

# Comhairle Chontae Atha Cliath Theas

**PR/0297/23**

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

**Reg. Reference:** SD23A/0014      **Application Date:** 25-Jan-2023  
**Submission Type:** New Application      **Registration Date:** 25-Jan-2023  
**Correspondence Name and Address:** Kevin Tiernan 19, Aranleigh Gardens, Rathfarnham, Dublin 14  
**Proposed Development:** Change of use from butchers shop to restaurant.  
**Location:** 21, Main Street, Rathfarnham, Dublin 14  
**Applicant Name:** Robyn Lawlor  
**Application Type:** Permission

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

Site Area: stated as 0.0065hc on application form.

### **Site Description**

The subject site for the change of use permission is located on 21, Main Street in Rathfarnham. The subject building is a mid-terrace two storey, building which is adjoined on each side by a Centra Shop No.22 and covered side laneway to a Bicycle repair shop located to the rear. (First floor over laneway forms part of the same structure). The subject building has a redbrick finish at first floor level with Georgian roof top detail above first floor consisting of a series of piers with stone capping on flat roof.

The building overlooks Rathfarnham Main Street. Public on-street car parking is situated on the opposite side of the street to the subject site serving multiple services along the Main street. Double yellow line (no parking zone) exists on the road/footpath side closest to the subject building.

### **Proposal:**

The proposal consists of Permission for the following:

- Change of use from butchers shop to restaurant.

### **Zoning**

The subject site is subject to zoning objective 'VC': *'To protect, improve and provide for the future development of Village Centres'* under the South Dublin County Development Plan 2022-2028.

County Development Plan Maps 2022-2028: - Rathfarnham ACA (Architectural Conservation Area).

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### **Consultations**

Water Services – No objection subject to **conditions**.  
Irish Water – No objections subject to **conditions**.  
Roads Department – No objection.  
Public Realm Section – No report received at time of writing.  
EHO - No objection subject to **conditions**.

SEA Sensitivity Screening –

*Located near the Protected structures as stated on Record of Protected Structures CDP 2022-2028:*

- 220-02: 17 Daly's Terrace, Main Street, Rathfarnham - Terraced Two-Bay Two-Storey House
- 220-01: 16 Daly's Terrace, Main Street, Rathfarnham - End-Of-Terrace Two-Bay Two-Storey House
- Rathfarnham Castle, Rathfarnham.

Located near following listed building on record of monuments and places CDP 2022-2028.

- R149432 - House - fortified house Rathfarnham
- R149434 - Water mill - unclassified Rathfarnham

Site located within Rathfarnham Architectural Conservation Area (ACA) of SDCC CDP 2022-2028.

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

Submission expiry date – 28/02/2023

No submissions or observations were received.

### **Relevant Planning History**

*Subject site*

None identified on APAS.

*Adjacent sites*

SD10A/0396 - 22/23, Main Street, Rathfarnham, Dublin 14

Part off-licence use at existing Centra shop at ground floor.

**Grant Permission.**

S00A/0332 - No. 45 & 46, Main Street, Rathfarnham, Dublin 14.

Change of use at ground floor only from 2 no. shops to 1 no. bookmakers associated shop front, signage, lighting and satellite dishes to rear.

**Grant Permission.**

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SD22A/0379 - 16 & 17, Main Street, Rathfarnham, Dublin 14, D14 F5X8 & D14 R2T3  
Change of use from office to creche use of No. 17 and combining proposed creche with existing creche at No 16 (Reg Ref S95A/0124), alterations to facilitate a single operator including; Provision of two interconnecting doors in party wall between No. 16 and No. 17; Provision of universal accessible WC's to No. 17; Provision of new rear door to No. 17 and closure of existing side door; Removal of rear party boundary wall to provide one play area; Minor internal alterations, and all associated site works.

**Grant Permission.**

SD17A/0394 - 14, Main Street, Rathfarnham, Dublin 14  
Change of use from retail to crèche and childcare facilities. Works to include the demolition of the existing single storey lean-to and the construction of a new single store extension to accommodate a new disable access w.c. and lobby.

**Grant Permission.**

SD07A/0344/EP - 36, Main Street, Rathfarnham, Dublin 14  
Change of first floor use from office to health centre.

**Grant Extension of Duration of Permission.**

### **Relevant Enforcement History**

None identified for subject site on APAS.

### **Pre-Planning Consultation**

None identified on APAS for subject site.

### **Relevant Policy in South Dublin County Council Development Plan 2022 – 2028**

*Section 3.5 Built Heritage*

*Section 3.5.2 Protected Structures*

*Policy NCBH19: Protected Structures Conserve and protect buildings, structures and sites contained in the Record of Protected Structures and carefully consider any proposals for development that would affect the setting, special character or appearance of a Protected Structure including its historic curtilage, both directly and indirectly.*

*NCBH19 Objective 4: To support alternative uses for Protected Structures including former institutional sites in order to provide continued security of the heritage value of these buildings, attendant grounds and associated landscape features. To this end, the relaxation of site zoning restrictions may be considered in order to secure the preservation and conservation of the protected structure where the use proposed is compatible with the existing structure and where the proposed development is consistent with best practice conservation policies and the proper planning and sustainable development of the area.*

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### *9.5.5 Village Centres*

#### *Policy EDE13: Retail - Village Centres*

*Strengthen the retail, retail services and niche retailing function of traditional villages.*

*EDE8 Objective 6: To facilitate and provide for the refurbishment and replacement of obsolete floorspace and promote the use of vacant floorspace within our town, village and district centres taking account of the relevant zoning and placemaking objectives.*

### *Section 3.5.3 Architectural Conservation Areas*

#### *11. Rathfarnham Village including Willbrook*

*The development of Rathfarnham village is closely linked with that of Rathfarnham Castle, built in c. 1583 by the Archbishop of Dublin. During the nineteenth century a series of mills were established on the Owendoher and Dodder Rivers. During the eighteenth and nineteenth centuries, numerous villas and small country houses were built in the environs of Rathfarnham. With the arrival of trams, Rathfarnham became a suburb of Dublin, and terraced houses were built to accommodate suburban workers.*

#### *Policy NCBH20: Architectural Conservation Areas*

*Preserve and enhance the historic character and visual setting of Architectural Conservation Areas and carefully consider any proposals for development that would affect the special value of such areas.*

- NCBH20 Objective 1: To avoid the removal of distinctive features that positively contribute to the character of Architectural Conservation Areas including building features, shop fronts, boundary treatments (including walls), street furniture, landscaping and paving.*
- NCBH20 Objective 2: To prohibit demolition of a structure that positively contributes to the architectural character of the ACA.*
- NCBH20 Objective 3: To ensure that new development, including infill development, extensions and renovation works within or adjacent to an Architectural Conservation Area (ACA) preserves or enhances the special character and visual setting of the ACA including vistas, streetscapes and roofscapes.*
- NCBH20 Objective 4: To address dereliction and to welcome, encourage and promote appropriate and sensitive reuse and rehabilitation of buildings, building features and sites within Architectural Conservation Areas.*
- NCBH20 Objective 5: To reduce and prevent visual and urban clutter within Architectural Conservation Areas including, where appropriate, traffic management structures, utility structures and all signage.*
- NCBH20 Objective 6: To promote and support the reimagining of public spaces and places within Architectural Conservation Areas as part of improving positive*

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*placemaking (refer to Section 3.6.2 subsection Placemaking and the Historic Built Environment).*

- *NCBH20 Objective 7: To ensure proposals for shopfronts and retail signage within ACAs adhere to best practice and achieve high quality designs which respect the character of the area. In this regard, applicants shall be required to have regard and adhere to the principles laid out in South Dublin's Shopfront Design Guide.*

### *3.6 Architectural Conservation, Adaptability and Placemaking*

*NCBH23 Objective 4: To support placemaking initiatives and projects as part of Architectural Conservation Area and village enhancements, making the areas more attractive to residents, businesses and visitors and improving environment and community wellbeing.*

#### *Section 3.6.1 Adapting and Reusing Historic Buildings*

*Policy NCBH24: Adapting and Reusing Historic Buildings Support and encourage the reuse and adaptation of historic, traditional, and older vacant and derelict buildings as a key component of promoting sustainable development and achieving compact growth and as a catalyst for the revitalisation of historic village and town centres.*

*NCBH24 Objective 1: To encourage the repurposing and reuse of older vacant and derelict structures, particularly within towns, villages and Architectural Conservation Areas.*

*NCBH24 Objective 3: To encourage and support the delivery of projects that repair and conserve historic structures in accordance with national grant schemes for architectural conservation.*

*NCBH24 Objective 4: To ensure the reuse, adaptation and upgrade of historic buildings is in accordance with conservation principles including minimal intervention, reversibility, respectful alteration and repair.*

#### *Section 3.6.3 Climate Change Adaptation and Energy Efficiency in Historic Buildings NCBH26 Objective 1:*

*To support and promote the retention and careful rehabilitation of historic and traditional buildings and other structures in both urban and rural contexts, in order to retain embedded energy and assist in carbon footprint reduction.*

#### *NCBH26 Objective 2:*

*To support and promote the sensitive retro fitting of energy efficiency measures and the use of renewable energy sources in traditional and historic buildings, consistent with RPO 7.40 of the RSES.*

#### *NCBH26 Objective 3:*

*To ensure that measures to upgrade the energy efficiency of historic or traditional buildings are in accordance with conservation principles including minimum intervention, acknowledging*

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*their inherent architectural characteristics, techniques and materials and ensure that any upgrading measures do not have a detrimental physical or visual impact.*

### *Chapter 4 Green Infrastructure*

#### *Policy GII Overarching*

*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.*

#### *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 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.*

### *Chapter 7 Sustainable Movement*

#### *Section 7.10 Car Parking*

#### *Policy SM7 Car Parking and EV Charging*

*SM7 Objective 1 Maximum car parking standards*

### *Chapter 12 Implementation and Monitoring*

#### *12.2.1 Land-Use Zoning Tables*

#### *12.3.7 Protected Structures*

*(ii) Works to a Protected Structure*

*(iii) Change of Use*

#### *12.3.8 Architectural Conservation Areas*

### *12.7 Sustainable Movement*

#### *12.7.4 Car Parking Standards*

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### **Relevant Government Guidelines and Policy**

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

**Regional, Spatial & Economic Strategy 2020-2032 (RSES)**, Eastern & Midlands Regional Assembly (2019)

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

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

**Urban Design Manual**, Department of the Environment, Heritage and Local Government, (2008).

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

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

**The Planning System and Flood Risk Management - Guidelines for Planning Authorities**, Department of the Environment, Heritage and Local Government & OPW, (2009).

**Architectural Heritage Protection Guidelines for Planning Authorities**, DAHG (2011)

### **Assessment**

The main issues for assessment relate to:

- Zoning and Council Policy;
- Architectural Conservation
- Visual Amenity;
- Drainage and Water Services
- Access and Car Parking
- EHO
- Green Infrastructure
- Screening for Appropriate Assessment (AA)
- Screening for Environmental Impact Assessment (EIAR)

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### ***Zoning and Council Policy***

#### ***Zoning***

The subject site is zoned Objective Village Centre 'VC' – 'To protect, improve and provide for the future development of Village Centres' under the South Dublin County Development Plan 2022-2028.

'Restaurant/Café' uses are permitted in principle under the zoning objective for the site, therefore the proposed change of use would be consistent in principle with zoning objective. This is subject to the compliance with the relevant plans and policies of the South Dublin County Development Plan 2022 – 2028 (County Development Plan).

#### ***Council Policy***

Chapter 9 Economic Development and Employment states the following objective in relation to retail facilities in South Dublin.

*EDE8 Objective 6: To facilitate and provide for the refurbishment and replacement of obsolete floorspace and promote the use of vacant floorspace within our town, village and district centres taking account of the relevant zoning and placemaking objectives.*

The proposed change of use is acceptable under the above policy which supports the location for the restaurant in the village centre and encourages reuse of prominent floorspace and sustainable transport consistent with policy contained within the NPF and RSES.

Section 12.3.8 of the CDP deals with Architectural Conservation Areas (ACA) and states the following:

- *-Retention of original features such as windows, doors, renders, roof coverings and other significant fixtures and fittings is encouraged whilst concurrently promoting energy efficient designs;*
- *-Where proposals include alterations and extensions affecting structures within an ACA, these should be sensitively designed and sited appropriately, should be generally subservient to the main structure, should not be visually obtrusive or detract from the character of the structure or its setting within the ACA;*
- *-All development works within ACAs should seek to limit, reduce and remove urban and visual clutter including building signage, traffic signage, bollards, utility boxes and other free-standing installations. In addition to the general requirements of this Development Plan, signage proposals within ACAs shall have regard to the requirements outlined in Chapter 12 of the Architectural Heritage Protection Guidelines for Planning Authorities, DAHG (2011);*



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The subject development consists of no proposed changes to the front elevation of the building. Internal alterations and reconfigurations are proposed. The proposal would be acceptable under the ACA policy as the retention of original external and aesthetic features of the building are maintained with the internal alterations subservient to the main structure and would not visibly detract from the character of the structure. Acknowledging the fact that the signage of the building will be require changing from the current butcher signage to restaurant signage, details of which are not provided as part of this application. A **condition** can be added in the event of a grant in permission that, no signage or amendments to the façade of the building shall take place under the permission until the applicant, owner or developer has lodged with the Planning Authority, details of any façade amendments or signage to include signage lettering, logo dimensions, colours, materials, finishes and the required details have been acknowledged in writing by the Planning Authority.

This will ensure the development will also be in accordance with NCBH20 Objective 1, which states: *'To avoid the removal of distinctive features that positively contribute to the character of Architectural Conservation Areas including building features, shop fronts, boundary treatments (including walls), street furniture, landscaping and paving.'*

Section 3.6.1 Adapting and Reusing Historic Buildings states the following objective:

*NCBH24 Objective 4: To ensure the reuse, adaption and upgrade of historic buildings is in accordance with conservation principles including minimal intervention, reversibility, respectful alteration and repair.*

The proposed development for the change of use is acceptable in principle with the above objective as it includes internal interventions which are reversibly if required. An existing fire door will be closed to allow for a coffee hatch window on the north side elevation. The applicant shall ensure that the materials used will match existing. This can be achieved by means of **condition**.

### ***Architectural Conservation***

The proposed development is located within the Rathfarnham Village including Willbrook, ACA as stated Section 3.5.3 Architectural Conservation Areas.

The proposed development seeks a change of use from butchers shop to restaurant. No new extensions or additions are proposed for the exterior of the building apart from the closing of a side elevation fire exit door at ground floor level, to make way for coffee hatch window. Internally, the existing display area, kitchen and fridge area will be reconfigured to allow for the creation of a Coffee seating area, serving counter area, kitchen with fridges/sink and baby changing facilities. No works are proposed to the second floor of the building or the shop front which addresses the street and retains the original features of the building such as windows, doors, and rendors.

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The proposed development will not negatively impact the historic character, existing amenities, visual setting and streetscape character of the ACA and would be in keeping with policy in Section 12.3.8 Architectural Conservation Areas and is deemed acceptable.

### ***Visual Amenity***

In terms of visual amenity, the proposed development is acceptable to the visual and residential amenities of the surrounding area as no external alterations are proposed on the front elevation which addresses the street front. The subject building is well located on Rathfarnham Main Street with pedestrian footfall and adequate car and bicycle parking located close by. The unit currently has permission for use as a butchers, which has a display area in a large front window with advertising signage over. The external changes to the building are limited to the door on the side elevation. It is therefore considered that the proposed development would not have a significant impact on existing residential amenity.

### ***Drainage and Water Services***

#### **Water Services**

Surface Water Drainage and flood report have no objections to the proposed change of use and state the following:

#### **Surface Water Report:**

*1.1 Include SuDS (Sustainable Drainage Systems) such as planter boxes or other such SuDS. Examples of SuDS can also be found at [sdcc-householders-guide-to-sustainable-drainage-suds-.pdf](#)*

#### **No Objection Subject to:**

#### **Flood Risk:**

*2.1 The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*

#### **No Objection Subject to:**

*2.2 All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.*

### **Irish Water**

The Irish water report states no objection to the subject proposal and state the following:

*Uisce Éireann requests that any grant of permission will be conditioned as follows:*

- 1. The applicant shall sign a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.*
- 2. All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.*

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3. *Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.*
4. *Separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.*

*Reason: To ensure adequate provision of water and wastewater facilities*

Surface water drainage and Irish water recommendations are noted and can be obtained by means of **condition** in the event of a grant of permission.

### ***Access and Car Parking***

The application relates to the change of use from butchers shop to restaurant. The existing building/use has no on-site parking facilities or provision for on-site or in curtilage car parking provision. It is noted that current/existing use would have had significant pedestrian traffic enter throughout the day. The building/site is located opposite public on street parking on Rathfarnham Main Street and also within approximately 5meters of an off-street public car parking area.

The Roads Department have reviewed the proposed development and have stated that the:

*'Application makes no reference to parking. However, there is sufficient public car and bicycle parking in the vicinity of the site.'*

The report from the roads department is noted and deemed acceptable. It is deemed that the proposed change of use would not have any significantly negative impacts on pedestrian or public safety in the vicinity of the subject site. No access or egress alterations are proposed.

### ***EHO***

The EHO department have submitted a report and consider the proposal is acceptable to the Environmental Health Department subject to **conditions**. An extract from the EHO report states the following:

#### ***Development Summary***

*Change of use from butcher shop to restaurant.*

*The restaurant must be provided with adequate ventilation, without causing noise nuisance, and the drainage system in the restaurant must be protected from fats oils and grease. Conversion phase must also not cause noise or dust nuisance.*

- *The above proposal is acceptable to the Environmental Health Department – subject to the following condition(s):*

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### Kitchen: Fumes and Noise

- (a) *The ventilation system shall be adequately filtered and externally vented so as not to cause a nuisance to neighbouring properties.*
- (b) *Any fumes emitted from the premises shall be minimised and if necessary, treated using the Best Available Technology and emitted to the outer air.*
- (c) *The noise from the operation of the ventilation system shall be attenuated so as not to cause a noise nuisance to nearby residential properties.*
- (d) *Details to demonstrate compliance with above shall be submitted for the written agreement of the Planning Authority prior to the commencement of any development.*
- Reason: In the interests of public health and in the interest of protecting the established residential amenity of the surrounding area.*

### Grease traps

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

*Reason: In the interests of public health.*

### Conversion Phase

#### Noise

- 1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that : The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours*
    - Before 07.00 hours on weekdays, Monday to Friday*
    - Before 09.00 hours on Saturdays.*
    - After 19.00 hours on weekdays, Monday to Friday.*
    - After 13.00 hours on Saturdays.*
    - Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*
- Reason: In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council's amenity policies set out in the South Dublin County Council Development Plan.*

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### *Air Quality*

*During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances.*

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

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

The report from the EHO is noted. Given the nature and extent of the proposed development, it is deemed appropriate that the **conditions** should be attached in the event of a grant in permission.

### ***Green Infrastructure***

The subject application provides for a change of use from butchers shop to restaurant with no additional floorspace to the footprint of the subject building on an established village centre site. The site appears to be located within a Primary GI Corridor, Primary GI Corridor No.1 - Dodder River Corridor as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Having regard to the nature and extent of the proposed development i.e., change of use from butchers shop to restaurant, it is considered that the proposed development will not result in any significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site, notwithstanding this, A **condition** in the event of grant in permission for surface water shall include for the provision of SuDS measures in the form of water butts. This will ensure that the subject development has incorporated Green Infrastructure and will protect, manage and enhance the GI resources on the subject site. As such, the proposal is in accordance with GI1 Objective 4, GI14 Objective 1, GI12 Objective 4 and Section 12.4.2 of the South Dublin County Development Plan 2022 – 2028.'

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

The subject site is not located within nor within close proximity to a European site. The proposed development is located within an established village centre and comprises of a change of use from butchers shop to restaurant.

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Having regard to:

- the small scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

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

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

### ***Development Contributions***

#### ***Proposed Change of Use – 65sqm***

Circumstances where no contribution or a reduced contribution apply:

- 1.1 (v) There will be 50% reduction in the non-residential rate for developments in Village Centre areas. To be considered for the reduced rate the proposed development must be in an area zoned as a Village Centre in the County Development Plan and comply with the qualifying conditions specified by the local authority in the application process.

50% of full commercial rate ( 112.57) per sqm = 56.285

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<b>Development Contributions</b>	
<b>Planning Reference Number</b>	SD23A/0014
<b>Summary of permission granted:</b>	65qm - Change of Use Butchers to Restaurant
<b>Are any exemptions applicable?</b>	No
<b>If yes, please specify:</b>	
<b>Is development commercial or residential?</b>	Commercial
<b>Standard rate applicable to development:</b>	112.57
<b>% reduction to rate, if applicable (0% if N/A)</b>	50
<b>Rate applicable</b>	56.285
<b>Area of Development (m2)</b>	65
<b>Amount of Floor area, if any, exempt (m2)</b>	0
<b>Total area to which development contribution applies (m2)</b>	65
<b>Vehicle display areas/ Open storage spaces</b>	0
<b>Rate applicable</b>	€5.63
<b>Contribution</b>	€0.00
<b>Total development contribution due</b>	<b>€3,658.53</b>

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
<ul style="list-style-type: none"> <li>Commercial – Change of Use from Butchers Shop to Restaurant</li> </ul>	65sq.m
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	0.0065

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan and the overall design and scale of the development proposed it is considered that, subject to the conditions set out below, the proposed development from butchers shop to restaurant 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. It is considered

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that the proposed would be in compliance with Council policy and the zoning objective which seeks to 'To protect, improve and provide for the future development of Village Centres' under the South Dublin County Council Development Plan 2022-2028.

### **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.
2. Signage details and Protection of the Rathfarnham ACA:  
No signage or amendments to the façade of the building shall take place under this permission until the applicant, owner or developer has lodged with the Planning Authority;  
(i) Full details of any façade amendments or signage to include signage lettering, logo dimensions, colours, materials, finishes and;  
(ii) The required details have been acknowledged in writing by the Planning Authority.  
REASON: In the interests of visual amenity and the proper planning and sustainable development of the area.



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

### 3. Environmental Health Officer:

The following Health and Safety measures shall be implemented by the applicant:

#### 1. Kitchen: Fumes and Noise

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

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

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

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

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

#### 2. Grease traps

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

REASON: In the interests of public health.

#### Conversion Phase

#### 3. Noise

To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that : The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

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

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

#### 4. Air Quality

During the construction / demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust

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nuisances.

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

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

4. External Finishes.

No external alterations are proposed on the front elevation of the building. All external finishes proposed for the new 'coffee hatch window' on the north side elevation shall harmonise in colour or texture that is complementary to the building or its context.

REASON: In the interest of visual amenity.

5. 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.

6. Construction Noise and Hours.

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

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

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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.

### 7. Water Services:

The applicant shall:

1. Include SuDS (Sustainable Drainage Systems) such as planter boxes or other such SuDS on the proposed development. Examples of SuDS can also be found at [sdcc-householders-guide-to-sustainable-drainage-suds-.pdf](#)
2. The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
3. All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

REASON: In the interest of sustainable water management.

### 8. Irish Water:

The applicant, owner or developer shall ensure that:

1. The applicant shall sign a connection agreement with Uisce Éireann prior to the commencement of the development and adhere to the standards and conditions set out in that agreement.
2. All development shall be carried out in compliance with Uisce Éireann Standards codes and practices.
3. Any proposals by the applicant to divert or build over existing water or wastewater services shall be submitted to Uisce Éireann for written approval prior to works commencing.
4. Separation distances between the existing Uisce Éireann assets and proposed structures, other services, trees, etc. have to be in accordance with the Irish Water Codes of Practice and Standard Details.

REASON: To ensure adequate provision of water and wastewater facilities

### 9. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €3,658.53 (Three thousand, six hundred and fifty eight euro and fifty three cent), in respect of public infrastructure and facilities benefiting development within the area of the Planning

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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](mailto: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. SD23A/0014**

**LOCATION: 21, Main Street, Rathfarnham, Dublin 14**



**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:** 21/03/23



**Gormla O'Corrain,  
Senior Planner**