

Comhairle Chontae Atha Cliath Theas

PR/0175/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0346 **Application Date:** 31-Aug-2022
Submission Type: Additional **Registration Date:** 24-Jan-2023
Information

Correspondence Name and Address: John O' Neill, John O' Neill & Associates Architect & Interior Designers Ltd. 1, Irishtown Road, Dublin 4

Proposed Development: Mixed development consisting of 1 public house and 26 apartments. The overall development will comprise the following; demolition of the existing single storey public house (area 910sqm), construction of a 4 storey apartment block within the footprint of the site (1267sqm) comprising of 26 apartments (4 one bedroom units, 22 two bedroom units) and smaller public house at ground level (area 156sqm and total area 2717sqm), all apartments have balconies/terraces. Car park for 12 cars (including 1 disabled space), bin stores and bicycle stands at ground level. Communal areas include 1st floor courtyard above carpark and 3rd floor roof terraces for apartments. Streetscape proposals within site boundaries to facilitate and enhance the public realm.

Location: The Finches Public House, Finches Shopping Centre, Neilstown Road, Clondalkin, Dublin 22, D22 H7X9

Applicant Name: Old Nangor Road Ltd.

Application Type: Permission

(COS)

Description of Site and Surroundings

Site Area: stated as 0.1267 Hectares on the application.

Site Description

The subject site is located on the corner of the roundabout at Neilstown Road and Collinstown Road. The site consists of a single storey public house and off-licence. Adjoining the site to the south and to the east are three storey buildings with retail units at the ground floor and apartments on the upper floors. There is an area of surface car parking to the south-east of the site, accessed via a laneway along the eastern boundary of the subject site.

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Proposal

Permission is being sought for the construction of a mixed development consisting of 1 no. public house and 26 no. apartments. The overall development will comprise the following:

- Demolition of the existing single storey public house (area 910sqm),
- Construction of a 4 storey apartment block within the footprint of the site (1267sqm) comprising of 26 apartments (4 one bedroom units, 22 two bedroom units) and smaller public house at ground level (area 156sqm and total area 2717sqm), all apartments have balconies/terraces.
- Car park for 12 cars (including 1 disabled space), bin stores and bicycle stands at ground level.
- Communal areas include 1st floor courtyard above carpark and 3rd floor roof terraces for apartments.
- Streetscape proposals within site boundaries to facilitate and enhance the public realm.

Zoning

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

Consultations

Water Services	Additional information requested.
Irish Water	No objections subject to conditions.
Roads Department	Additional information requested.
Public Lighting	No comment
Public Realm Department	Additional information requested.
County Architect	No report received.
Housing Strategy Unit	No objections subject to conditions.
H.S.E. Environmental Health Officer	No report received at the time of writing this report.

SEA Sensitivity Screening – site overlaps with aviation layers Approach Surfaces and Conical Surface for Casement, Outer Horizontal Surface for Dublin and Bird Hazards.

Submissions/Observations /Representations

The third party submissions received on the application raised the following in summary:

- Overuse of existing parking facilities and confusion over access to a right of way. Existing parking concerns and development will cause more issues.
- Small local centre and as such access from a health and safety point of view needs to be addressed, site is unsuitable. Interference during construction.

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- The development will block access to a private car parking while building the access through the lane over land that the applicant is not entitled to access. Using private land to build an access
- Development would block all the light into two of the apartments in 9 and 11 Chaplain's Court.
- Privacy concerns regarding the balconies facing windows on Chaplain's Terrace and Chaplin's Row.
- Anti-social behaviour due to public house.
- Unsuitable for a neighbourhood shopping centre which currently has serious access, delivery and parking issues.

These submissions have been reviewed in full and taken into consideration in the assessment of the application.

Relevant Planning History

Subject site

SD21A/0216

Mixed development consisting of 1 public house and 29 apartments comprising of: the demolition of the existing single storey public house (area 910sq.m); construction of a 4 storey apartment block within the footprint of the site (site area 1267sq.m), comprising a total of 29 apartments (9 one bedroom units, 20 two bedroom units) and smaller Public House at ground level (area 178sq.m), (total area 2562sqm); all apartments have balconies/terraces to all elevations; carpark for 14 cars (including 1 disabled space), bin store and bicycle stands at ground level; communal areas include 1st floor courtyard above carpark and 3rd floor roof terraces for apartment; streetscape proposals within site boundaries to facilitate and enhance the public realm. **Application withdrawn. Clarification of additional information response not submitted within 6 month period.**

SD03A/0075

Alterations to the existing elevations new signage, a new entrance porch, new railings and landscaping on the north and west sides. **Permission granted.**

S01A/0884

Construction of new shop front and entrance and associative alterations to existing elevations. **Permission refused.** It was considered that the design of the shop front and clock tower would be incompatible with the previously approved permission and would materially inhibit the redevelopment of the site as approved.

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The development would be visually obtrusive, area behind the shop front could not be accessed, railings would result in littering and maintenance issues as well as being visually defensive in an excessive manner.

S00A/0051

Additional first floor for use as a bar, restaurant and creche and associated extensions and alterations to the existing ground floor elevations. Also, internal alterations to the existing ground floor including enlarging the off-licence, relocating the existing toilets and provision of catering facilities. **Permission granted. The additional floor was not constructed.**

Adjacent and surrounding sites

S01A/0122 Buildings to south (Chaplains' Court) and east (Chaplain's Place) of subject site
To construct 1 no. supermarket (944m²) with associated storage and office space (510m²), 8 no. shop units (801m²), 1 no. restaurant (174m²), 20 no. three bedroom residential units, decked carpark (59 spaces) and 18 surface carparking spaces, in 2 no. three storey buildings. **Permission granted by An Bord Pleanála.**

S01A/0125 & ABP Ref. PL 06S.125927 Building to the north (Chaplain's Terrace)
To construction 20 no. residential units in a two/three storey building. **Permission granted by An Bord Pleanála.**

Relevant Enforcement History

None recorded for subject site according to APAS.

Pre-Planning Consultation

Ref. PP103/20

Demolition of existing public house and the redevelopment of the site on the same footprint. The redevelopment will consist of a smaller public house and approx. 29 apartments- 5 apartments on the ground floor and 8 apartments on each of the upper floors. The number of upper floors to be discussed. Car parking and open space requirements were to be discussed.

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

Policy NCBH1: Overarching

Policy NCBH2: Biodiversity

Policy NCBH5: Protection of Habitats and Species Outside of Designated Areas

Policy GII: Overarching

GII Objective 4:

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To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

Policy GI2: Biodiversity

GI2 Objective 4:

To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12:

Implementation and Monitoring and the policies and objectives of this chapter.

Policy GI3: Sustainable Water Management

Policy GI4: Sustainable Drainage Systems

GI4 Objective 1:

To limit surface water run-off from new developments through the use of Sustainable Drainage Systems (SuDS) using surface water and nature-based solutions and ensure that SuDS is integrated into all new development in the County and designed in accordance with South Dublin County Council's Sustainable Drainage Explanatory Design and Evaluation Guide, 2022.

Policy GI5: Climate Resilience

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.

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QDP1 Objective 5:

To promote the re-development of underutilised Local Centres within the County as new mixed use neighbourhood hubs continuing to provide for local retail and services in a manner which respects and consolidates the existing urban character of these areas ensuring adherence to the eight key design principles in 'The Plan Approach' including quality of design, integration, accessibility and connections to the surrounding areas.

Policy QDP2: Overarching - Successful and Sustainable Neighbourhoods

Policy QDP6: Public Realm

QDP6 Objective 3:

To promote and implement environmental and public realm improvements in existing town, village, district and local centres to a high standard and finish to ensure that the design addresses environmental quality, urban design, safety including the potential for anti-social behaviour, identity, and image.

Policy QDP7: High Quality Design – Development General

Policy QDP7: High Quality Design – Street Frontage

Policy QDP7: High Quality Design – Street Width and Height

Policy QDP7: High Quality Design – Adaptability and Inclusivity

Policy QDP8: High Quality Design – Building Height and Density Guide (BHDG)

QDP8 Objective 2:

In accordance with NPO35, SPPR1 and SPPR3, to proactively consider increased building heights on lands zoned Regeneration (Regen), Major Retail Centre (MRC), District Centre (DC), Local Centre (LC), Town Centre (TC) and New Residential (Res-N) and on sites demonstrated as having the capacity to accommodate increased densities in line with the locational criteria of Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020) and the Urban Design Manual – Best Practice Guidelines (2009), where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so.

Policy QDP9: High Quality Design - Building Height and Density

Policy QDP10: Mix of Dwelling Types

Policy QDP11: Materials, Colours and Textures

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Policy EDE8: Retail – Overarching

Policy EDE14: Retail - Local Centres

Maintain and enhance the retailing function of Local Centres.

EDE14 Objective 1:

To support the development and enhancement of local centres as sustainable, multifaceted, retail led mixed use centres, enhancing local access to daily retail needs, which do not adversely impact on or draw trade from higher order retail centres.

Policy H1: Housing Strategy and Interim Housing Need and Demand Assessment

H1 Objective 12:

Proposals for residential development shall provide a minimum of 30% 3-bedroom units, a lesser provision may be acceptable where it can be demonstrated that:

- there are unique site constraints that would prevent such provision; or*
- that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- the scheme is a social and / or affordable housing scheme.*

Note: Build-To-Rent (BTR) residential developments shall comply with the Sustainable Urban Housing: Design Standards for New Apartments (2020) (or any superseding Section 28 Ministerial Guidelines).

Policy H7: Residential Design and Layout

Policy H8: Public Open Space

Policy H9: Private and Semi-Private Open Space

Policy H10: Internal Residential Accommodation

Policy H11: Privacy and Security

Policy SM2: Walking and Cycling

Policy SM7: Car Parking and EV Charging

Policy COS5: Parks and Public Open Space – Overarching

Policy E3: Energy Performance in Existing and New Buildings

Policy IE2: Water Supply and Wastewater

Policy IE3: Surface Water and Groundwater

Policy IE7: Waste Management

Policy IE8: Environmental Quality

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Policy IE9: Casement Aerodrome

12.3.1 Appropriate Assessment

12.3.2 Ecological Protection

12.3.3 Environmental Impact Assessment

12.4.1 Green Infrastructure Definition and Spatial Framework

12.4.2 Green Infrastructure and Development Management

12.5.1 Universal Design

12.5.2 Design Considerations and Statements

12.5.4 Public Realm: (At the Site Level)

12.6.1 Mix of Dwelling Types

12.6.7 Residential Standards

12.6.10 Public Open Space

12.7.1 Bicycle Parking / Storage Standards

12.7.4 Car Parking Standards

12.7.5 Car Parking / Charging for Electric Vehicles (EVs)

12.11.1 Water Management

12.11.3 Waste Management

12.11.4 Environmental Hazard Management

12.11.5 Aviation, Airports and Aerodromes

Relevant Government Guidelines

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

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

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

Sustainable Residential Development in Urban Areas - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government (2009).

Urban Design Manual: A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2009).

Quality Housing for Sustainable Communities-Best Practice Guidelines, Department of the Environment, Heritage and Local Government, (2007).

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Sustainable Urban Housing: Design Standards for New Apartments, Department of Housing, Local Government and Heritage, (2020)

Urban Development and Building Heights Guidelines for Planning Authorities, Department of Housing, Planning and Local Government, (2018).

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;
- Part V Provision;
- Visual and Residential Amenity;
- Open Space;
- Green Infrastructure and Landscape;
- Access and Parking;
- Infrastructure and Environmental Services;
- Environmental Health;
- Environmental Impact Assessment; and
- Appropriate Assessment.

Zoning and Council Policy

Land Use Zoning

The proposed development is consistent in principle with zoning objective 'LC': '*To protect, improve and provide for the future development of Local Centres*'. A 'Public House' and 'Residential' development are Permitted in Principle under this zoning objective.

Local Centre Policy

The subject site is located on a prominent corner in a zoned Local Centre (Level 4 in the Retail Hierarchy). Council policy relating to Local Centres include the following:

Policy EDE14: Retail - Local Centres

Maintain and enhance the retailing function of Local Centres.

EDE14 Objective 1:

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To support the development and enhancement of local centres as sustainable, multifaceted, retail led mixed use centres, enhancing local access to daily retail needs, which do not adversely impact on or draw trade from higher order retail centres.

The proposed development would involve the redevelopment of the existing public house onsite to a mixed use development consisting of apartments and a public house. The applicant states that the large public house is no longer viable and is proposing to reduce it in size to approx. 156sq.m. The public house would be on the western elevation, appropriately located in proximity to ground floor retail to the south of the site.

While the lack of retail along the northern elevation is a concern, the proposed floor to ceiling height of the ground floor level would be approx. 3.1m. This would allow for the potential conversion of the ground floor for retail or commercial use in the future. There are existing retail units on the ground floor of the buildings located to the east and south of the subject site. It is also noted that aside from the public house, the site does not currently provide retail floorspace, so none would be displaced as a result of the proposal. The Planning Authority therefore finds the proposal acceptable in this regard.

The applicant states to promote active use at the ground floor of the northern elevation, 3 no. shared apartment entrances are provided along this elevation. This frontage is discussed further in this report below.

Part V Provision

The Housing Department have reviewed the proposed development and state the following: *I refer to the above application for planning permission; Planning Reg Ref SD22A/0346 and I wish to advise that a Part V condition should be attached to any grant of permission for this application.*

It would appear that the proposed 4 no. ground floor units are being offered for Part V. The units identified were labelled as wheelchair "friendly". It is the opinion of the Architects Department that the units, in their current format/design, are not suitable as wheelchair liveable units.

The applicant is required to contact the Housing Department directly to agree a Part V. Proof of the date of ownership of the site is required from the applicant in order to determine their Part V percentage liability.

South Dublin County Council can only agree Part V in respect of the permitted development subject to costing approval from the Department of Housing, Local Government & Heritage.

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Please note that the Council would require a fully completed Part V submission prior to commenting on costs.

This report is noted and should be conditioned as such.

Visual and Residential Amenity

Existing Residential Amenity

The closest buildings to the subject site are the three-storey building, Chaplain's Court, located immediately to the south and the three storey building, Chaplain's Place, located to the east. The proposed building would be setback approx. 8.0 to 8.5m from western elevation of Chaplain's Place. This elevation of the neighbouring building has windows at the first and second floors. Based on a planning history search of this site these windows appear to be to habitable rooms of apartments.

However, considering the site is an infill site, reduced separation distances between neighbouring buildings is often considered acceptable. Furthermore, it is noted that the neighbouring building was constructed directly adjacent to the existing laneway, which the current application would be replicating, thereby resulting in each building having a similar level of impact on its neighbour. It is also noted that the provision of windows on the eastern gable elevation serves to articulate a highly visible façade, whilst also facilitating the passive surveillance of the existing laneway. The proposed design response is therefore considered, on balance, to be acceptable. The windows to the bathrooms on the eastern elevation should be made opaque by way of condition.

The proposed building would adjoin Chaplain's Court to the south. The proposed courtyard at first floor level and one of the roof terraces at third floor level would adjoin this neighbouring building. Based on a planning history search of this neighbouring building the windows on the northern elevation (facing west within an indent) appear to be to habitable rooms to apartments. There would also be an 'open yard' to the south of the proposed development, accessible from the proposed public house, that is within the abovementioned indent. The yard would be used as a bin storage for the public house. The first floor plan shows a roof over this area. There would be no access to this roof from the courtyard. This is acceptable to the Planning Authority.

A 1.5 m high glazed screen with planting would be provided along the perimeter of the eastern roof terrace. This would mitigate the potential for overlooking and is acceptable to the Planning Authority.

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For clarity it is noted that the existing services/extractor fans located on the northern elevation of Chaplain's Court, located immediately to the south of the subject site, would remain where they are currently.

Residential Density

The proposed 26 no. residential units on an approx. 0.1267 ha site equates to a residential density of 205 residential units per ha. The site is located within a zoned Local Centre, proximate to local shops and facilities within this centre and high capacity bus services with stops along Neilstown Road. It is therefore considered that the site can accommodate a higher residential density, subject to an appropriate standard of accommodation and high quality design.

Building Heights

The proposed development would be 4 storeys in height. The building would step down to 3 storeys at the south and east to accommodate roof terraces. This is an increase in height from the current single storey public house onsite. Policy QDP8 Objective 2 states to proactively consider increased heights on lands zoned LC, where it is clearly demonstrated by means of an urban design analysis carried out in accordance with the provisions of South Dublin County's Building Height and Density Guide that it is contextually appropriate to do so.

The existing building heights adjoining or in close proximity to the site are three storey buildings to the south and west. The buildings around and near the Neilstown and Collinstown roundabout are two and three storeys. Further from the site, in the surrounding area, are one and two storey buildings and two storey terraced housing. There is a row of two storey terraced housing on Neilstown Road opposite the subject site. However, the proposal would be setback approx. 27m from these houses. There are no Protected Structures adjoining or in close proximity to the subject site.

Given that the site is located on a prominent corner within the local centre, there is the opportunity for redevelopment here to play an important role in terms of placemaking and legibility. Increased heights and a distinctive built form would therefore be supported at this site. In principle, the Planning Authority considers that the subject site can accommodate the proposed building heights at this location.

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Unit Mix

The proposed development would provide for 4 no. 1 bed and 22 no. 2 bed apartments. Policy H1 Objective 12 of the CDP requires a minimum of 30% 3 bed units, a lesser provision may be acceptable where it can be demonstrated that:

- *there are unique site constraints that would prevent such provision; or*
- *that the proposed housing mix meets the specific demand required in an area, having regard to the prevailing housing type within a 10-minute walk of the site and to the socioeconomic, population and housing data set out in the Housing Strategy and Interim HNDA; or*
- *the scheme is a social and / or affordable housing scheme.*

The proposed development does not include any 3 bed units. While there is existing apartment development proximate to the site, it is noted that the prevailing housing type in the overall surrounding area is larger houses with three or more bedrooms. The proposed mix is therefore considered to be in compliance with Council policy and the Apartment Guidelines in this instance.

Amenity of Future Occupiers

Table 3.21 of the County Development Plan and the 2020 Apartment Guidelines set out minimum space standards for apartments. It is noted that the applicant has not specified this is a Build-To-Rent proposal as defined by the Apartment Guidelines. The proposed development has therefore been assessed as a Build-To-Sell development in this report.

The proposed apartment would comply with or exceed the minimum required floorspace standards. The majority of the proposed apartments exceed the minimum floor area by at least 10%. The 2 bed apartments have sufficiently sized bedrooms to accommodate 4 persons apart from Apartments 12 and 20, where the second bedroom is 8.3sq.m and therefore meets the floorspace requirements for a single bedroom. The proposed floor to ceiling heights would be approx. 3.1m at ground floor level and approx. 2.7m for the remaining upper floors.

On the western and northern elevations, ground floor Apartments 1, 2 and 3 would have windows to habitable rooms in close proximity to the public footpath with limited setback and privacy strip width provided. This would not provide an appropriate level of privacy to these apartments and lead to a substandard form of development. These should be revised to provide a greater setback of these windows from the public realm and adequate privacy strip. **This can be addressed via additional information.**

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Of the 26 apartments, 5 no. would be single aspect and 21 no. would be dual aspect, equating to an 80% dual aspect ratio. Apartments 2 and 3 would be ground floor, north facing and single aspect units. The submitted Daylight, Sunlight and Overshadowing Study show that the living areas for these apartments would receive less than the recommended values for winter and annual APSH. However, the apartments' rooms would have an ADF greater than the recommended minimum values. The apartments would also exceed the minimum floorspace, floor to ceiling height and communal open space requirements. Given this, these apartments are considered to be acceptable in this instance.

Design and Visual Impact

The proposed development would be built to a similar building footprint to the existing development onsite. The existing building lines, including on the frontages to Neilstown and Collinstown Roads would be largely similar. The existing railings along these frontages would be removed, which is welcomed. Along these frontages it is proposed to have raised plant beds and seating to provide privacy along the ground floor private amenity spaces and enhance the public realm. Multiple shared entrances for the apartments are provided. This helps enhance the public realm by creating a strengthened streetscape and bring more active uses to the ground floor, particularly along the Collinstown Road frontage.

The proposed facades along Neilstown and Collinstown Roads would be projecting in parts and have a brick finish. The finish is considered to be of a high quality, particularly with the use of tall windows. Some further variation in material, colour and form would be welcomed, particularly on the northern elevation, given the site's prominent location. The circular form balconies on the corner of the building are not considered to be a visually acceptable design response and should be redesigned to a more appropriate form. The submission of CGI images or elevational drawings with colour would be welcomed in order to adequately assess the design of the proposed building. **This can be addressed via additional information.**

All elements of the proposed building would have a flat roof. This is typical of existing buildings at this location and is therefore considered to be visually acceptable.

Open Space

Communal Open Space

The proposed development would provide a courtyard of approx. 243sq.m at first floor, over the ground floor level car parking. There would be two roof gardens at third floor level approx. 50sq.m and 70sq.m in size. This total space would exceed the quantum requirements of the CDP and Apartment Guidelines. A landscaping plan has been submitted, which is assessed in terms of quality under the landscape section of this report.

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A Daylight, Sunlight and Overshadowing Study has been submitted. The communal open spaces were assessed in relation to the BRE Guide. This found that 65% of the combined areas are achieving more than 2 hours of sunlight on the 21st of March across 50% of the total area. Each space is above the 50% minimum recommendation.

The proposed communal open spaces are therefore considered to be in compliance with Council policy and the Apartment Guidelines.

Public Open Space

Under section 8.7.3 of the CDP the overall standard for public open space is 2.4 hectares per 1,000 population for developments with a residential element. No public open space is proposed onsite as part of this application and comments by the Public Realm Section requesting same are noted. As stated in the CDP *“The Council may, in certain circumstances and at its sole discretion, allow for an element of open space to be located off-site where it exceeds the minimum on-site requirements. Alternatively, the Council may in certain circumstances and at its sole discretion, determine a financial contribution in lieu of all, or part of, the public open space requirement for a particular development”*. At this point however, the Council is refraining from implementing a financial contribution in lieu of public open space, pending the adoption of a supporting Development Contribution Scheme. More generally, it is noted in this instance that the proposal is for the redevelopment of a relatively constrained, brownfield site within a local centre and the proposals include sufficient high-quality communal open space to meet the needs of the prospective residents and there are several areas of existing public open space in the vicinity of the site. Having regard to the foregoing, the proposals are considered acceptable in relation to public open space.

Green Infrastructure and Landscape

The subject site is located proximate to a Primary Green Infrastructure Corridor and a Secondary Green Infrastructure Link as identified on Figure 4.4: Green Infrastructure Strategy Map in the CDP. Policy G12 of the CDP requires the strengthening of the Green Infrastructure (GI) network and to ensure all development contribute towards GI. G14 of the CDP requires the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these systems.

A Landscape Rationale and landscape drawings have been submitted. The Public Realm Department have reviewed the proposed development and state the following main concerns:

1. Adequate provision of high quality accessible Public Open Space

The applicant has not provided the minimum 10% useable public open space required for new residential development by the SDCC County Development Plan (2022-2028).

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2. *Green Space Factor not provided. The applicant has not submitted any information in relation to the Green Space Factor. This is a requirement of the SDCC County Development Plan 2022-2028.*

3. *Does not comply with SDCC GI Strategy*

A GI Strategy has not been provided showing GI on site and the local context.

4. *Does not comply with SDCC SuDS Guidelines The proposed drainage system drainage system does not deliver multifunctional benefit as required by SuDS, i.e., amenity, biodiversity, water treatment and attenuation.*

5. *Play – There is no public open space play provision. SDCC CDP (2022-2028) requires children's play areas to be provided as an integral part of the design of new residential and mixed-use developments, to be addressed as part of a landscape plan.*

The Public Realm Department request the following additional information:

1. *Green Infrastructure*

The submitted plans conflict with the County's Green Infrastructure Strategy. Please refer to Chapter 4 of the County Development Plan: [chapter-4-green-infrastructure.pdf \(sdcc.ie\)](#)

GII Objective 4: To require development to incorporate GI as an integral part of the design and layout concept for all development in the County including but not restricted to residential, commercial and mixed use through the explicit identification of GI as part of a landscape plan, identifying environmental assets and including proposals which protect, manage and enhance GI resources providing links to local and countywide GI networks.

GI2 Objective 4: To integrate GI, and include areas to be managed for biodiversity, as an essential component of all new developments in accordance with the requirements set out in Chapter 12: Implementation and Monitoring and the policies and objectives of this chapter.

This development has not considered the impacts on Green Infrastructure and is in direct conflict with the above objectives.

Additional Information is required in relation to this:

12.4.2 GREEN INFRASTRUCTURE AND DEVELOPMENT MANAGEMENT

All planning applications shall demonstrate how they contribute to the protection or enhancement of Green Infrastructure in the County through the provision of green infrastructure elements as part of the application submission, having regard to the following:

i. *In the case of small-scale developments this may consist of a simple landscape plan which includes objectives to protect or restore existing on site GI assets, provides for connection to local or primary GI corridors or includes elements which allow the site to act as a local stepping stone;*

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- ii. *Where the development site is located within or close to a Core or Corridor the development should, at a minimum, protect any existing GI assets and enhance same (for example, not breaking a GI Corridor but enhancing same with a connecting piece of planting, retaining hedgerows or woodlands);*
- iii. *The characteristics and assets of the proximate GI Core, Corridor or SteppingStone should be reflected within proposed development, for example continuation of hedgerows, tree planting, waterways;*
- iv. *Development should seek to enhance or restore features that act as ecological corridors, particularly water features, hedgerows, tree lines, areas of un-cultivated land. These, or some element of them, should be incorporated into the proposed development to create pathways for wildlife and / or increase amenity value;*
- v. *Development sites which are not located proximate to designated GI Cores or Corridors should identify the nearest designated GI Core, Corridor or Stepping Stone and make provision for GI interventions on the site which could eventually provide a link to local Stepping Stones, Cores or Corridors;*
- vi. *Developers should be aware that ecological corridors can also act to quickly spread non-native invasive species. Therefore, identification and control of invasive species site should be included in planning applications and the GI Plan.*
- vii. *All development proposals shall be accompanied by a Green Infrastructure Plan, which will normally be submitted as part of the suite of Landscape Plans that are required for a development. Plans shall include the following:*
- viii. *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County;*
- ix. *Site survey and analysis, identifying existing GI Infrastructure and key assets within the site;*
- x. *Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- xi. *Proposed GI protection, enhancement and restoration proposals as part of the landscape plan, where appropriate, for the site; à Proposals for identification and control of invasive species.*

ADDITIONAL INFORMATION

2. Green Space Factor (GSF)

The applicant has not submitted any information in relation to the Green Space Factor. The quantity and quality of green infrastructure provided by new development will be improved by the implementation of a Green Space Factor (GSF) for South Dublin. The GSF is a measurement that describes the quantity and quality of landscaping and GI across a defined spatial area. This measurement comprises a ratio that compares the amount of green space to

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the amount of impermeable 'grey' space in a subject site. As a planning tool, this ratio is used to assess both the existing green cover within a site and the impact of new development, based on the quantity and quality of new green space provided. Greening factors have been adopted and implemented across the UK, Europe and the United States to help ensure that new development makes a positive contribution to the local environment. By ensuring that new development meets minimum standards for the provision of GI the GSF aims to secure a positive contribution to biodiversity, amenity, air quality, stormwater management, temperature regulation and other ecosystem services. The GSF prioritises the retention of existing GI features within a subject site, in order to support the protection of the County's existing GI network. At the same time, the GSF will ensure that new development incorporates new landscaping and GI features, contributing to the enhancement of the overall GI network. Chapter 12, section 12.4.2 provides further detail on the requirements for the GSF as part of planning applications.

□ *GI5 Objective 4: To implement the Green Space Factor (GSF) for all qualifying development comprising 2 or more residential units and any development with a floor area in excess of 500 sq.m. Developers will be required to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement based on best international standards and the unique features of the County's GI network. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet (see Chapter 12: Implementation and Monitoring, Section 12.4.2).*

ADDITIONAL INFORMATION

3. Sustainable Drainage Systems

A sedum green roof, petrol interceptor and underground attenuation tank have been proposed. There has been no attempt to integrate an overland flow SuDS treatment train into the landscape proposals, for example irrigating planters. The proposals are lacking in source control such as disconnected downpipes, further bioretention, rain gardens, SuDS tree pits, channel rills, permeable paving. The sedum roof has limited biodiversity value and a blue-green roof or extensive green roof may be required to achieve the Green Space Factor. SDCC do not approve of using underground tanks as part of SuDS schemes where the full natural potential of the site to manage surface water runoff using above ground features has not been explored. The following additional information is requested:

A SuDS proposal that complies with SDCC SUDS Explanatory Design and Evaluation Guide, the Newcastle LAP and SDCC County Development Plan 2022-2028.

i. The SuDS proposals should be a collaboration between landscape architect and the drainage engineer to integrate the SuDS into the landscape design proposals providing amenity, biodiversity, water quality treatment as well as quality and attenuation.

ii. Plans showing existing and proposed flows.

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- iii. *Additional source control such as disconnected downpipes, further bioretention, rain gardens, SuDS bioretention tree pits, channel rills, permeable paving.*
- iv. *Details on how each SuDS component function as part of the overall treatment train.*
- v. *Demonstrate the biodiversity, amenity, water quality and attenuation value of all SuDS*
- vi. *A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.*

The applicant is recommended to contact the Public Realm and Water and Drainage Department to discuss.

ADDITIONAL INFORMATION

4. Landscape Proposals

There are concerns with the lack of information submitted in relation to the landscape scheme for the proposed development. The applicant is requested to provide detailed landscape design for the proposed development incorporating SuDS features. The applicant shall provide a fully detailed landscape plan with full works specification including street level proposals, that accords with the specifications and requirements of the Council's Public Realm Section. The landscape proposals shall include:

- i. *Site location plan showing the development site in the context of the wider GI as shown on the Council's GI Plan for the County*
- ii. *Indicate how the development proposals link to and enhance the wider GI Network of the County;*
- iii. *hard and soft landscape details; including levels, sections and elevations,*
- iv. *detailed design of further SUDS features including disconnected downpipes, rain gardens, channel rills, permeable paving and bioretention trees pits. A blue/green or extensive green roof may be required to achieve the Green Space Factor.*

The landscape proposals to be prepared by a suitably qualified landscape architect.

REASON: In the interest of amenity, compliance with Development Plan Policy, the provision, establishment and maintenance of a reasonable standard of landscape and proper planning and sustainable development of the area.

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ADDITIONAL INFORMATION

5. Public Open Space

The applicant has not provided the minimum 10% useable public open space required for new residential development by the SDCC County Development Plan (2022-2028). The applicant is requested to agree a financial contribution in lieu of the lack of open space and play provision, for example to be used for upgrade works to a local park.

ADDITIONAL INFORMATION

REASON: To uphold the policies of the South Dublin County Council Development Plan 2022-2028 relating to Children's play, and to provide for the proper planning and sustainable development of the area.

The report from Public Realm is noted. The detail in relation to the landscaping plans can be agreed via condition. Issues relating to public open space are addressed under the sub-heading Public Open Space. The applicant should however be requested to address the green space factor items to ensure compliance with the 2022-2028 CDP. **This can be addressed via additional information.**

Access and Parking

Pedestrian access to the public house would be via the western elevation and a separate entrance is proposed to connect the carparking area with the storeroom. There are 3 no. shared pedestrian accesses to the building for the apartments from the northern elevation.

Third party submissions received on this application raise concerns regarding the safety in regard to and legal use of the accessway to the east off Collinstown Road. The applicant states that this access would be used for the proposed apartment car parking, bin collection and deliveries to the public house. They advise that they have a right-of-way for these purposes. A letter from Hatstone (Ireland) LLP Corporate and Employment Solicitors and associated documents are submitted detailing this. This also clarifies the shape of the site boundary (indent) in the north-eastern corner, which is that way to facilitate a fire exit and matches the as built property.

The proposed development would include 12 no. car parking spaces at the ground floor level of the site. This car parking area would be accessed via the accessway off Collinstown Road. A reduced number of car parking spaces from the maximum requirement is considered appropriate in this instance due to the site's location within a local centre and proximity to public transport. However, the Planning Authority and Roads Department have concerns with the proposed no. and consider it slightly too low.

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The application states that no car parking is proposed for the public house element of the proposal. It is noted that there are no existing car parking spaces onsite for the current use of the public house. Given this and the proposed reduction in size of the public house, the proposal is considered appropriate in this instance.

The proposal would provide for 72 no. bicycle parking spaces within the proposed ground floor car parking area. The proposed bicycle parking exceeds the minimum requirements, seemingly to compensate for the low car parking provision.

The Roads Department has reviewed the proposed development and requests additional information:

Access & Roads Layout:

Access to the car parking is to the rear of the development, along a narrow laneway. The access has a footpath on one side only. Pedestrian access to the public house is off Neilstown Road. A traffic and transportation assessment has been submitted; it contends that the development will contribute very little to the local traffic.

Refuse collection is proposed to take place at a layby on Collinstown Road, considering the development will likely utilise 1100ltr bins this is not acceptable, the refuse collection must be provided within the development, large containers should not be left on the public areas.

Although in the planning report the applicant details refuse collection from the service lane to the rear. If this is the case the applicant should provide an autotrack detailing the refuse collection and fire tender access to the development.

The public house will be serviced through the residential car park to the rear of the development. This should be shown by way of Autotrack. The mixing of residents and delivery vehicles should be avoided.

Car Parking:

It is proposed to provide 12no. car parking spaces.

For 26 apartments with a parking ratio of 0.57 this development requires 15no. car parking spaces. The proposed number is too low and may lead to the parking spaces outside the development being utilised by residents.

The public house of 910m² requires parking of 1 per 40m² considering that Zone 2 is applied. Requiring 23no. car parking spaces, the applicant is providing none.

The parking area is quite restrictive, and it is not clear if vehicles can move when all the spaces are full, the applicant shall submit an autotrack detailing how vehicles can exit the development safely when the car park area is full.

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Bicycle Parking:

The applicant is proposing 72no. bicycle stands, this is far more than the required number of 61no. The overprovision is provided to mitigate the reduced car parking numbers.

Taking in Charge:

No improvements to the public realm have been identified and no areas for future taking in charge.

Roads recommend that additional information be requested from the applicant:

- 1. Please submit a revised layout of not less than 1:200 scale, showing a designated 15 no. parking spaces, showing the location and number of parking spaces to be provided at the development.*
- 2. A revised layout of not less than 1:100 scale, showing boundary walls at vehicle access points limited to a maximum height of 0.9m, and any boundary pillars limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles.*
- 3. Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site. Detailing the location of refuse collection areas.*
- 4. The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location and number of parking spaces to be provided at the public house development. Please refer to Table 12.25: Maximum Parking Rates (Non-Residential) – from the SDCC County Development Plan 2022-2028.*
- 5. Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that vehicles can exit the development in a forward direction if the car park is full.*

The report from the Roads Department is noted. The applicant should be requested to revise the layout to provide further car parking spaces. Swept path analysis drawings should be submitted for clarity. **This can be addressed via additional information.**

Public Lighting have reviewed the proposal and advise that it has no impact on public lighting and therefore they have no comment.

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Infrastructure and Environmental Services

Water Services have reviewed the proposed development and request the following additional information:

- 1.1 *The applicant has proposed to discharge surface water run off from the proposed development to the foul water drainage network. This is not permitted by SDCC drainage section so alternative means of discharging surface water must be submitted by the applicant.*
- 1.2 *The applicant shall include SuDS (Sustainable urban Drainage Systems) features for the proposed development such as but not limited to the following:*
 - *Permeable Paving*
 - *Grasscrete*
 - *Other such SuDS*

This report is noted. **The separation of the drainage networks should be addressed via additional information. SUDS measure should be addressed as part of the response on the green space factor.**

Irish Water has reviewed the proposed development and has no objections subject to standard conditions. This report is noted and shall be conditioned as such in the event of a grant of permission.

Environmental Health

An Acoustic Assessment prepared by Searson Associates has been submitted. This assesses the existing and proposed noise levels pertaining to construction and the public house. The report recommends acoustic control measures for the proposed development, including for the apartments adjacent to the public house.

No report from the H.S.E. Environmental Health Officer was received on this application. It is, however, noted that this assessment was reviewed by the H.S.E. EHO under the previous application Reg. Ref. SD21A/0216 and was found acceptable. The measures detailed in this acoustic assessment should be conditioned in the event of a grant of permission. Standard conditions in relation to construction hours, restrictions on noise and dust emissions from construction, storage of refuse, pest control, operation noise, connections to the main sewer, construction signage and lighting and deliveries should also be attached.

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Screening for 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.

Screening for Appropriate Assessment

The applicant has not provided information to assist the screening for Appropriate Assessment. The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established urban area and has an existing use on site. Having regard to the scale and nature of the proposed development, the location of the development within a serviced urban area so that any construction surface water runoff will be managed via the existing drainage system, the consequent absence of a pathway to a 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.

Conclusion

While the principle of the proposed development is acceptable, **additional information** is required in relation to design and layout, green space factor and car parking.

Recommendation

Request Additional Information.

Additional Information

Additional Information was requested on the 20th October 2022.

Additional Information was received on the 24th of January 2023 (not deemed significant).

Additional Information Consultations

Water Services	No objections subject to conditions.
Irish Water	No objections subject to conditions.
Roads Department	Additional information requested.
Public Realm	Recommend Refusal

Assessment of Additional Information

Item 1 Requested

(a) On the western and northern elevations, ground floor Apartments 1, 2 and 3 would have windows to habitable rooms in close proximity to the public footpath with limited setback and privacy strip width provided. This is would not provide an appropriate level of privacy to these

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apartments and lead to a substandard form of development. These should be revised to provide a greater setback of these windows from the public realm and adequate privacy strip.

(b) Some further variation in material, colour and form would be welcomed, particularly on the northern elevation, given the site's prominent location. The circular form balconies on the corner of the building are not considered to be an visually acceptable design response and should be redesigned to a more appropriate form. The submission of CGI images or elevational drawings with colour would be welcomed in order to adequately assess the design of the proposed building.

Applicant's Response:

(a) Ground floor apartments 1, 2 and 3 have been flipped. This allows for the kitchen, dining and living space to be located deeper into the building and in turn reduce the projection of ground floor bay windows. The width of the raised planters has been increased. ADF analysis revised. Amendments made to Apartment 1 so that the bedroom windows are within the defensible space of the balcony and raised planters.

(b) Submitted a revised proposal including the use of stone cladding. Curved corner balconies have been replaced by a featured balcony structure that is cladded in stone.

Assessment:

The proposed development has been amended so that privacy strips and setback would be provided to the apartments. The terrace for Apartment 1 is located on the edge of the site boundary, adjoining the public footpath. Apartment 1 is a one bedroom apartment and the apartments above this are 2 bed (4 person). The minimum private amenity space requirement under the 2020 Apartment Guidelines for a 2 bed (4 person) is 7sq.m which is the area proposed for these stacked terraces/balconies. Therefore, while the size of the ground floor terrace cannot be reduced without visually impacting the corner feature, further screening should be considered. This can be addressed through **condition**.

The changes to the design of the proposed building are to be welcomed. A clear corner feature, that complements the building and surrounding area, is proposed. A more visually appropriate material than stone cladding could be provided. The glazing to the private terraces and balconies should be replaced with metal railing. An appropriate boundary treatment to the roof terraces should be agreed. The details of materials can be agreed by way of **condition**.

Further details on materials should be provided. This should include the submission of elevational drawings in colour.

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It is therefore considered that this item has been satisfactorily addressed subject to conditions. The proposed development is considered to be an acceptable infill development approach to this local centre site.

Item 2 Requested

The applicant is requested to demonstrate how they can achieve a minimum Green Space Factor (GSF) scoring requirement in accordance with Policy G15 Objective 4 of the South Dublin County Development Plan 2022-2028. Compliance will be demonstrated through the submission of a Green Space Factor (GSF) Worksheet.

Applicant's Response:

Green Space Factor Worksheet and updated landscaping drawings submitted. Surfaces proposed permeable paving, vegetation, new trees and green roofs. This results in a green space factor of 0.5.

Assessment:

The Public Realm Section have reviewed the additional information and raise concerns in relation to the green space factor, sustainable drainage, play facilities, green infrastructure and public open space and recommends refusal. The AI item relates to the green space factor only, the scope of this assessment of this item is constrained to this matter only.

In relation to the Green Space Factor, the Public Realm Section indicate:

The Green Space Factor has not been achieved. With regards to the proposed "permeable paving" it would not be acceptable as a SUDS feature and would not be considered as part of the green space factor for the fact that it is covered.

It is noted that permeable paving proposed is to the undercroft car parking, so is not considered to contribute fully to green infrastructure and sustainable urban drainage. The green roof also has not been shown on the submitted plans. Further green infrastructure and SUDS should be provided. A revised GI strategy and plans can be agreed by way of **condition**. This should include a more detailed and revised landscape and planting plans.

Item 3 Requested

The applicant is requested to provide the following in relation to access and parking:

- (a) A revised layout for provision of further car parking space(s) onsite.*
- (b) Revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Autotrack or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site, and that that vehicles can exit the development in a forward direction if the car park is full. Detailing the location of refuse collection areas.*

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Applicant's Response:

- (a) 1 no. additional car parking space provided.
- (b) Swept path analysis submitted.

Assessment:

The Roads Department have reviewed the additional information submitted and state the following:

The parking ratio has been increased to 50% by the addition of a single parking space. The roads department determine that this ratio is too low. The policy for reduction in parking spaces is for proximity to high frequency- multidirectional public transport. Roads recommend a parking ratio of 70% (19no spaces) which can be reduced by to 65% (17no spaces) if the apartments are built to rent.

The applicant has provided an autotrack of refuse collection access and egress.

The Roads Department request that further information is submitted in relation to a right of way agreement for access to the site, a revised layout showing that vehicles can exit the car parking in a forward direction if the car park is full and details of car parking in compliance with the CDP.

The total number of car parking spaces being proposed is 13 no. A reduced number of car parking spaces from the maximum requirement is considered appropriate in this instance due to the site's location within a local centre and proximity to public transport. The proposed number of car parking spaces is therefore considered to be acceptable.

The refuse collection area is located outside of the site boundary. The right of way indicted by the applicant does not cover this area. Refuse collection should be provided in an area/access that the applicant would have control. An appropriate refuse collection arrangement should be agreed by way of **condition**.

A revised layout showing that vehicles can exit the car parking in a forward direction if the car park is full should be submitted by way of **condition**.

Item 4 Requested

The applicant has proposed to discharge surface water run off from the proposed development to the foul water drainage network. This is not permitted by SDCC drainage section so alternative means of discharging surface water must be submitted by the applicant.

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Applicant's Response:

The applicant advises that it is not proposed to discharge surface water drainage to the foul system. There are two gullies at the entrance to the undercroft car park to take any excess water that would run off the cars. As the undercroft car park is fully covered there will be no direct rainfall in this area. Generally, this water is classified as dirty water and is therefore discharged to the foul system via a petrol interceptor.

Assessment:

Water Services have reviewed the information submitted and have no objection subject to standard conditions. This report is noted and should be conditioned as such. It is therefore considered that this item has been satisfactorily addressed.

Planning Reference Number	SD22A/0346
Summary of permission granted & relevant notes:	26 no. apartments
Are any exemptions applicable?	No
If yes, please specify:	
Is development commercial or residential?	Residential
Standard rate applicable to development:	119.10
% reduction to rate, if applicable (0% if N/A)	0
Rate applicable	€119.10
Area of Development (m2)	2229.7
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	2229.7
Total development contribution due	€265,557.27

Development Contributions

Updated schedule of accommodation provided by the agent via email on the 15th of February 2023.

26 no. apartments, total floor area 2229.7 sq.m

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Public house 156sq.m

Planning Reference Number	SD22A/0346
Summary of permission granted & relevant notes:	Public house
Are any exemptions applicable?	No
If yes, please specify:	
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)	156
Amount of Floor area, if any, exempt (m2)	0
Total area to which development contribution applies (m2)	156
Total development contribution due	€17,560.92

Total €283,118.19

Cash security and Security Bond [Error! Not a valid link.](#)

SEA Monitoring

Building Use Type Proposed: Apartments

Floor Area: 2713sq.m

Land Type: Brownfield/Urban Consolidation.

Site Area: 0.1267 Hectares.

Conclusion

It is noted in this case that the proposal is for the redevelopment of a relatively constrained, brownfield site located within a local centre. While the minimum standards set will generally be sought by the Planning Authority in relation to infill schemes, it is recognised that in certain cases, such as this, this may not achieve a positive planning outcome. In order to allow for flexibility, the standards may be assessed on a case-by-case basis and if considered appropriate, reduced in part or a whole may be accepted, subject to overall design quality in line with the guidelines. It is considered in this case that the proposals include sufficient high-quality communal open space to meet the needs of the prospective residents and there are several areas

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of existing public open space in the vicinity of the site. Having regard to the foregoing, and the sites' location and existing condition, the proposal is considered acceptable in relation to public open space.

More generally 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 to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on the 24th of January 2023, 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.
2. Services to be Underground.
All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment

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shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.

REASON: In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.

3. Street Naming and Dwelling Numbering.

Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:

(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.

The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.

The development name should:

1. Avoid any duplication within the county of existing names, and
2. Reflect the local and historical context of the approved development, and
3. Comply with;

(a) Development Plan policy, and

(b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and

(c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and

(d) Preferably make exclusive use of the Irish language.

Proposals for an apartment name and numbering scheme and associated signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site.

The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

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4. Council Housing Strategy.

That the applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:

(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2022-2028, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and

(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.

REASON: To promote social integration consistent with policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.

5. Management Company.

A. Prior to the commencement of development the applicant/owner shall submit the following for the written agreement of the Planning Authority:

(i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;

(ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.

The said external common areas of the development to be retained in private ownership indicated in the plan required shall not be taken in charge by the Council and shall instead be maintained in perpetuity by an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011.

B. Continued membership of an Owners' Management Company set up for this purpose pursuant to the Companies Acts, 1963 as amended and the Multi-Unit Developments Act 2011 shall be compulsory for all owners for the time being of property within the development.

C. No development shall take place under this permission until the applicant, owner or developer has lodged for the written agreement of the Planning Authority:

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(i) A copy of the Certificate of Incorporation of the said Company responsible for the external common areas of the development to be retained in private ownership has been lodged with the Planning Authority in respect of the plan required above.

D. Any changes to the status or nature of the Owners' Management Company shall be notified to the Council forthwith.

E. The Owners' Management Company shall hold insurance for public liability risk at all times for all areas under its control or responsibility.

REASON: To ensure a proper standard of residential development and maintenance of the private areas within the development and compliance with the South Dublin County Council Development Plan.

6. 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.

7. 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.

8. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €283, 118.19 (Two hundred eighty-three thousand one hundred and eighteen euro and nineteen cent), 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

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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.

9. Pursuant to this decision, no development shall be commenced until security for the provision, satisfactory completion and maintenance, to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), of roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development, has been given by:
- (A) Lodgement of a cash deposit of €120, 248.00 (one hundred and twenty thousand and two hundred and forty-eight euro) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index), to be retained by South Dublin County Council and applied by South Dublin County Council at its absolute discretion, if roads, open spaces, car parks, sewers, watermains, drains and other publicly accessible services required in connection with the development are not duly provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Councils Taking in Charge Policy), or
- (B) By lodgement with South Dublin County Council of an approved Insurance Company Bond or a Bond of any Body approved by the Planning Authority in the sum of €138, 300.00 (one hundred and thirty-eight thousand, three hundred euro) (amount will be updated at the date of commencement of development in accordance with changes in the Tender Price Index) which shall be kept in force until such time as the roads, open spaces, car parks, sewers, watermains, drains and other public services required in connection with the development are provided, completed and maintained to the taking in charge standard of South Dublin County Council (outlined in the Council's Taking in Charge Policy). The bond shall be coupled with an agreement empowering South Dublin County Council to apply such sum or part thereof of said bond to the satisfactory completion of publicly accessible services in the development.

REASON: To ensure that a ready sanction may be available to South Dublin County Council to induce the provision of public services and safeguard amenity in the development.

10. 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) The ground floor terrace to Apartment 1 should be revised to provide further screening and setback from the public footpath. This might involve amendments to the overall

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corner feature.

(b) Replace the glazing on the ground floor terraces and upper private balconies/terraces with metal railings. Revise the boundary treatment to the roof terraces.

(c) Windows to the bathrooms on the eastern elevation shall be made opaque.

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

11. Refuse and Access

Prior to the commencement of development, the applicant/developer shall submit for the written agreement of the Planning Authority, following consultation with the Roads Department if necessary, the following:

(a) A revised layout showing how refuse will be collected within the site boundary or land within the applicant's control.

(b) A revised layout showing that vehicles can exit the undercroft car parking area in a forward direction if the car park is full.

REASON: In the interests of traffic safety and the proper planning and sustainable development of the area.

12. Materials and Finishes

Details of the materials, colours and textures of all the external finishes to the proposed building and accompanying external hard surfaces shall be submitted to, and agreed in writing with, the Planning Authority prior to commencement of development.

REASON: In the interest of visual amenity.

13. Prior to the commencement of development the applicant/developer is requested to submit, for the written agreement of the Planning Authority, a revised landscape plan and details that incorporates green infrastructure elements, including green roof. This shall include, where possible, surface water attenuation through the implementation of SuDS (Sustainable Drainage Systems) features (i.e. permeable paving etc.). The applicant/developer should address compliance with G15 Objective 4 of the South Dublin County Development Plan 2022-2028.

REASON: To provide for green infrastructure and ensure compliance in this regard with the South Dublin County Development Plan 2022-2028.

14. A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation. Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.
- A drawing to show how surface water shall be attenuated to greenfield run off rates.

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- Submit a drawing to show what SuDS (Sustainable Drainage Systems) are proposed. Examples of SuDS include permeable paving, filter drains, bio-retention tree pits, rains gardens, swales or other such SuDS.
- 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 the policies and objectives of the County Development Plan 2022-2028.

15. Prior to any occupation of the development, a scheme for the maintenance and management of the landscape scheme for the lifetime of the development shall be submitted to the Planning Authority for approval. All works shall be maintained in accordance with the agreed scheme.

The scheme shall include the following:

- i) methods for the proposed maintenance regime;
- ii) detailed schedule;
- iii) details of who will be responsible for the continuing implementation
- iv) details of any phasing arrangements

REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area in accordance with the policies and objectives of the County Development Plan 2022-2028.

16. Environmental Health

(a) All recommendations listed in the report by Searson Associates dated the 29th of August 2022 shall implemented in full with the exception of Chapter 2.4 {Probable Construction Noise Levels} which is to be amended to:

No heavy / noisy construction equipment or machinery (to include pneumatic drills, construction vehicles, generators, etc) shall be operated on or adjacent to the construction site before 07:00 hours on weekdays and 09:00 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 work outside of these hours shall only be permitted following a written request to the Planning Authority and 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 unwanted noise outside the hours stated above.

(b) Noise levels arising from construction activities shall not be so loud, so continuous, so

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repeated, of such duration or pitch or occurring at such times as to give rise to a noise nuisance affecting a person in any premises in the neighbourhood.

(c) 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.

(d) A suitable location for the storage of refuse shall be provided during the construction and operational phase of the development so as to prevent a public health nuisance.

(e) The applicant shall put in place a pest control contract for the site for the duration of the construction works.

(f) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of a noise sensitive location, shall not exceed the daytime background level by more than 10 dB(A).

(g) Any connections to the main sewer must be connected so as not to give rise to a public health nuisance.

(h) Signage or lighting to be used on site during both construction and the on-going operation of the development must not be intrusive to any light sensitive location including residential properties in close proximity to the development.

(i) Clearly audible or impulsive tones at noise sensitive locations during evening and night shall be avoided irrespective of the noise level.

(j) Deliveries to the premises and collections shall be operated in such a manner as not to give rise to any noise nuisance to neighboring residents and properties.

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

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.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

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REG. REF. SD22A/0346

LOCATION: The Finches Public House, Finches Shopping Centre, Neilstown Road,
Clondalkin, Dublin 22, D22 H7X9



**Deirdre Kirwan,
Senior Executive Planner**


**Gormla O'Corrain,
Senior 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: 20 Feb 2023


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