

# Comhairle Chontae Atha Cliath Theas

**PR/0090/23**

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

**Reg. Reference:** SD22A/0135      **Application Date:** 05-May-2022  
**Submission Type:** Additional      **Registration Date:** 20-Dec-2022  
Information

**Correspondence Name and Address:** DDA Architects 62, Brighton Square, Rathgar,  
Dublin 6

**Proposed Development:** Two storey construction (366.2sq.m) comprising of a two storey own door Coffee Shop (133.80sq.m) with connection to existing Centra' 2 own door ground floor shops to the rear of 48.0sq.m each with 2 first floor offices above of 48.0sq.m each; new pedestrian footpath and all associated site works.

**Location:** Whitechurch Shopping Centre, Whitechurch Green, Edmondstown, Dublin 16

**Applicant Name:** Damien & Peter Furey

**Application Type:** Permission

(CS)

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

#### Site Description:

Whitechurch Shopping Centre is located within the Whitechurch residential housing estate in Rathfarnham. The existing single storey Centra retail store forms part of a wider row of single storey retail shops units with a flat parapet roof. The existing Centra retail store is located at the western end of the Whitechurch shopping centre, and the Furry Bog public house is located at the eastern end of the shopping centre. Other shops within the shopping centre include for two number takeaways and a pharmacy. Whitechurch shopping centre faces on to a residential housing estate to the south (Whitechurch Green) which is made up of a number of semi-detached houses. The subject site outlined in red is located immediately to the west of the existing Centra retail store and although the subject site is zoned 'LC' – Local Centre, it currently functions as a green open space. To the west of the subject site is a car park for the adjacent Church. The Centra retail store is outlined in blue and is in the ownership of the applicant. There is also a Post Office located within the Centra retail store.

Site Area: 0.0303 ha.

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### **Proposal:**

The proposed development comprises of the following:

- Two storey unit providing floor space for coffee shop, 2 no. shops and 2 no. office units (366.2sq.m.)
- Two storey own door coffee shop (133.8sq.m.) with connection to existing retail store (Centra, 494.9sq.m.).
- 2 no. own door ground floor **shops** to the rear (48sq.m. per shop) each with 2 no. first floor **offices** above 48sq.m. each.
- New pedestrian footpath.
- Shop Front Signage.

### **Zoning:**

The subject site is subject to zoning objective 'LC' - 'To protect, improve and provide for the future development of Local Centres'.

### **Consultations:**

*Roads Department* – **Additional Information** recommended or **conditions** to be attached in the event of a grant.

*Surface Water Drainage* – **Additional Information** recommended.

*Irish Water* – No objections subject to **conditions**.

*Environmental Health Officer* – Acceptable subject to **conditions**.

*Parks Department* – Grant with **conditions**.

### **Strategic Environmental Assessment Screening**

Indicates no overlap with the relevant environmental layers.

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

None.

### **Relevant Planning History**

None recorded for subject site.

### *Adjacent sites*

**SD11A/0200:** 'The Furry Bog', No. 6-7, Whitechurch Green, Rathfarnham, Dublin 16.

Change of use of existing off license section to take away: the works to include associated internal alterations; provision of new kitchen/service area and necessary amendments to existing signage.

Decision: **GRANT PERMISSION.**

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**SD05A/0187:** 60, Parkhill Avenue, Kilnamanagh, Dublin 24.  
Two storey house and entrance at side (Outline Permission SD04A/0372).  
Decision: **GRANT PERMISSION.**

### **Relevant Enforcement History**

None

### **Pre-Planning Consultation**

None

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

*Section 1.13.0 Retail Strategy*

*Section 4.2.0 Strategic Policy For Employment*

*Chapter 3 Community Infrastructure*

*Section 3.13.0 Management of Open Space*

*Policy C12 Open Space*

*Policy C12 Objective 13: Coffee Shops*

*Chapter 4 Economic Development & Tourism*

*Section 4.2.0 Strategic Policy For Employment*

*Policy ET1 Economic and Tourism Overarching Policies and Objectives*

*Policy ET3 Enterprise and Employment (EE)*

*Chapter 5 Urban Centres & Retailing*

*Policy UC1 Urban Centres Overarching*

*Policy UC5 Local Centres*

*Section 5.1.4 Local Centres*

*Section 5.2.0 Retailing*

*Section 5.2.1 Strategic Guidance*

*Section 5.2.2 Retail Hierarchy*

*Table 5.1 South Dublin County Retail Hierarchy*

*Table 5.2 Settlement Hierarchy and Retail Hierarchy*

*Section 5.3.0 Additional Retail Floorspace*

*Policy R1 Overarching*

*Section 5.6.0 Retail Centres*

*Policy R8 Local Centres*

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*Section 6.4.4 Car Parking*

*Policy TM7 Car Parking*

*Section 7.1.0 Water Supply & Wastewater*

*Policy IE1 Water & Wastewater*

*Section 7.2.0 Surface Water & Groundwater*

*Policy IE2 Surface Water & Groundwater*

*Section 9.3.1 Natura 2000 Sites*

*Policy HCL12 Natura 2000 Sites*

*Section 11.2.3 Town And Village Centres*

*Section 11.2.8 Signage – Advertising, Corporate and Public Information*

*Table 11.19: Signage – Types of Signs, Restrictions on Use and Design Criteria*

*Section 11.2.9 Shopfront Design*

*Section 11.3.6 Retail Development*

*(i) Retail Criteria*

*(i) Restrictions on Uses*

*Section 11.4.1 Bicycle Parking Standards*

*Table 11.22: Minimum Bicycle Parking Rates*

*Section 11.4.2 Car Parking Standards*

*Table 11.23: Maximum Parking Rates (Non Residential)*

*Section 11.4.4 Car Parking Design and Layout*

*Section 11.6.3 Environmental Hazard Management*

*Section 11.6.3 (iii) Lighting*

*Section 11.6.5 Waste Management*

*Section 11.7.2 Energy Performance In New Buildings*

*Section 11.8.1 Environmental Impact Assessment*

*Section 11.8.2 Appropriate Assessment*

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### ***Table 11.19 Signage***

#### ***Section 11.2.8 Signage – Advertising, Corporate and Public Information***

*Signage relates to all signs erected on the exterior of buildings, within windows, as standalone structures or attached to public utilities. Signage has the potential to give rise to visual clutter and to alter the character of an area and as such will be carefully assessed.*

*Development proposals that include signage should take account of the following:*

*In general, signs on a building should only advertise goods or services that are associated with the premises and no more than 2 advertising signs should be erected on any elevation.*

*Signs should generally be limited to the ground floor of a building unless located directly over the entrance to a major commercial or retail building.*

*Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features.*

*Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment.*

*Signs attached to Protected Structures and in Architectural Conservation Areas should be in keeping with the character of the building and adhere to best practice conservation principles (see Section 11.5.3 Architectural Conservation Areas).*

*Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard.*

*Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it.*

*All signage within the traditional historical villages of the County must be respectful and enhance the historical context of the Architectural environment of these villages.*

*The criteria outlined in Table 11.19 will also be applied.*

### ***South Dublin County Council Shopfront Design Guide (2014)***

#### **Relevant Government Guidelines**

***Project Ireland 2040 National Planning Framework, Government of Ireland, 2018.***

***Regional Spatial and Economic Strategy, 2019 - 2031, Eastern & Midlands Regional Assembly (2019).***

***Section 5: Dublin Metropolitan Area Strategic Plan, in Regional Spatial and Economic Strategy, 2019 – 2031.***

***Retail Planning Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (April 2012).***

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*Retail Design Manual - A Good Practice Guide*, Department of Arts, Heritage and the Gaeltacht (2012).

*Retail Strategy for the Greater Dublin Area 2008-2016*, Dublin Regional Authority and Mid-East Regional Authority, (2008).

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

### Assessment

The main issues for assessment relate to the following:

- Zoning and Council Policy,
- Residential and Visual Amenity,
- Signage,
- Environmental Health,
- Parks & Landscaping,
- Services & Drainage,
- Access & Parking,
- 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 'LC' - '*To protect, improve and provide for the future development of Local Centres*'. The proposed Coffee Shop (Restaurant/Café) is permitted in principle in a Local Centre. As the 2 no. proposed offices (96sq.m.) is less than 100sq.m. this is permitted in principle (Offices less than 100sq.m.). The proposed 2 no. shops are also permitted in principle for a Local Centre (Shop-Local, Shop-Neighbourhood).

It is the policy of the Council to promote appropriate sustainable development of existing built-up areas in order to retain population levels and delivery of local services. The proposal seeks to provide employment opportunities in a Local Centre location and will be of benefit to the regeneration and resurgence of the area. The proposed development would be acceptable in principle subject to compliance with the policies and objectives of the South Dublin County Council Development Plan 2016-2022 with specific reference to section 11.3.6 Retail Development and section 5.1.4 Local Centres.

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### *Local Centre*

#### *Two Storey Coffee Shop*

The subject site is broadly rectangular in shape and measures a length of c.31.575m and a width of c.9.2m. The proposed building will have a flat parapet roof with a roof height of 7.35m for the coffee shop and a parapet height of 6.375m for the office/shop element. It is considered acceptable for the height of the Coffee Shop to be set at a higher level on this corner junction. Elevations for the Coffee Shop will have a yellow brick finish and fenestration treatment on the western and southern elevations are considered to be symmetrical and in keeping with the character of the existing shopping centre.

Restaurant/café is defined in the South Dublin County Council Development Plan 2016-2022 as a building or part thereof where the primary function is the sale of meals and refreshments for consumption on the premises. The proposed floor plans for ground floor and first floor level show approximately 12 no. tables and toilets with a connection to the existing Centra retail store at ground floor level. There are approximately 4 no. business premises along this row of shops which includes for 2 takeaways (Italian takeaway and Chinese takeaway), a pharmacy and a public house. It is therefore considered appropriate that in the event of a grant of permission to safeguard against over-proliferation of takeaways a **condition** shall be attached that the proposed café/restaurant should not operate as a takeaway facility other than that incidental to the restaurant.

The protection of residential amenity is a key consideration for developments in a Local Centre. The proposed use, a coffee shop, is considered appropriate in a Local Centre. It is considered that the proposed coffee shop would contribute to the vitality and vibrancy of the local centre and would not be injurious to the retail or residential amenities of the area. In addition, it is considered that the proposed development will provide an active frontage to the west. This is welcomed by the Planning Authority and will improve of the local centre.

#### *2 no. offices at first floor level (each unit c.48sq.m.)*

The first floor offices will be accessed via an entrance door and stairs located on the western elevation. There will be a 2 metre wide footpath provided along the western elevation. The building which provides for 2 no. offices at first floor level and 2 no. shops at ground floor level will be set below the parapet height of the Coffee Shop which is set at a higher level at the corner junction. Elevations will have a render finish and fenestration treatment on the western elevation is considered to be symmetrical and in keeping with the character of the existing shopping centre.

#### *2 no. retail shop units (each unit c.48sq.m.)*

The retail shop units will be accessed via their own separate entrance door located on the western elevation. Each shop will have its own separate disabled toilet. Elevations will have a render finish and fenestration treatment on the western elevation is considered to be symmetrical and in keeping with the character of the existing shopping centre. The offices

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contribute to provide employment opportunities in a Local Centre location and will be of benefit to the regeneration and resurgence of the area. The proposal would be consistent with the policies and objectives of the current South Dublin County Council Development Plan 2016-2022 with specific reference to section 11.3.6 Retail Development and section 5.1.4 Local Centres.

#### *Signage*

Proposed elevations indicate shop front signage will be provided. However, no details regarding this signage have been submitted as part of this application.

Table 11.19 of the County Development Plan provides design criteria for signage. For fascia signs, the design criteria are:

“Should not be internally illuminated. Lettering should be no more than 400mm in height.”

Signage should comply with the design criteria set out in the County Development Plan. If not complied with this would be detrimental to the residential amenity of the area and give rise to unnecessary light pollution. The signage should comply with the council's design criteria, and it is considered this may be addressed by way of a request for **Additional Information**.

#### *Environmental Health,*

The Environmental Health Officer has issued a report recommending the application to be acceptable subject to **conditions**. An extract taken from the EHO report states the following:

#### Development Summary

*Two storey extension to existing shop including a coffee shop and offices. The coffee shop must be provided with adequate ventilation, without causing noise nuisance, and the drainage system in the take-away must be protected from fats oils and grease. Construction must also not cause noise or dust nuisance. The above proposal is acceptable to the Environmental Health Department – subject to the following condition(s):*

#### *Kitchen: Fumes and Noise*

*(a) The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.*

*(b) Any fumes emitted from the premises shall be minimised and if necessary, treated using the Best Available Technology and emitted to the outer air.*

*(c) The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.*

*(d) Details to demonstrate compliance with above shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development.*

*Reason: In the interests of public health and in the interest of protecting the established residential amenity of the surrounding area.*



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### *Grease traps*

*All wastewater from kitchens shall be routed via an appropriate grease trap or grease removal system before being discharged to the public sewer. Full details of this system shall be submitted for the written approval of the Planning Authority prior to the commencement of any development.*

*Reason: In the interests of public health.*

### Construction Phase

#### *Noise*

*1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that:*

*The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours:*

- Before 07.00 hours on weekdays, Monday to Friday*
- Before 09.00 hours on Saturdays.*
- After 19.00 hours on weekdays, Monday to Friday.*
- After 13.00 hours on Saturdays.*
- Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

*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.*

### Air Quality

*During the construction / 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.*

*Reason: To contain dust arising from construction / demolition in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.*

*Notes to the Developer:*

*The requirements of the HSE Environmental Health Officer in relation to food premises should be ascertained prior to the commencement of development.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

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### ***Parks & Landscaping***

The Parks Department have issued a report recommending Grant with **Conditions**. An extract taken from the Parks report states the following:

#### *1. Sustainable Drainage System (SuDS)*

*No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Planning Authority. The applicant shall submit the following information:*

- a) A drawing to show how surface water shall be attenuated to greenfield run off rates.*
  - b) Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed.*
- Examples of*

*SuDS include Green roofs, swales, tree pits, permeable paving, and other such SuDS and show what attenuation capacity is provided by such SuDS*

- c) SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation. The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.*

*REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.*

It is considered that conditions relating to SUDs should be attached in the event of a grant of permission.

### ***Services & Drainage***

Surface Water Drainage have issued a report recommending **Additional Information** be requested regarding SUDs. Irish Water have issued a report recommending no objection subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

#### *Surface Water Report: **Further Information** Requested:*

- 1.1 The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is required to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.*

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*1.2 The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*

- Green Roof*
- Other such SuDS*

*Flood Risk No Objection:*

- 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.*

It is considered appropriate to request the above **Additional Information**.

An extract taken from the Irish Water report states the following:

*IW Recommendation:*

*No Objection*

### 1 Water

*1.1 Prior to the commencement of development the applicant or developer shall enter into a water connection agreement(s) with Irish Water.*

- All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

### 2 Foul

*2.1 Prior to the commencement of development the applicant or developer shall enter into a wastewater connection agreement(s) with Irish Water.*

- All development shall be carried out in compliance with Irish Water Standards codes and practices.*

*Reason: In the interest of public health and to ensure adequate water facilities.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

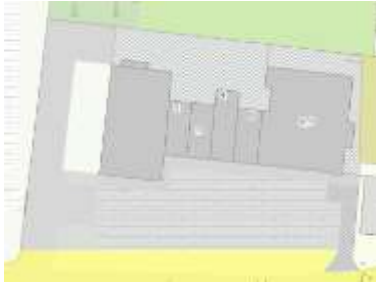
### **Access and Parking**

Roads Section have reviewed the application and have recommended **Additional Information** be requested. An extract taken from the Roads report states the following:

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### Intro:

*The roads and paths within Whitechurch Shopping Centre are private (grey shade above). The road markings are non-existent or have worn away completely and Roads Department have significant concerns regarding a number of issues here.*

### Access & Roads Layout:

*The entrance and exit are well established.*

### Car Parking:

*The applicant must provide information relating to the existing parking or traffic arrangements, and consent from the owner of the centre re the use of the roads and existing parking spaces. The applicant shall provide 5% of vehicular parking spaces for mobility impaired users, and 10% vehicular parking spaces to be equipped with electrical charging points, REASON: In the interest of sustainable transport.*

*See CDP 2016-22 Table 11.23 & 11.24 re the maximum no. carparking spaces to be provided.*

### Bicycle Parking:

*The applicant has not proposed any bicycle parking.*

*The applicant must provide a drawing with the calculated number of bicycle parking spaces shown. (No of staff and seats required).*

*See CDP 2016-22 Table 11.22 – Min no. bicycle parking spaces to be provided.*

### Permeability:

*The applicant shall provide a drawing which demonstrates how pedestrians move safely within the shopping centre, and especially within the carpark (pedestrian crossings, kerbing, dished kerbing, footpaths, etc).*

### Taking in Charge:

*A TIC dwg must be provided showing any areas that are intended to be offered for Taking in Charge.*

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### Bin Trucks:

*The applicant shall provide a drawing which demonstrates how bin trucks will access the development, and where bin storage will be located for all proposed units.*

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

1. *The applicant must provide:*
  - a. *a TTA (Traffic & Transport Assessment) Report with information relating to the existing parking and traffic arrangements (including the existing number of parking spaces in the centre, no. of trips, peak demand etc).*
  - b. *a detailed drawing showing the traffic priority (with requisite road markings and signage) where the church entrance and shopping centre entrance occur.*
  - c. *consent from the owner of the centre re the use of the private roads and existing parking spaces.*
2. *CDP 2016-22 Table 11.23 & 11.24 – Max no. carparking spaces to be provided. The applicant shall provide a drawing with the calculated number of car park spaces to be provided:*
  - *5% of these parking spaces for mobility impaired users*
  - *10% parking spaces to be equipped with electrical charging points.*
3. *The applicant must provide a drawing with the calculated number of bicycle parking spaces shown. Calculations made using anticipated staff and seat numbers to be included. CDP 2016-22 Table 11.22 Min Bicycle Parking Rates.*
4. *The applicant shall provide a drawing which demonstrates how pedestrians will move safely within the shopping centre, and especially so within the carpark (pedestrian crossings, kerbing, dished kerbing, footpaths, etc).*
5. *A TIC dwg must be provided showing any areas that are intended to be offered for Taking in Charge.*
6. *The applicant shall provide a drawing which demonstrates how emergency vehicles will access the development.*
7. *The applicant shall provide a drawing which demonstrates how bin trucks will access the development, and where bin storage will be located for all proposed units.*

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

1. *The road markings within the centre to be reinstated.*

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It is considered appropriate to request the above **Additional Information** and to include for a request to reinstate the road markings within the shopping centre car park area. The road markings within the shopping centre car park and bicycle parking facilities would be in accordance with Council Policy on Local Centres as per Section 5.1.4 of the SDCC Development Plan 2016-2022 with specific reference to UC5 Objective 3 which seeks 'To improve walking and cycling infrastructure within the local catchment of centres.

### 5.1.4 LOCAL CENTRES

Local Centres are commercial centres that provide day to day services and facilities to cater for a local catchment. The scale and function of local centres vary. A Local Centre Zoning Objective is applied to these areas:

Land Use Zoning Objective 'LC': 'To protect, improve and provide for the future development of Local Centres'

#### URBAN CENTRES (UC) Policy 5 Local Centres

It is the policy of the Council to encourage the provision of an appropriate mix, range and type of uses in Local Centres, including retail, community, recreational, medical and childcare uses, at a scale that caters predominantly for a local level catchment, subject to the protection of the residential amenities of the surrounding area.

#### UC5 Objective 1:

To support the improvement of local centres, and encourage the use of upper floors, with due cognisance to the quality of urban design, integration, linkage, accessibility and protection of residential amenity.

#### UC5 Objective 2:

To support and facilitate the location of small scale community facilities within accessible local centres and as part of large scale commercial development where a deficiency in community space is demonstrated, subject to adaptable design for a variety of uses.

#### UC5 Objective 3:

To improve walking and cycling infrastructure within the local catchment of centres.

#### UC5 SLO 1:

To promote and facilitate appropriate development at the former McHugh's Shopping Arcade site on St. James' Road, Greenhills to provide for both community and commercial services for local residents.

### *Screening for Appropriate Assessment (AA)*

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 a house extension.

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.

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### *Screening for Environmental Impact Assessment (EIAR)*

Having regard to the modest 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*

- 1 no. coffee shop, 2 no. shops, 2 no. offices.
- Proposed development measures c.366.2sq.m.
- Assessable area c.366.2sq.m.

SEA Monitoring Information	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
1 no. coffee shop, 2 no. shops, 2 no. offices	366.2
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Greenfield	0.0303

### Conclusion

In order to make a comprehensive assessment it is considered appropriate to request **additional information** on the following items:

1. Access & Parking (Roads) requirements.
2. SUDS requirements.
3. Signage requirements.

### Recommendation

Request Further Information.

### Further Information

Further Information was requested on 29/06/22.

Further Information was received on 20/12/22.

### Consultations

Roads

Water Services

Irish Water

**Refusal** recommended.

No objection, **conditions** recommended.

No objection, **conditions** recommended.

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### Submissions/Observations

No further submissions/observations received.

### Further Information

The Further Information requested was as follows:

1. *The applicant is requested to submit the following information regarding Roads requirements:*
  - a. *A scaled and dimensioned drawing clearly showing the road markings within the shopping centre complex to be reinstated to an appropriate standard.*
  - b. *A TTA (Traffic & Transport Assessment) Report with information relating to the existing parking and traffic arrangements (including the existing number of parking spaces in the centre, no. of trips, peak demand etc).*
  - c. *A detailed drawing showing the traffic priority (with requisite road markings and signage) where the church entrance and shopping centre entrance occur.*
  - d. *Written consent from the owner of the centre regarding the use of the private roads and existing parking spaces*
  - e. *a drawing with the calculated number of car park spaces to be provided. CDP 2016-22 Table 11.23 & 11.24 – Max no. carparking spaces to be provided.*
    - i. *5% of these parking spaces for mobility impaired users*
    - ii. *10% parking spaces to be equipped with electrical charging points*
  - f. *a drawing with the calculated number of bicycle parking spaces shown. Calculations made using anticipated staff and seat numbers to be included. CDP 2016-22 Table 11.22 Min Bicycle Parking Rates.*
  - g. *a drawing which demonstrates how pedestrians will move safely within the shopping centre, and especially so within the carpark (pedestrian crossings, kerbing, dished kerbing, footpaths, etc).*
  - h. *A TIC (Taking in Charge) drawing should be provided showing any areas that are intended to be offered for Taking in Charge.*
  - i. *a drawing which demonstrates how emergency vehicles will access the development.*
  - j. *a drawing which demonstrates how bin trucks will access the development, and where bin storage will be located for all proposed units.*
2. *The applicant is requested to submit the following information regarding signage requirements:*

*Full detailed planning drawings of proposed signage to include signage lettering, logo dimensions, colours, materials, finishes and illumination type to comply with Table 11.19 of the County Development Plan which provides design criteria for signage. For fascia signs, the design criteria sets out that this type of signage “Should not be internally illuminated. Lettering should be no more than 400mm in height.”*
3. *The applicant is requested to submit the following information to the Planning Authority regarding SuDS (Sustainable Drainage Systems):*



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- a. *The applicant has not proposed any SuDS (Sustainable Drainage Systems) features for the proposed development. The applicant is requested to submit a drawing in plan and cross sectional views clearly showing proposed Sustainable Drainage Systems (SuDS) features for the development.*
- b. *The applicant is requested to include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
  - i. *Green Roof*
  - ii. *Other such SuDS*

### Assessment of Further information

#### *Item 1 – Roads Requirements*

The applicant has submitted a proposed layout plan providing bicycle parking and electric vehicle charging points as well as internal site layout alterations include the provision of additional footpaths and the reduction in the width of the site access road. All of these changes are proposed outside the red line boundary of the development site without a letter of consent or clarity on how these upgrades would be delivered. The applicant notes that these areas are under the control of a separate management company and a letter of consent is to follow however, at the point of assessment, this information has not been provided. The Planning Authority is precluded from considering development outside the red line boundary of an application site and cannot grant permission for development for which the relevant land owner consent has not been provided.

It is considered that the nature of the proposal is such that there would be additional pedestrian, cyclist and vehicular traffic to the development and that these items must be adequately dealt with as part of any application. The applicant cannot provide any of the site layout upgrades proposed, or the bicycle or electric vehicle charging spaces and therefore the development should be **refused** as the timeline for requesting clarification of additional information has lapsed. A subsequent application would be required with the red line boundary extending around all areas where works are proposed, and the necessary consent from relevant land owners must be sought and provided with any future planning applications.

The Roads Department have reviewed the application and have recommended **refusal**, noting the red line boundary needs to be updated in order to deliver the works included as part of the additional information response.

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In the interest of providing a robust assessment to assist in the submission of a future application, the Roads Department have reviewed the additional information. A summary of their response to each item is provided as follows:

- (a) The proposed arrangement seems satisfactory except for spaces 21 & 22 to the east would need to be omitted to allow for a turning head.*
- (b) The TTA is satisfactory.*
- (c) This item has not been addressed and remains outstanding.*
- (d) Letter of consent not provided – remains an outstanding item.*
- (e) The applicant has submitted figures as set out in the CDP 2022-28 and has given the standalone scenario, and the overall when combined with the existing development. Roads are satisfied with the combined submission of figures and an overall quantum of 40 no spaces. 2no mobility impaired spaces are proposed which meets the 5% CDP criteria. EV spaces are proposed but need to be shown on a revised roads layout.*
- (f) Applicant has proposed 36no bicycle spaces which exceeds the CDP 2022-28 min bicycle parking rates. Both areas lie outside the redline boundary as noted. If constructed both areas would need to be covered.*
- (g) Response contained within TTA is satisfactory.*
- (h) No areas to be offered for TIC – response satisfactory.*
- (i) Response demonstrating emergency vehicle access is satisfactory.*
- (j) Applicant has not addressed bin truck access. Location of bins and AutoTRAK would be required.*

### *Item 2 – Signage*

The applicant has not provided sufficient detail relating to the signage proposals for the coffee shop, offices or retail units. A **condition** should be attached stating that no signage is permitted under this application, save for signage which may be exempt, and that any proposals for signage will have to be agreed as part of a subsequent planning application. For future signage applications, the applicant should refer to Section 12.5.7 of the Development Plan, and Table 3.19.

### *Item 3 – SuDS*

Water Services have reviewed the submission and have stated no objection to the development, recommending a **condition** requiring the submission of a cross-section of the proposed green roof in the event of a grant of permission. This is considered acceptable.

### South Dublin County Development Plan 2022 – 2028

A new Development Plan came into effect for South Dublin on 3<sup>rd</sup> August 2022. As a result, the development has been reassessed against the plans and policies of this new plan. Restaurant/Café use is still permitted in principle under the 'LC' zoning. The proposal broadly aligns with the policies and objectives of the 2022 – 2028 Development Plan, save for car and bicycle parking requirements, addressed earlier in this report.

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There is an increased focus on green infrastructure within the new plan and therefore an additional assessment of the application against these policies and objectives has been undertaken below.

### *Green Infrastructure*

The site appears to be located within the DLR GI Corridor-2. The applicant has addressed concerns regarding SuDS at the site by proposing a green roof. As previously stated, a condition is required to provide further information in relation to this item.

Given the constrained red line boundary of the site, there is minimal opportunity for the applicant to improve green infrastructure provision at the site. It is noted that the applicant appears to be proposing some minor landscaping alterations outside the red line boundary, and these are therefore beyond the scope of the current assessment. This is considered acceptable however, should the applicant increase their red line boundary, additional opportunities within the site to increase and improve green infrastructure should be sought.

### Conclusion

The applicant is proposing works essential to the consideration of the proposed development that are outside the red line boundary. The applicant has not demonstrated an ability to deliver the layout alterations, EV car parking or bicycle parking indicated, providing no confirmation of ownership of these lands or a letter of consent from the relevant owner to permit their inclusion within the planning application pack. These items therefore cannot be considered for permission but are critical to the assessment and requirements of the proposed office and retail units. Therefore, having regard to the provisions of the South Dublin County Council Development Plan 2022-2028 and the overall design and scale of the development proposed it is not considered that planning permission can be granted, and the development must therefore be **refused** until the items for concern are addressed.

### Recommendation

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

## SCHEDULE

### REASON(S)

1. The Planning Authority can only grant permission for development within the relevant red line boundary, and where lands are outside the ownership of an applicant, these lands can be included within an application red line boundary as long as the relevant land owner consent has been provided. Where the red line boundary does not extend to all areas where works are proposed, and the necessary letters of consent are not provided, the Planning Authority must refuse permission. The applicant is proposing works essential to the consideration of the proposed development that are outside the developments red line

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boundary. The applicant has not demonstrated an ability to deliver the layout alterations, EV car parking or bicycle parking indicated, providing no confirmation of ownership of these lands or a letter of consent from the relevant owner to permit their inclusion within the planning application. Given the proposed intensification of use at the shopping centre, adequate car and bicycle parking facilities are a crucial consideration in the determination of the application, as well as traffic safety concerns regarding the location of bin storage and bin truck access, and the requirement for a turning head as part of car parking upgrades. These items have been included for consideration as part of the additional information request but cannot be permitted given the constraints of the red line boundary of the proposed development site. The proposed development is significantly deficient in car parking and bicycle parking provision and other transport-related provisions, were it to proceed it could constitute a traffic hazard.

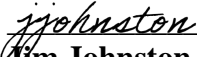
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REG. REF. SD22A/0135

LOCATION: Whitechurch Shopping Centre, Whitechurch Green, Edmondstown,  
Dublin 16

  
\_\_\_\_\_  
Jim Johnston,  
Senior Executive Planner

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

Date: 25/01/2023

  
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Gormla O'Corrain, Senior Planner