroom units;*

it is considered that the proposed development would be contrary to the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March 2018. The proposed development would, therefore, constitute a substandard form of development which would seriously injure the amenities of the area and be contrary to the proper planning and sustainable development of the area.

SD16A/0249; Liffey Valley Fitness, Coldcut Road, Dublin 22

Proposal; Change of use of the existing 3 storey building from leisure centre to residential and works to the building to provide 27 residential units comprising 24 2-bed units and 3 studios; modifications to elevations incorporating fenestration alterations, new finishes and the provision of the balconies/terraces; an area of landscaped communal open space (c.470sq.m) at ground floor level; 42 surface level car parking spaces; a bicycle store, bin store, new landscaping and boundary treatment and all associated site works. Vehicular access to the development will be via the 2 existing entrance/exit points onto Coldcut Road.

Decision: Permission granted subject to conditions.

SD03A/0184; Dempsey's Yard, Coldcut Road, Clondalkin, Dublin

Proposal: Retention permission of alterations to approved Leisure Facility (Reg. Ref. No. S01A/0485) from 2 storey to 3 storey building to include alterations to elevations, additional floors, a 30 metre swimming pool, reception, changing rooms, gymnasium, recreational facilities, coffee shop and ancillary works.

Decision: Retention permission granted subject to conditions.

S01A/0485; Dempsey's Yard, Coldcut Road, Clondalkin, Dublin

Proposal: Erection of Leisure Facility to include 25 metre swimming pool, reception, changing rooms, gymnasium, recreational facilities, coffee shop and ancillary works

Decision: Permission granted subject to conditions.

Relevant Enforcement History

- S7896; Live

- Non-compliance with conditions of permission granted under SD18A/0285- Warning Letter issued dated 22 July 2019
- Non-compliance with conditions of permission granted under SD16A/0249- Warning Letter issued dated 16 March 2018.

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- S6480; Closed
- GSM0183; Closed
- GSM0130; Closed

Pre-Planning Consultation

PP035/21.

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 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

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

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Policy QDP1: Successful and Sustainable Neighbourhoods
Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods
Policy QDP3: Neighbourhood Context
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

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.*

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- 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;*
- *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.*

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)

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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)

Assessment

The main issues for assessment are:

- Zoning and Council Policy
- Planning Note
- Overcoming Previous Reasons for Refusal
- Residential and Visual Amenity
- Accommodation
- Roads
- Parks
- Drainage
- Part V
- 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 'OS' '*To preserve and provide for open space and recreational amenities.*' Residential development is 'Open for Consideration' under this zoning objective in the South Dublin County Development Plan 2022-2028.

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Planning Note

It appears that 44 apartments have been developed within the building envelop. The applicant has retention permission for 37 only. This application is proposing the retention of an additional 5 apartments (total 42 no.) by way of an amalgamation of 4 apartments (as constructed) into 2 apartments (22 and 23 into 1 no. apartment, as well as 33 and 34 into 1 no. apartment, as constructed).

Overcoming Previous Reasons for Refusal

Planning permission was granted for 37 apartments comprising of 25 two bedroom apartments and 12 three bed apartments under SD18A/0285. Furthermore, the applicant applied for planning permission for a development comprising of 48 units under SD17A/0145 consisting of 40 2-bed apartments, 4 one-bed apartments and 4 studio apartments which was refused by An Bord Pleanála PL06S/248994.

Under SD20A/0117, the applicant was seeking retention permission for an additional 7 apartments to provide 44 apartments consisting of 3 studio apartments, 1 one bed apartment, 35 two bed apartments and 5 three bed apartments which was refused for the following reasons:

The proposed development, by reason of its poor quality design and configuration, would result in substandard accommodation and inadequate residential amenity for future occupants. In particular, having regard to:

- *the poor internal layout,*
- *the single aspect nature of the apartments,*
- *the inadequate daylight and sunlight to living areas,*
- *the proposed studio units in a suburban location,*

the proposed development would materially contravene the Housing policies and objectives as set out in the South Dublin County Development Plan 2016-2022, in particular policies H11 (Residential Design and Layout), and H14 (Internal Residential Accommodation). The proposal would also fall significantly short of the quantitative and qualitative standards set out in Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities (2018), and 'Quality Housing for Sustainable Communities' (2007). As such, the proposal would not be in accordance with the proper planning and sustainable development of the area.

The proposed development would provide substandard living accommodation for future occupants of the building which would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

The layout of the proposed development for retention remains sub-optimal. The layout improves upon but is similar to the layout that was refused retention permission under SD20A/0117 and the development refused permission by An Bord Pleanála under PL06S.248994 (SDCC Reg. Ref. SD17A/0145).

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In particular, within the open plan kitchen/living/dining rooms, the kitchens are sited beside the windows and the living and dining areas to the rear of the room. The approved layout under SD18A/0285 was more favourable and typical with the living area sited beside the windows thereby benefitting from sunlight and the kitchen and dining areas sited to the rear of the room. As the preceding retention permission had fewer units within the same envelop, the internal spaces were more generous, and the external skin of the apartments was larger giving more opportunity for natural light to enter.

The configuration of the living/kitchen/dining space to this application was likely chosen to meet the minimum widths for dining/living rooms set out in the Apartment Guidelines. It would not be possible to meet these standards were either the dining or living areas of this room sited beside the window openings.

Guidelines	Minimum Width living/dining	Minimum Aggregate area living/dining/kitchen
1 bed	3.3m	23 sq.m
2 bed	3.6m	30 (28 for 3-person 2bed)
3 bed	3.8m	34 sq.m

In this application, there are 6 units with dual aspect out of a total of 42 units which equates to approximately 14% of the overall development. This is a low proportion, though it is noted that no single-aspect apartments are north-facing. 4/6 of the 3-bedroom apartments are dual aspect, the apartment guidelines indicate that all 3-bed units should ideally be dual aspect. SPPR 4 of the Apartment Guidelines state that

*For **building refurbishment schemes** on sites of any size or urban infill schemes on sites of up to 0.25ha, planning authorities **may exercise further discretion to consider dual aspect unit provision at a level lower than the 33% minimum outlined above on a case-by-case basis, but subject to the achievement of overall high design quality in other aspects***

The scheme as currently proposed does not offer a high-quality design in other aspects.

It is noted that 22% of the 37 no. approved apartments to the preceding retention permission were dual aspect apartments. This was deemed acceptable as each apartment was to have access to a generous sized courtyard or large balcony/terrace and all units exceeded the minimum space standards. In addition, the proposals granted retention permission provided a more successful configuration of the kitchen/living/dining room and larger rooms more generally.

A specialist report accompanying the application concludes that all rooms meet or exceed the Average Daylight Factor (ADF) standards in the British Standard Lighting for Buildings Code of Practice for Daylighting (2008). Calculations around the Vertical Sky Component are not provided, and these would take the proposed balconies into account in terms of daylight. If

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the proposals were otherwise acceptable additional information would be requested in this regard. No specialist information is submitted in relation to sunlight and the Apartment Guidelines require that living spaces in apartments should provide for direct sunlight for some part of the day. The kitchens and bedrooms would enjoy the most sunlight within the development. Significant levels of sunlight are unlikely to penetrate to the living area of the open plan kitchen/living/dining room and these living areas are likely to be gloomy.

The proposed development for retention no longer has studio apartments, this issue is considered resolved relative to the previous application.

The reasons for refusing the preceding retention application have not been fully overcome.

Density and Mix

The development for retention would result in a density of approximately 95 dwellings per hectare on a site of 0.44 as stated on the application in contrast to the accepted density of approximately 84 dwellings per hectare as per SD18A/0285.

Apartment Mix

<u>Apartment</u>	<u>Studio</u>	<u>One bed</u>	<u>Two bed</u>	<u>Three Bed</u>
No.	0	2	34	6
%	0%	4.8%	81%	14.2%

The South Dublin County Development Plan 2022- 2028 states:

Unit Mix

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 mitigate against 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 socio-economic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- the scheme is a social and / or affordable housing scheme Build to Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) or as may be superseded. Unit mix should also provide for:*
 - As part of the Housing Quality Assessment defined under Section 6 of the Sustainable Urban Housing: Design Standards for New Apartments (2020), a detailed breakdown of the quantum of proposed unit types including the split between 1-bed, 2-bed, and 3-bed plus and which is in accordance with the minimum 30% 3-bed units outlined above;*
 - A statement demonstrating how the scheme has been designed for / and could be adapted in the future for older people / persons with a disability / or lifetime homes, on a site or floor plan that:*
 - Are designed and located having regard to the needs of older people and / or persons with a disability;*
 - Are designed having regard to the concept of lifetime adaptable and / or multi-generational homes.*

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The previous application for the proposed development for retention was assessed under the previous CDP. The current County Development Plan requires a minimum of 30% 3-bed units and the preceding retention permission (SD18A/0285) would align with this mix. However, there are a number of conventional housing estates in the vicinity suggesting that 3-bed houses likely dominate the local housing typology. It is also understood that there is a specific demand for 2 bedroomed apartments in the area. As such the proposed mix does not present concerns for the Planning Authority.

Other Residential Amenity Considerations

Other relevant provisions of the Apartment Guidelines include the space standards set out to Specific Planning Policy Requirement 3 (Sustainable Urban Housing: Design Standards for New Apartments)

Minimum Apartment Floor Areas:

- Studio apartment (1 person) 37 sq.m
- 1-bedroom apartment (2 persons) 45 sq.m
- 2-bedroom apartment (4 persons) 73 sq.m
- 3-bedroom apartment (5 persons) 90 sq.m

The South Dublin County Development Plan 2022 – 2028 Table 3.21 also sets out the following:

Type of Unit	Apartment	Private Open Space	Communal Open Space	Storage
Studio	37 sq m	4 sq m	4 sq m	3 sq m
One bedroom	45 sq m	5 sq m	5 sq m	3 sq m
Two bedrooms (3 person)	63 sq m	6 sq m	6 sq m	5 sq m
Two Bedrooms (4 person)	73 sq m	7 sq m	7 sq m	6 sq m
Three bedrooms (5 person)	90 sq m	9 sq m	9 sq m	9 sq m

The proposed development for retention and permission complies with SPPR 3. The proposed development for permission includes alterations to private amenity spaces to provide for extension of ground floor private courtyards and balconies, of unit nos. 6-11, 17-20, 22-25, 27-30, 32-35, and 37-40 and the addition of private amenity spaces to unit nos. 12-16, 21, 26, 31, 36, and 41-42 which is acceptable.

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The proposed development for retention and permission consists of a central corridor with stairwells at either end and a lift shaft at the northern end. The Apartment Guidelines allows for 12 apartments per floor per core and the subject development generally accords with these parameters and is therefore acceptable. The applicant also wishes to include a fire escape from the 3rd to 4th floors which is deemed acceptable.

Roads

The Roads Department would require Additional Information for the proposed development or conditions, if the Planning Authority were contemplating a grant of permission, as follows:

Access & Roads Layout:

It is proposed to permanently close the barriered eastern vehicular entrance, and this is welcomed by the Roads Department.

A detailed layout of the proposed (western) dual entry/exit to be submitted as AI, of drawing scale no greater than 1:50, to include entrance width, lane widths, road markings/signage, vehicular gate type (automated/electrical/manual), pedestrian gate, tactile paving, and other relevant items that may be associated with this access point.

Roads have concerns, as expressed in previous roads reports (SD16A/0249 and SD18A/0285), that traffic travelling east towards the Coldcut junction may attempt to access the subject site by illegally turning right. The median at this location needs to be extended so that this would not be an option. Applicant to submit a revised drawing proposing an extended median accompanied with an AutoTRAK analysis showing safe vehicle movements at this location for traffic in all directions.

Car parking:

The principal for parking has been established under the two previous plannings and numbered 42 in total. 50no spaces are proposed under the current application. Roads departments are satisfied that the increase of 8 spaces is not an issue given that there are an additional 5 units proposed under the retention application.

The requirement for:

- *5% of parking spaces to be allocated for mobility impaired users has been met*
- *20% of parking spaces to be allocated for EV charging has not been met*
- *100% of carpark spaces to be ducted for future installation of EV charging points has not been met. Applicant to submit a revised drawing which details the above.*

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Bicycle parking:

110no spaces are proposed which exceeds the min requirements as set out in the CDP 2022-28.

Bin storage location:

The storage area is located a significant distance from the main residential building which would prove an onerous journey for tenants. There is also no footpath link provided. Applicant to consider this issue and to submit an alternative location with good pedestrian linkage for consideration.

Roads recommend that additional information be requested from the applicant:

- 1. The applicant to submit a revised layout which shows:
 - a. the proposed dual entry/exit vehicular access point (of drawing scale no greater than 1:50) – to include entrance width, lane widths, road markings/signage, vehicular gate type (automated/electrical/manual), pedestrian gate details, tactile paving, and other relevant items that may be associated with this access point.*
 - b. visibility splay triangles in both directions*
 - c. an extended central median accompanied with AutoTRAK analysis showing safe vehicle movements at this location for traffic in all directions*
 - d. alternative bin storage, located closer to the apartment block, with good pedestrian linkage.**

Should the permission be granted, the following conditions are suggested:

- 1. All items requested above will be carried at the applicant/developer's expense.*
- 2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Any gates shall open inwards and not outwards over the public domain.*
- 4. The entrance apron shall be dished and widened to the full width of the proposed widened driveway entrance and shall be constructed to the satisfaction of South Dublin County Council's Road Maintenance Department, and at the applicant's expense.*

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5. *All items and areas for taking in charge shall be undertaken to a taking in charge standard*
6. *Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed*
7. *Prior to commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority*
8. *Prior to commencement a Public Lighting Design for the development must be submitted and agreed by the Public Lighting team of SDCC*
9. *Level of illumination, location, orientation of lamps lighting the grounds of this proposed development shall be reviewable at any time by the Roads Department and adjustments made by the applicant/developer at their own expense if required to do so by South Dublin County Council.*
10. *Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (REGULATORY SIGNS) of the Traffic Signs Manual.*

Parks

The Parks Department have recommended a refusal which is considered appropriate in the context of the overall development. The main concerns identified by the Parks Department include:

- *The proposals have not sufficiently demonstrated compliance with GI policies as set out in the CDP 2022-2028. GI Plans need to be developed to reduce fragmentation of existing GI and show connections through site and into wider GI Network.*
- *The proposals have not sufficiently demonstrated compliance with Public Open Space Provision requirements as set out in the CDP 2022-2028.*
- *Applicant has not demonstrated compliance in terms of the requirement to achieve the appropriate Green Space Factor for the development site. Appropriate Green Factor of 0.7 (as per Table 1: Minimum Green Space Factor Scores for Land Use Zonings) for the site must be achieved.*
- *Details of soft and hard landscaping including Sections/Elevations required.*
- *Lack of detail in terms of Play Provision proposed.*
- *There is a lack of SuDS (Sustainable Drainage Systems) shown for the proposed development. The current layout is not in compliance with relevant policies relating to SUDS as set out in the CDP 2022-2028.*

It is noted this application is for the addition of 5 units to the scheme approved under SD18A/0285. The above concerns would for the basis of an additional information request if the development were otherwise acceptable, as it may have been possible to overcome these concerns.

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Drainage

Water Services and Irish Water have no objections to the proposed development subject to conditions regarding the appropriate treatment of Sustainable Urban Drainage Systems which given that this is an established residential development in an urban location, is considered appropriate.

Part V

The Housing Department require a condition be attached requiring the applicant to engage with them regarding the fulfilment of their Part V obligation in the event of a grant of permission which is appropriate.

Screening for Appropriate Assessment

The subject site is not located within nor within close proximity to a European site. The proposed development comprises of the retention of 42 residential units, the amalgamation of residential units, the provision of storage space, balconies and terraces, fire escape stairs, the provision of revised car parking, play areas and landscaping etc.

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.

SEA Monitoring Information

- *Building Use Type Proposed*- Residential Apartments
- *Floor Area (sqm)*- 3,944.9
- *Land Type*- Brownfield/Urban Consolidation
- *Site Area (Ha.)*- Stated as 0.44ha

Conclusion

The proposals under consideration represent a significant improvement over and above the development as built and occupied. The proposals also improve upon previous refused retention applications - PL06S.248994 (SD17A/0145) for 48 units and SD20A/0117 for 44 units. However, the proposals also represent a significant diminution in the quality of accommodation relative to the retention

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permission SD18A/0285 for 37 no. apartments, which has not implemented at the site to date. As provided for in the Apartment Guidelines, the Planning Authority has already accepted departures from its usual standards in terms of floor-to-ceiling heights and the proportion of single-aspect units in its previous grant of retention permission. Further departures from these standards are not in the interests of the proper planning and sustainable development of the area.

Relative to the most recent decision to refuse permission, the removal of the studio apartments and the amalgamation of units nos. 22 and 23 as well as the amalgamation of unit nos. 33 and 34 is welcomed. However, the configuration of the living/kitchen/dining areas is poor. It is likely that little sunlight would be available to the living area within the wider living/kitchen/dining area, contrary to the apartment guidelines. The number of single-aspect units is also excessive and contrary to the achievement of a high-quality living accommodation. There are several other issues raised in the report (including roads and public realm issues) that would also require resolution, these would have been the subject of an additional information request if the Planning Authority were contemplating a grant of permission.

It is recommended that permission is granted for the fire escape stairs from the third to fourth floor only, in the interests of public health given the current occupation of the structure.

Otherwise and overall, the proposals would result in the provision of substandard level of residential amenity for occupants, contrary to the proper planning and sustainable development of the area and it is recommended that (aside from the fire escape stairs) permission be refused for this development on that basis.

Recommendation

I recommend that to Grant Permission for the provision of fire escape stairs from the third floor to the fourth floor subject to the Conditions/Reasons set out in the **First Schedule** hereto and that Retention and Permission for the remainder of the development be refused for the Reason(s) set out in the **Second Schedule** hereto is hereby made.

Schedule 1

Planning permission for the provision of fire escape stairs from the third floor to the fourth floor is hereby granted as the building is currently occupied and the provision of these stairs is in the interests of public health.

Schedule 2

Aside from the provision of fire escape stairs from the third floor to the fourth floor, it is considered that previous reasons for refusal have not been satisfactorily addressed and fully overcome. These proposals would provide a substandard level of residential amenity for future occupants by reason of the excessive number of single-aspect units, the poor configuration and design of the proposed residential units and insufficient sunlight provision to living areas and would therefore be contrary to the proper planning and sustainable

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development of the area. Aside from the aforementioned fire escape stairs from the third floor to the fourth floor, the proposals are hereby refused permission.

FIRST SCHEDULE

Conditions and Reasons:

1. Unless otherwise agreed following consultation with the Chief Fire Officer, the fire escape stairs from the third to fourth floor shall be provided in accordance with the submitted plans and particulars and maintained thereafter. Additional fire safety measures may be agreed in writing by the planning authority, following consultation with the Chief Fire Officer and thereafter implemented and maintained on-site in accordance with any relevant agreement.

REASON: In the interests of Public Health

SECOND SCHEDULE

Reason(s)

1. The proposed development has not overcome previous reasons for refusal. Therefore, by reason of its poor quality design and configuration, the proposed development would result in substandard accommodation and inadequate residential amenity for future occupants. In particular, having regard to:
 - the poor internal layout,
 - the single aspect nature of the apartments,
 - the inadequate sunlight to living areas,the proposed development would materially contravene the Housing policies and objectives as set out in the South Dublin County Development Plan 2022-2028 and the standards set out in the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities 2020, and the 'Quality Housing for Sustainable Communities' (2007). As such, the proposal would not be in accordance with the proper planning and sustainable development of the area.
2. The proposed development would set an undesirable precedent for other similar developments, which would in themselves and cumulatively, be harmful to the residential amenities of the area and would be contrary to the proper planning and sustainable development of the area.

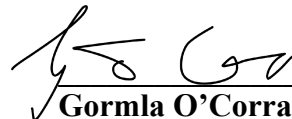
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**Neal Murphy,
Executive Planner**



**Gormla O'Corrain,
Senior Planner**

ORDER: A decision pursuant to Section 34(1) of the Planning and Development Act 2000 (as amended) to Grant Permission for the provision of fire escape stairs from the third floor to the fourth floor subject to the Conditions/Reasons set out in the **First Schedule** hereto and that Retention be refused for the Reason(s) set out in the **Second Schedule** hereto is hereby made.

Date: 16 Jan 2023



**Mick Mulhern, Director of
Land Use, Planning &
Transportation**