

Comhairle Chontae Atha Cliath Theas

PR/0079/23

Record of Executive Business and Chief Executive's Order

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| Reg. Reference: | SD22A/0440 | Application Date: | 18-Nov-2022 |
| Submission Type: | New Application | Registration Date: | 18-Nov-2022 |
| Correspondence Name and Address: | John Smyth Coach House Studio, Milltown, Whitehall, Castlepollard, Co. Westmeath | | |
| Proposed Development: | Material change of use from Creche to Office Unit at first floor of Palmerstown Shopping Centre with new connection to existing on-site water connection and with no change to the external fabric / facades of the building. | | |
| Location: | Palmerstown Shopping Centre, Kennelsfort Road Upper, Palmerstown, Dublin 20 | | |
| Applicant Name: | John Harnett | | |
| Application Type: | Permission | | |

(COS)

Description of Site and Surroundings

Site Area: stated as 1.42 Hectares on the application form.

Site Visit: 21st of December 2022.

Site Description

The subject site is an existing creche unit at the Palmerstown Shopping Centre. The creche is located at the first floor level.

Proposal

Permission for the material change of use from Creche to Office Unit at first floor of Palmerstown Shopping Centre with new connection to existing on-site water connection and with no change to the external fabric / facades of the building.

Zoning

The subject site is zoned 'DC': *'To protect, improve and provide for the future development of District Centres'* under the 2022-2028 CDP.

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Consultations

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| Water Services | No objection subject to conditions. |
| Irish Water | No objection subject to conditions. |
| Roads Department | No objection subject to conditions. |
| Public Realm | No comments/conditions to add. |

SEA Sensitivity Screening – the subject site overlaps with aviation layers.

Submissions/Observations/Representations

None received.

Relevant Planning History

Subject creche facility

ED21/0058

Change of use from Creche accommodation to health centre & associated internal alterations.

Declared exempt.

Under the application for exemption the applicant advised that they had now found that the full extent of the existing creche accommodation is not required for the use of the health centre (full extent was outlined in ED21/0013). This application was therefore for a reduced area but still the same change of use as ED21/0013.

ED21/0013

Change of use from creche to health centre and associated internal alterations. **Declared exempt.**

S99A/0622

Erection of deck/children's play area at first floor, to the rear. The proposed deck will provide an external play area for the children of the proposed new creche at first floor level, which is subject to a separate planning permission. The deck will have access at 2 points from the first floor and will be fully enclosed on all three sides and roof. It will have an emergency escape stairs providing escape to the external area at the rear of the shopping centre. **Permission granted.**

This does not appear to have been implemented.

S99A/0621

Change of use from commercial activities to creche and childcare facilities at part of the first floor. The change of use will involve new signage to replace existing at ground floor level, new signage to the two small brick gables to either side of the main central brick gable, at first floor level and minor alterations to some window sections at first floor level. Modifications to the existing roof vents and the addition of three no. new roof lights is proposed to the rear roof pitch

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area. Car parking will occur with the existing car park to the front of the shopping centre.
Permission granted.

Relevant Enforcement History

Enforcement Ref. S7754.

The erection of an advertising sign on the front facade of the property with text referring to 'Kids Inc' without planning permission. Last action taken on the 18th of December 2019.

Pre-Planning Consultation

None identified.

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

Policy CS5: Lands for Employment

CS5 Objective 3:

To support mixed use employment activities in our urban areas in accordance with the settlement and retail hierarchies.

Policy QDP1: Successful and Sustainable Neighbourhoods

QDP1 Objective 3:

To protect the quality, ambiance, vibrancy and vitality of urban centres by promoting an appropriate mix of complementary and compatible day and night-time uses, including commercial, recreational, civic, cultural, leisure and residential uses.

QDP1 Objective 4:

To reinforce the network of urban centres as the appropriate locations for new mixed-use development, ensuring that the existing context including identified built and natural assets, urban design, integration and potential for connectivity fully informs development.

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy EDE12: Retail – District Centres

Maintain and enhance the retailing function of District Centres (Level 3 and Level 4).

EDE12 Objective 1:

To promote the development of District Centres as sustainable, multifaceted, retail led mixed use centres and support their enhancement and upgrade.

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

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Policy IE3: Surface Water and Groundwater

Policy IE7: Waste Management

Policy IE8: Environmental Quality

12.3.1 Appropriate Assessment

12.3.3 Environmental Impact Assessment

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

Relevant Government Guidelines

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

Regional Spatial & Economic Strategy 2019 - 2031, 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).

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

Assessment

The main issues for assessment relate to:

- Zoning and Council Policy;
- Visual and Residential Amenity;
- Access and Parking;
- Green Infrastructure and Landscaping;
- Infrastructure and Environmental Services;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is zoned 'DC': *'To protect, improve and provide for the future development of District Centres'* under the 2022-2028 CDP. Offices are Permitted in Principle in the DC zoning.

The adjoining part of the unit was recently declared exempt under Reg. Ref. ED21/0058 for a change of use from creche to health centre. The proposed development is to convert the

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remainder of the creche unit into office use. Effectively, the two proposals have split the creche unit into 2 no. units, one for office use and one for use as a health centre.

The unit in its current use as a childcare facility is consistent with the policies and objectives of the County Development Plan in providing childcare facilities in well located sites in an existing built-up area. Notwithstanding this, the majority of the creche unit is considered exempt for use as a health centre and office use is permitted in principle in District Centres.

Visual and Residential Amenity

Visual amenity

No external changes to the unit or shopping centre are proposed. An emergency escape door would be provided between the two units.

Residential amenity

The subject site is located within an existing shopping centre. The nearest residential properties are those located around the proximity of the shopping centre. Given the nature and extent of the proposed development, it is not considered that it would have an unacceptable impact on existing residential amenity.

Access and Parking

The Roads Department have reviewed the proposed development and have no objection subject to conditions:

Access & Roads Layout:

No issues.

Parking:

The staff quantum from neither the old creche nor the new office arrangement is known. The change of use may see a small rise in the number of office staff using cars, but traffic at peak times will see a decrease in traffic when creche services cease (if this has not already happened). Regardless of the small changes that will arise in traffic patterns here, there is no scope to amend the parking provision in this well-established shopping centre. Roads deem the current parking provision to be adequate in this instance. If possible, through this application, Roads Department would like to see the minimum parking criteria as set out in the new CDP 2022-28 to be developed, and this has been conditioned below in condition No.1.

If this cannot be met, Roads would ask that efforts are made to partially meet this criteria.

No Roads objections

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

1. The proposed development shall make provision for mobility impaired drivers and the charging of electric vehicles as follows:

a. 5% of surface car parking spaces must be provided for mobility impaired drivers.

b. 20% of surface car parking spaces must be provided with electric vehicle charging points initially.

REASON: In the interest of sustainable transport

The report from the Roads Department is noted. Given the nature and extent of the proposed development, the Planning Authority does not consider it appropriate to include the recommended condition in this instance. The office would have access to the existing shopping centre car park, which has mobility impaired car parking spaces.

Green Infrastructure and Landscaping

The subject site is located proximate to a Primary GI Corridor as identified on Figure 4.4: Green Infrastructure Strategy Map in the CDP. Having regard to the location, nature and scale of the development it is considered to be in accordance with Policy Objectives GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the CDP 2022-2028.

Infrastructure and Environmental Services

The proposed development would involve a separate connection for the proposed office unit. A confirmation of feasibility from Irish Water has been submitted with the application.

Water Services and Irish Water have reviewed the proposed development and have no objections subject to standard conditions. This includes a condition that the applicant/developer enters into a water and/or wastewater connection agreement(s) with Irish Water prior to the commencement of development. These conditions should be attached in the event of a grant of permission.

Environmental Impact Assessment

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

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Screening for Appropriate Assessment

The applicant has not submitted any information in relation to screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The development involves a change of use from creche to office use.

Having regard to:

- the scale and nature of the development,
- the location of the development in a serviced 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.

Development Contributions

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

Change of use from creche to office use
Stated as 204sq.m in the application form.

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| Planning Reference Number | SD22A/0440 |
| Summary of permission granted & relevant notes: | Change of use from creche to office |
| Are any exemptions applicable? | No |
| If yes, please specify: | N/A |
| 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) | 204 |
| Amount of Floor area, if any, exempt (m2) | 0 |
| Total area to which development contribution applies (m2) | 204 |
| Total development contribution due | €22,964.28 |

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SEA monitoring

Building Use Type Proposed: Residential extension.

Floor Area: 204sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 1.42 Hectares.

Conclusion

Having regard to the:

- provisions of the South Dublin County Development Plan 2022-2028,
- the established character of the area, and
- the nature and scale of the proposed development,

it is considered that, subject to compliance with the conditions set out below, the proposed development would be in compliance with Council policy, would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

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

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 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 in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.

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2. Irish Water Connection Agreement.

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

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

3. Drainage - Irish Water.

(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.

4. Minimise Air Blown Dust.

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

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

5. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In

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this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

REASON: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

6. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €22, 964.28 (Twenty-two thousand nine hundred sixty-four euros and twenty-eight cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

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

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

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

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

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

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REG. REF. SD22A/0440

**LOCATION: Palmerstown Shopping Centre, Kennelsfort Road Upper, Palmerstown,
Dublin 20**



**Deirdre Kirwan,
Senior Executive Planner**

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

Date: 23/01/23


**Gormla O'Corrain,
Senior Planner**