

Comhairle Chontae Atha Cliath Theas

PR/0164/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0463 **Application Date:** 20-Dec-2022
Submission Type: New Application **Registration Date:** 20-Dec-2022
Correspondence Name and Address: John Spain Associates 39, Fitzwilliam Place, Dublin 2
Proposed Development: Change of use of the existing building on site (comprising 763sq.m gross floor area) from office use to light industrial use (comprising the assembly of hampers and online orders at first floor area, digital device repair and refurbishment at second floor level with ancillary staff canteen and reception area at ground floor level); The development also includes the provision of a bicycle store (6 spaces) at ground I undercroft level, along with all ancillary works.
Location: Knockmitten House, Knockmitten Lane, Western Industrial Estate, Dublin 12
Applicant Name: Mashup Property Limited
Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.1 Hectares on the application form.

Site Visit: 1st of February 2023

Site Description

The subject site is located on the southern side of Knockmitten Lane, proximate to the junction of this road with Willow Road. The site is located within the Western Industrial Estate. The site consists of a standalone three storey flat roofed office building with undercroft car parking as part of the ground floor level. There is surface car parking to the front and side (east) of the building onsite. The adjoining and surrounding sites are a mix of office, industrial and light industrial uses. There is a residential property opposite the site on the corner of Knockmitten Lane and Willow Road.

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Proposal

Permission is being sought for the change of use of the existing building on site (comprising 763sq.m gross floor area) from office use to light industrial use (comprising the assembly of hampers and online orders at first floor area, digital device repair and refurbishment at second floor level with ancillary staff canteen and reception area at ground floor level); The development also includes the provision of a bicycle store (6 spaces) at ground/undercroft level, along with all ancillary works.

Zoning

The subject site is zoned 'REGEN': *'To facilitate enterprise and / or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'* under the 2022-2028 CDP.

Consultations

Water Services	No objection subject to conditions.
Irish Water	No objection subject to conditions.
Roads Department	No objection subject to conditions.
Public Realm	No report received at the time of writing this report.

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

Submissions/Observations/Representations

A third party submission has been received on the application. This has been reviewed in full and is summarised as follows:

- Is a tenant at the premises. Objects to any change of use of the premises from offices to light industrial use. The site has a long standing and successful use as offices.
- There is an anomaly between the submitted site location map and the title held by the applicant. No consent for inclusion of lands in different ownership.

This submission has been reviewed in full and has been taken into consideration in the assessment of this application.

Relevant Planning History

Subject site

SD13A/0151

Permission for a ground floor extension to existing three storey office building to be located in the existing undercroft (open sided) car parking space together with provision of bicycle parking in new location to the rear (southern side) of the building; minor alterations to remainder of existing external car parking layout; associated miscellaneous alterations. Retention of existing

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fire exit door from stairway and existing access doors to plant room at ground level on the south elevation. **Permission and retention permission granted.**

Relevant conditions:

2. (a) *The development hereby approved shall incorporate the following amendments:*

(i) *A shower facility for cyclists shall be incorporated into the ground floor.*

(b) *Revised drawings showing the modifications required above shall be submitted for the written agreement of the Planning Authority prior to the commencement of development.*

REASON: In the interest of providing adequate facilities for cyclists.

3. *No intensification or change of use within the office building shall take place, without a prior grant of permission of the Planning Authority, or An Bord Pleanala on appeal.*

REASON: In the interests of clarity and the proper planning and sustainable development of the areas and to prevent unauthorised development.

S01A/0235

3 storey software development industry offices, and telemarketing facility. **Permission granted.**

Relevant conditions:

5. *That the area between the building and roads must not be used for truck parking or other storage or display purposes but must be reserved for car parking and landscaping as shown on lodged plans.*

REASON: In the interest of the proper planning and development of the area.

S00A/0121

For 3 storey storage and office building. Compliance re condition no. 8 & 10. **Permission granted.**

S99A/0323

3 storey storage and office building. **Permission granted.**

Adjoining site to the south

S01A/0598 Unit 30 Western Industrial Estate

Two storey offices within existing warehouse. **Permission granted.**

Relevant Enforcement History

None identified in APAS.

Pre-Planning Consultation

None identified.

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

Policy CS2: City Edge Regeneration Lands

Deliver a development framework for the regeneration of the City Edge lands in conjunction with Dublin City Council which underpins the strategic aims of the National Planning Framework and Regional Spatial and Economic Strategy

CS2 Objective 1:

To prepare a Local Area Plan or other appropriate mechanism for the zoned Regeneration (REGEN) lands and other lands at Naas Road / Ballymount as defined by the City Edge Project boundary. The LAP or equivalent will commence in 2022 and provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The City Edge Strategic Framework will inform this Statutory Plan.

CS2 Objective 2:

To facilitate a co-ordinated approach and vision to any future sustainable development of the City Edge area in collaboration with Dublin City Council and all relevant stakeholders, including the local community and existing businesses having regard to their operational needs, and ensure that the needs of the existing and new community will be met, and the provision of necessary community and physical infrastructure is delivered in tandem with any new development.

Policy CS7: Consolidation Areas within the Dublin City and Suburbs Settlement

CS7 Objective 2:

To promote and support the regeneration of underutilised industrial areas designated with the regeneration Zoning Objective 'REGEN' ('to facilitate enterprise and / or residential led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery).

Policy GI1: Overarching

Policy GI2: Biodiversity

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

Policy GI5: Climate Resilience

Policy QDP7: High Quality Design – Development General

Policy QDP16: Framework Plans (FP)

QDP16 Objective 2:

To support the City Edge Strategic Framework and any future framework for the area in delivering urban growth and regeneration for the County and the wider Region, recognising its significant potential as the largest regeneration area in the country.

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Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy EDE1: Overarching

Policy EDE4: Urban Growth, Regeneration and Placemaking

EDE4 Objective 10:

To support the City Edge / City Edge Strategic Framework and any future framework for the area in delivering urban growth and regeneration for the County and the wider Region, recognising its significant potential as the largest regeneration area in the country.

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

12.3.3 Environmental Impact Assessment

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.3 Density and Building Heights

12.5.4 Public Realm: (At the Site Level)

12.7.1 Bicycle Parking / Storage Standards

12.7.4 Car Parking Standards

12.9.1 Regeneration Zone

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard 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).

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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;
- Land Ownership;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

The subject site is zoned 'REGEN': *'To facilitate enterprise and / or residential-led regeneration subject to a development framework or plan for the area incorporating phasing and infrastructure delivery'* under the 2022-2028 CDP. The proposed development is for the change of use from office use to light industrial use.

'Industry-Light' is Permitted in Principle under the REGEN zoning. This use is defined under the CDP as *'The use of a building or part thereof or land for industry in which the processes carried on or the plant or machinery installed are such as could be carried on or installed in any residential area without detriment to the amenity of that area by reason of noise, vibration, smell, fumes, smoke, soot, ash, dust or grit and so on'*.

The use would comprise of the assembly of hampers and online orders at first floor area, digital device repair and refurbishment at second floor level with ancillary staff canteen and reception area at ground floor level. No HGVs, external plant or heavy machinery would be required for the proposed use. The applicant has submitted a document outlining the operations of the intended operator of the site. Given the scale and nature of the development proposed it can be considered an 'Industry-Light' use.

The subject site is located within the City Edge area. In relation to this area the following policies and objectives of the 2022-2028 CDP are noted:

Policy CS2: City Edge Regeneration Lands

Deliver a development framework for the regeneration of the City Edge lands in conjunction with Dublin City Council which underpins the strategic aims of the National Planning Framework and Regional Spatial and Economic Strategy

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CS2 Objective 1:

To prepare a Local Area Plan or other appropriate mechanism for the zoned Regeneration (REGEN) lands and other lands at Naas Road / Ballymount as defined by the City Edge Project boundary. The LAP or equivalent will commence in 2022 and provide a framework for the sequential and phased development of the lands, integrating sustainable transport, land use and blue and green infrastructure. The City Edge Strategic Framework will inform this Statutory Plan.

It is not considered that the proposed development would be detrimental to the delivery of the City Edge plan in the medium to long term. The applicant states that the change of use seeks to provide for a more efficient use of the subject building pending the site's likely redevelopment in the future.

Visual and Residential Amenity

Visual amenity

Some internal works to the existing building are proposed to facilitate the change of use. This would not result in any external changes to the building. A bicycle store would be provided at ground/undercroft level. Further details of bicycle parking spaces should be agreed by way of **condition**.

Residential amenity

The proposed development involves an existing office building. The nearest existing residential development is opposite the site on Knockmitten Lane. Given the scale and nature of the proposed change of use and works it is not considered that the proposal would have an unacceptable impact on residential amenity.

Access and Parking

The existing access and car parking are to remain the same. There are 25 no. existing car parking spaces on the site. The Roads Department has no objection to the number of car parking spaces provided. The number of car parking spaces exceeds the maximum parking rate in Table 12.25 of the 2022-2028 CDP. While generally the number of car parking spaces should not exceed the maximum provision, these are existing spaces. The applicant advises that no HGVs will be required for the proposed use.

It is proposed to provide 6 no. bicycle parking spaces. The minimum rate for the proposed development, as per Table 12.23 of the 2022-2028 CDP, is 1 long term bicycle parking space per 200sq.m GFA and 1 short stay bicycle parking space per 200sq.m GFA. With a building footprint of 763sq.m this results in a minimum rate of 4(3.8) no. long term bicycle parking spaces and 4(3.8) no. short stay bicycle parking spaces (8(7.6) no. in total). The proposed development should be revised so that the minimum bicycle parking/storage rates are being met.

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This can be addressed by way of **condition**. The long term bicycle parking spaces should allow for secure storage and the short stay spaces should be easily accessible.

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

1. *The applicant shall provide 5% of vehicular parking spaces for mobility impaired users.*
2. *EV charging shall be provided in all residential, mixed use and commercial developments and shall comprise a minimum of 20% of the total parking spaces provided.*

The report from the Roads Department is noted. These **conditions** should be attached in the event of a grant of permission.

Green Infrastructure and Landscaping

The subject site is not located within a green infrastructure area, corridor or link 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

Water Services and Irish Water have reviewed the proposed development and have no objections subject to standard conditions. These conditions should be attached in the event of a grant of permission.

Land Ownership

A third party submitter has raised concerns in relation to the ownership of the subject site. The applicant has indicated on the application form that they are the owner of the site. It is noted that, in any event, under 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.

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 offices to light industrial.

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 office to light industry.

Stated as 763sq.m in the application form.

Planning Reference Number	SD22A/0463
Summary of permission granted & relevant notes:	Change of use from office to light industry
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)	763
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	763
Total development contribution due	€85,890.91

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SEA monitoring

Building Use Type Proposed: Change of use to light industry.

Floor Area: 763sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.1 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. Amendments.

Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

Revised plans that incorporate all of the following amendments-

(a) Details of a revised bicycle parking layout which adheres to the minimum rate set out in Table 12.23 of the South Dublin County Development Plan 2022-2028.

(b) 5% of vehicular parking spaces for mobility impaired users.

(c) EV charging points provided on a minimum of 20% of the total vehicular parking spaces provided.

REASON: To protect the amenities of the area and in the interests of the proper planning and sustainable development of the area.

3. Water and Drainage

(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

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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 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. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as LAeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

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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, and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.

7. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €85, 890.91 (Eighty-five thousand eight hundred ninety euros and ninety-one 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.

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/0463

**LOCATION: Knockmitten House, Knockmitten Lane, Western Industrial Estate, Dublin
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**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: 15/02/23



**Gormla O'Corrain,
Senior Planner**