

# Comhairle Chontae Atha Cliath Theas

**PR/0486/23**

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

**Reg. Reference:** SD22A/0406      **Application Date:** 26-Oct-2022  
**Submission Type:** Additional      **Registration Date:** 13-Apr-2023  
Information

**Correspondence Name and Address:** Alison Clarke, Module 1st Floor, 2, Chapel Hill,  
Lucan, Co. Dublin

**Proposed Development:** Demolition of an existing commercial two storey building and the construction of 2 commercial units with Plantroom on Ground floor level with 8 residential apartments comprising 2 one Bed apartments 3 two bed apartments and 3 three bed apartments all with private balconies over 4 floors; A communal roof garden is located on the fourth floor; Enclosed bin stores for the commercial and residential units is located at the rear of the building; 5 total car parking spaces including 1 disabled car space is provided; 8 bicycle spaces are provided at the front for commercial units and 10 no. bicycle spaces at the rear for residential units; Sustainable drainage (SuDs) roof and roof garden are provided for the development and all associated engineering and site works necessary to facilitate the development.

**Location:** Paintworld, 1-2 Ballymount Road Lower, Dublin 12

**Applicant Name:** Alan & Monica Holmes

**Application Type:** Permission

(AOCM)

**Description of Site and Surroundings:**

Site Area: stated as 0.0459 hectares.

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### Site Description:

The application site is located on Ballymount Road Lower, approximately 50m to the west of the Walkinstown roundabout. The site comprises a single storey, double height pitched roof retail unit, Paintworld. There is car parking to the front. A laneway is along the east of the site. The site is located in a row of units operating as retail, commercial and restaurant uses. On the other side of the road, to the north, single storey residential dwellings within Dublin City Council's jurisdiction (zoned residential).

Site Visited: 28 November 2022

### **Proposal:**

**Permission** is sought for the following:

- Demolition of existing commercial two-storey building
- Construction of a 5-storey building comprising:
  - 2 no. commercial units with plantroom at ground floor level
  - 8 no. residential apartments (2 no. 1-bedroom units, 3 no. 2-bedroom units and 3 no. 3-bedroom units) with private balconies over 4 floors, with communal roof garden.
- Enclosed bin stores
- 5 no. car parking spaces (including 1 no. mobility access space)
- 18 no. bicycles parking spaces
- All associated engineering and site works

### **Zoning:**

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

### **Consultations:**

#### Internal Consultees

Roads:

**Additional information** recommended

Public Realm:

**Additional information** recommended

Waste Management:

No objection, **conditions** recommended

Water Services:

No objection

#### External Consultees

Irish Water:

**Additional information** recommended

Environmental Health Officer (EHO):

No objection, **conditions** recommended

Transport Infrastructure Ireland (TII):

Response received – no comment to make

National Transport Authority (NTA):

No response received

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### **SEA Sensitivity Screening**

Indicates no overlap with relevant environmental layers

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

Submission expiry date – 29 November 2022

4 submissions were received, including points as follows:

- Limited parking for residents and retail units – cumulative effect will make parking unsustainable and dangerous and cause further congestion at the roundabout
- Development out of proportion with adjoining properties, would tarnish site line of the area
- Development would cause overshadowing and overlooking
- Extra traffic poses danger to life as no traffic lights, road too narrow to facilitate them
- Overdevelopment by its mass, scale and height – domineering effect on surrounding residential properties
- Scale would be seriously injurious to residential view and amenities of adjacent properties due to overshadowing – dwarfing of 104-year old cottages
- Does not provide appropriate transition in scale or have due regard to nature of surrounding urban morphology – would be overbearing and incongruous on the streetscape
- Negative impact on development potential of adjoining property
- Would severely damage character of the area and depreciate value of property
- No traffic management plan – full traffic survey required
- Could be damage inflicted on cottages opposite as a result of construction works
- Premature in the absence of a complete plan for the Walkinstown roundabout area
- Would cause noise

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#### Relevant Planning History

SD22A/0017: Demolition of an existing commercial two storey building and the construction of 2 commercial units with plantroom on ground floor level with 10 residential apartments comprising of: 1 studio apartment, 4 1-bedroom apartments and 5 2-bedroom apartments all with private balconies over 4 floors. A communal roof garden is located on the fourth floor; bin stores for the commercial and residential units are located at the rear of the building, 6 car parking spaces are provided for the development. 8 bicycle spaces are provided to the front for commercial units and 10 bicycle spaces at the rear for the residential units, and all associated engineering and site works necessary to facilitate the development. **Withdrawn following request for additional information.** Additional information was requested in relation to the following:

- Design Statement, including concept plan / masterplan addressing:
  - How development would be in keeping with future development of Local Centre lands
  - How development complies with relevant provisions of the Development Plan and the City Edge Project
- Revise the development to:
  - Justify the unit mix
  - Clarify legal access to laneway east of the site/demonstrate wayleave
  - Clarify bin collection arrangements and redesign bin store
  - Relocate balconies from northern elevation
  - Provide privacy strip for units adjoining roof terrace
  - Information on proposed uses/type of occupiers of commercial units and servicing arrangements
  - Report analysing daylight/sunlight
- Revised proposal with better articulation in terms of materials and form to address concerns regarding design, bulk and massing of the proposed building.
- Landscape design for the development
- Provision of SuDS at the site – plan and associated drawings required
  - Drawing/report required detailing attenuation and measures proposed
- Plan demonstrating visibility splay in both directions from entrance
- Clarify if laneway is used by vehicles
- Car parking strategy
- Swept path analysis
- Layout to include measures to prevent illegal/inappropriate on-street parking
- Removal of side facing windows so as not to prejudice future development of adjoining sites.

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### **Relevant Enforcement History**

No recorded for subject site.

### **Pre-Planning Consultation**

PP066/21 – 28/06/2021

- Proposed mixed use development consisting of 11 residential apartments and 2 retail units at ground floor level. Site Area 295.4sq.m. Indicative proposed GIFA 1120sq.m.

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

*Chapter 4 Green Infrastructure*

*Section 4.1 Methodology*

*Policy GI1: Overarching*

*Protect, enhance and further develop a multifunctional GI network, using an ecosystem services approach, protecting, enhancing and further developing the identified interconnected network of parks, open spaces, natural features, protected areas, and rivers and streams that provide a shared space for amenity and recreation, biodiversity protection, water quality, flood management and adaptation to climate change.*

*GI1 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.*

*Section 4.2.1 Biodiversity*

*Policy GI2: Biodiversity*

*Strengthen the existing Green Infrastructure (GI) network and ensure all new developments contribute towards GI, in order to protect and enhance biodiversity across the County as part of South Dublin County Council's commitment to the National Biodiversity Action Plan 2021-2025 and the South Dublin County Council Biodiversity Action Plan, 2020-2026, the National Planning Framework (NPF) and the Eastern and Midlands Region Spatial and Economic Strategy (RSES).*

*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.*

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*Section 4.2.2 Sustainable Water Management*

*Policy GI4: Sustainable Drainage Systems*

*Require the provision of Sustainable Drainage Systems (SuDS) in the County and maximise the amenity and biodiversity value of these 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 5 Quality Design and Healthy Placemaking*

*Policy QDP1: Successful and Sustainable Neighbourhoods*

*Support the development of successful and sustainable neighbourhoods that are connected to and provide for a range of local services and facilities*

*QDP1 Objective 2: To ensure that residential, mixed use and employment development provides an integrated and balanced approach to movement, placemaking and streetscape design in accordance with the requirements of the Design Manual for Urban Roads and Streets, DTTAS and DEHLG (2013 as updated).*

*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*

*Promote the creation of successful and sustainable neighbourhoods through the application of the eight key design principles to ensure the delivery of attractive, connected, and well-functioning places to live, work, visit, socialise and invest in throughout the County.*

*QDP2 Objective 1: To ensure that applications for new development are accompanied by a statement from a suitably qualified person detailing how 'The Plan Approach' has been taken into consideration and incorporated into the design of the development including the materials and finishes proposed and demonstrating how the overarching principles for the achievement of successful and sustainable neighbourhoods have been integrated as part of the design proposal.*

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*Policy QDP3: Neighbourhood Context*

*Support and facilitate proposals which contribute in a positive manner to the character and setting of an area.*

*QDP3 Objective 6: To ensure that higher buildings in established areas respect the surrounding context and take account of heights and their impact on light and the negative impact that they may have on existing communities to ensure consistency with regard to Healthy Placemaking.*

*Policy QDP4: Healthy Placemaking*

*Promote the delivery of neighbourhoods that are attractive, connected, vibrant and well-functioning places to live, work, visit, socialise and invest in.*

*QDP4 Objective 2: To promote a high standard of building and urban design, creating public spaces that are distinctive, safe, universally accessible and facilitate social and cultural diversity and interaction.*

*QDP6 Objective 1: To require that all development proposals, whether in established areas or in new growth nodes, contribute positively to the creation of new, and the enhancement of existing public realm. To demonstrate how the highest quality in public realm design is achieved and how it can be robustly maintained over time (see also Chapter 12: Implementation and Monitoring - Design Statements and Public Realm).*

*QDP6 Objective 6: To ensure that all new developments but particularly apartment developments where gardens do not form part of the home, make provision for sufficient public realm space to enable the community to enjoy a healthy living environment outdoors but within the boundaries of the development and that no new development whether it be private or social creates a development that downgrades the public realm to an extent that it is insufficient to serve as a healthy place to live, both mentally and physically.*

*Policy QDP7: High Quality Design – Development General*

*Promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture.*

*QDP7 Objective 1: To actively promote high quality design through the policies and objectives which form 'The Plan Approach' to creating sustainable and successful neighbourhoods and through the implementation of South Dublin County's Building Height and Density Guide.*

*Policy QDP7: High Quality Design – Street Frontage*

*QDP7 Objective 2: To actively promote well-designed streets and public spaces that provide for active frontages and 'live' edges that feel safe, secure and attractive for all to use.*

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

*Adhere to the requirements set out in the Urban Development and Building Height Guidelines (2018) issued by the DHLGH through the implementation of the Assessment Toolkit set out in the South Dublin County's Building Heights and Density Guide 2021.*

*Policy QDP9: High Quality Design - Building Height and Density*

*Apply a context driven approach to building heights in South Dublin, as supported by South Dublin's Building Heights and Density Guide.*

*Policy QDP11: Materials, Colours and Textures*

*Promote high-quality building finishes that are appropriate to context, durable and adhere to the principles of sustainability and energy efficiency.*

*QDP16 Objective 2:*

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

*Chapter 6 Housing*

*Policy H7: Residential Design and Layout*

*Promote high quality design and layout in new residential developments to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.*

*H7 Objective 1: To promote a high quality of design and layout in new residential development and to ensure a high-quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development in accordance with the standards set out in the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009) and the accompanying Urban Design Manual – A Best Practice Guide and the Sustainable Urban Housing: Design Standards for New Apartments, Guidelines for Planning Authorities (2020), or as may be updated and Chapter 12: Implementation and Monitoring.*

*H7 Objective 2: To ensure that new residential developments incorporate energy efficiency measures and promote innovation in renewable energy opportunities.*

*Policy H8: Public Open Space*

*Policy H9: Private and Semi-Private Open Space*

*Ensure that all dwellings have access to high quality private open space and semi-private open space (where appropriate) and that such space is carefully integrated into the design of new residential developments.*



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*Policy H10: Internal Residential Accommodation*

*Ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long-term needs of a variety of household types and sizes.*

*Chapter 7 Sustainable Movement*

*Chapter 9 Economic Development and Employment*

*Chapter 10 Energy*

*Chapter 11 Infrastructure and Environmental Services*

*Section 11.2.1 Sustainable Urban Drainage Systems (SuDS)*

*Policy IE3: Surface Water and Groundwater*

*Manage surface water and protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.*

*Chapter 12 Implementation and Monitoring*

### **Relevant Government Guidelines**

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

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

*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).

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

*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)

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*Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020*, Department of Transport, (2009).

*National Cycle Manual*, National Transport Authority, (June 2011).

*Childcare Facilities Guidelines for Planning Authorities*, Government of Ireland (2001)

*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 concern the following:

- Zoning and Council Policy
- Part V
- Visual and Residential Amenity
- Addressing Previous Items Requested as Additional Information (SD22A/0017)
- Roads
- Green Infrastructure
- Water Supply and Wastewater
- Infrastructure and Environmental Services
- Appropriate Assessment
- Environmental Impact Assessment

### **Zoning and Policy**

#### **South Dublin County Development Plan 2022 - 2028**

The site is subject to zoning objective 'LC' – *'To protect, improve and provide for the future development of Local Centres.'* Residential development is a permitted in principle use under this zoning objective, as are Restaurant/Café and Shop-Local.

It is noted that, in their Design Statement, the architect refers to the 2016 – 2022 Development Plan. It is critical that the applicant notes that from August 3rd, 2022, a new development plan has been effective. It is clear there are significant deficiencies in the application as a result of this oversight. The applicant should be requested, as **additional information**, to provide revised reports as necessary, and make any required amendments to the scheme, with reference to the current 2022 – 2028 Development plan.

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### City Edge Project – Strategic Framework (2022)

The City Edge Project is a Strategic Framework collaboration between South Dublin County Council and Dublin City Council, with a view to regenerate strategically located land, approximately 700 ha in area. The subject site is located just outside the boundary of City Edge and, while not directly associated with the objectives of the framework, provides an important connection into this area and should therefore be guided by the principles contained within the Strategic Framework. QDP16 Objective 2 and EDE4 Objective 10 seek to support the Framework and deliver urban growth and regeneration in this area. It is considered that the redevelopment of the site would assist in delivering the objectives of City Edge, but the design of the scheme is critical in ensuring precedents for the area are of a high quality. As discussed later in this report, it is not considered that the current scheme maximises the potential of the site given its strategic location.

The Forward Planning Section have reviewed the application and had the following comments:

*It is considered that the principle of mixed use commercial and residential development at this location will not compromise the vision or objectives of the City Edge Strategic Framework. The restricted parking provision is welcome in view of the imminent introduction of the City Centre to Greenhills core bus corridor which would serve this area. The mix of apartment sizes is also welcome with respect to promotion of mixed and balanced communities as envisaged by the Framework. The building scale would appear appropriate in the context of the local centre zoning and the future more intensive redevelopment of the adjoining wider City Edge area. However, consideration should be given to the issues of integration with existing contiguous development and the visual amenity of the streetscape, without prejudicing the possibility of general redevelopment of the surrounding sites at a more appropriate urban scale.*

These comments are noted. It is agreed that the site represents an opportunity to provide for increased mixed uses in the area. While an increase in the scale of the existing building at the site would be accepted in principle, it is not agreed that the scale of the building as proposed is acceptable, especially given the context of the surrounding area, and similar mixed use developments that have come forward in the area. These points are addressed further below.

### **Part V**

There is a granted Certificate of Exemption (Reg. Ref. CE21/0031) for the proposed development. The applicant also notes that the site is below the 0.1ha requirement for Part V consideration. A Part V condition, therefore, does not need to be included in the event of a grant of permission.

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### **Visual and Residential Amenity**

The proposed apartment block would extend the full width of the site, occupying the footprint of the existing commercial building which is to be demolished. The building would have **five storeys**, with the fifth storey recessed from the front building line. The ground floor would contain 2 no. retail units, with 8 no. apartments located on floors 1, 2, 3 and. The existing building line would be retained.

### Residential Element

8 no. units are proposed as follows: 2 no. 1-bedroom, 3 no. 2-bedroom and 3 no. 3-bedroom units. This unit mix complies with H1 Objective 12, i.e., a minimum 30% of 3bed units are proposed.

All residential units are dual aspect, with south facing living accommodation, and north facing bedrooms. Internally, all units meet the space requirements of the Apartment Guidelines, except in relation to storage. Hot presses appear to be included in storage calculations, along with wardrobe areas and areas suggesting potential for built in storage, that can't be confirmed. The applicant should be requested to address these issues as **additional information**, ensuring the minimum standards are met in dedicated storage cupboards that will be provided with the units.

All private amenity space for the development has been relocated to the rear of the building. It is noted that the rear of the building almost extends to the southern red line boundary, with units on Greenhills Road located along this boundary. There is a concern about how privacy and amenity can be maintained for future residents of the apartment element, and how the development potential of sites to the south can be maintained, given the extent to which the building extends at this point. The applicant should be requested to address this as **additional information**.

### *Visual Impact and Height*

The design of the building has changed following the request for additional information on the withdrawn application. Windows have been removed from the side elevations, thereby protecting the development potential of neighbouring sites. This is considered acceptable. Balconies have been removed from the front elevation, and the fifth storey has been stepped back.

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The building would be 5-storeys, with the fifth storey recessed. Concerns were raised regarding the height of the building under the previous assessment. As stated below, the elevational treatment of the building is not considered of high quality and is exacerbated by the overall height and scale of the building, particularly when viewed in the streetscape, considering neighbouring properties are all two storeys in height. The applicant should be requested to reduce the height of the building to 3-storeys so as not to be so incongruous when viewed from the streetscape. The design of this building must be considerate of the existing character of the area, while also seeking to kickstart development and appropriate intensification in the area. The applicant is strongly advised to refer to Appendix 10 of the Development Plan in revising the proposal. This should be addressed as **additional information**.

The density of the site has been stated as 218 units per hectare. It was established under the previous, withdrawn, application that the site could accept development of this density. The plot ratio of the site is 2.2. These indicators identify a significantly high density on this site. This is a plot ratio and density similar to those that would be considered acceptable within the Cookstown Neighbourhood of the Tallaght Town Centre Local Area Plan (LAP) 2020 (1.5 – 2.0). Cookstown is an industrial estate that is envisioned to undergo significant change to transform it into a higher density mixed-use residential area. It is not considered that the site is comparable to the Cookstown neighbourhood, given the infill urban nature of the site, in an established residential and commercial area. It is accepted that some intensification of use at the site could be considered, however not at the scale proposed, given the context of surrounding development and the site constraints and the existing and future traffic conditions in the area. In this regard, the density and plot ratio are considered too high. The applicant should look to the Tallaght LAP as a guide for acceptable plot ratios, noting that in the Greenhills Neighbourhood, a plot ratio of 0.75 – 1.0 is targeted. This is considered a more appropriate comparison for the site. The applicant should address this by way of **additional information**.

The front elevation provides uniform fenestration, with a projecting two-storey elevation in the centre of the first and second floors. The fifth storey is recessed. The front elevation is considered to be monotonous and is not considered to contribute positively to the character and setting of the immediate area (per QDP3 Obj. 1), nor is it considered to be of a high-quality urban design (per Policy QDP7). The applicant does not appear to have reference to 'The Plan Approach' in finalising proposals for the scheme. Through **additional information**, the applicant should submit a statement detailing how 'The Plan Approach' has been considered and incorporated into the design of the scheme (per QDP2 Obj.1).

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The Planning Authority previously noted concerns in relation to the design, bulk and mass of the proposed building, stating that *'the front and side elevations are considered to be of a particularly poor design quality.'* The applicant was requested to provide better articulation in terms of materials and form. While it is noted that the applicant has addressed comments in relation to the relocation of the balconies from the front elevation, to aid in their useability, the relocation of these projecting elements has resulted in a less visually interesting building than the previous proposal. The resulting front elevation is considered to still be of a poor design quality. The monotony of the fenestration is considered unacceptable on such a proposed prominent building, especially considering there is no change in fenestration on the projecting element. The stepping back of the fifth storey does assist in minimising the impression of the building when viewed from the street. The result however is that the building is still considered to be blocky, and of limited interest. The design of this building is considered to set a low precedent for development that might be acceptable in the area, and this is not considered to be desirable. The applicant should therefore be requested to amend the front elevation again, providing greater articulation and interest through contrasting elements, and a more creative use of fenestration to improve the monotony of the current design. This should be sought as **additional information**. In redesigning the scheme, the applicant should have reference to Appendix 10 of the 2022 – 2028 Development Plan which provides a guide for development of an increased height within the county.

The applicant is proposing car parking to the front, similar to the existing arrangement along Ballymount Road Lower. This is not considered to be an appropriate solution to providing parking for the development. While this may be the existing environment, if all sites were to be developed as such, this would potentially create a significant traffic hazard. In redeveloping the area there is an opportunity to greatly improve the parking and traffic situation currently experienced, rather than continuing the substandard status quo. In this regard, the applicant should be requested to reconsider the location of parking and how this may better be accommodated so as not to set a precedent that may result in increased traffic safety issues in the future.

### Commercial Element

There is concern regarding how the commercial retail units would be accessed. It does not appear that any parking would be provided however, bicycle parking is provided immediately outside the entrances. To access this bicycle parking, users would have to walk through the private car parking area associated with the residential element of the scheme, which is the same arrangement that all users would have to utilise.

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The location of bicycle parking also potentially impacts future permeability along the front building line, which could form a secondary pedestrian route, as other sites are developed. As discussed later, it is not clear how the car parking for the residential element of the scheme could be defended and not utilised by other users, potentially accessing the site from the site, where boundaries do not appear to be proposed between the site and neighbouring commercial units. The applicant should be requested to clarify this arrangement by **additional information**.

### **Addressing Previous Items Requested as Additional Information (SD22A/0017)**

Some items of the additional information request have been dealt with elsewhere in this report. The applicant has addressed concerns regarding the location of balconies and the unit mix of the development as well as the requirement for an enclosed bin store. The bin store however has not been relocated away from balconies, with all balconies now located above the area of the bin store. Given the bin store has been enclosed, this is not considered to be a significant disadvantage.

Outstanding items requiring reconsideration are summarised below and addressed in this report.

The proposed masterplan provided by the applicant only relates to immediately adjoining properties in the commercial strip located on Ballymount Road Lower. The masterplan does not address the context of the site in relation to the redevelopment of lands to the south, along Greenhills Road. This is considered to be an oversight as development along Ballymount Road Lower must not prejudice the development potential of sites along the Greenhills Road. It is considered that, given this is a key juncture onto the Walkinstown Roundabout, there would be significantly better outcomes of the redevelopment of this area if further land acquisition options were sought. It is considered that the piecemeal development of this site, and others in the future, will not maximise the development potential of the area, to better address traffic concerns and provide improved open space for a range of users. In this regard it is not considered that this previous item has been sufficiently addressed. Further consideration of the masterplan for the area and the protection of the development potential of neighbouring sites should be addressed as **additional information**.

The applicant has not provided sufficient detail in relation to use of the rear laneway, discussed further under the Roads section. The applicant states clarification of the status of the laneway has been made in the application however, it this has not been adequately established from the material provided. No wayleave is indicated on the site location map and there is a concern that this access cannot be guaranteed. Further detail should be required as **additional information**.

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A privacy strip has been placed in front of bedroom windows facing the communal roof terrace, with no strip in front of opaque bathroom windows. It is considered that the privacy strip should extend the full width of accommodation, regardless of whether windows are opaque or not. This could be addressed by **condition**.

A daylight sunlight report has been provided which concludes that adjacent dwellings will experience a small reduction in daylight and sunlight levels, and available sunlight to private amenity spaces. These reductions are said to meet the recommendations of the BRE guidelines. The assessment also confirms that the apartments all meet the requirements of the BRE guidelines. This is considered acceptable. It is noted the communal open space does not achieve a minimum of 2 hours sun on the ground for 50% of its area on 21<sup>st</sup> March. The communal open space would be north facing. The Planning Authority would have concerns about how useable this space would be, but notes that all units have their own private south facing balconies. The applicant should review the communal open space area and determine if any alternatives to provide a more useable space can be achieved. This should be done as **additional information**.

The applicant has not reduced the height of the building, instead stepping back the fifth storey. As set out above, it is considered that due to the context of surrounding buildings the proposed building should be three storeys in height with the top floor inset. This is considered an acceptable intervention however; the uniformity of the building is considered overbearing in the context of the surrounding area. The front elevation however is still considered to be of poor design. With a two-storey central projection over the public realm not considered to provide a sufficient level of articulation in the frontage to make this an attractive building. This proposal, if granted, will set the precedent for future redevelopment of sites in the area. In this regard, consideration to the design of the building and how it integrates with the area is critical. The uniformity of the fenestration pattern, even on the projecting element, does little to minimise the impact of the building and its apparent bulk, especially in the context of the surrounding area. Further redesign of the building is required and should be requested as **additional information**.

The submitted landscape and SuDS information is still not considered sufficient and is addressed in the Green Infrastructure section of this report.

The applicant is not providing any public open space, stating the number of parks and open spaces in the vicinity negate this requirement. It is accepted that there are a number of parks and open spaces proximate to the development, the nearest appearing to be Beechfield Park, approximately 450m walking distance from the application site.



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To access this park, residents would have to cross 2 junctions onto the Walkinstown roundabout, along with several other minor roads. This is not considered to be an optimum route to benefit from public open space. There is an increased emphasis on the provision of open space in the new Development Plan. Table 8.2 requires a minimum of 10% public open space for new residential development on lands in other zones, including mixed use. It is not considered that the applicant has appropriately addressed this issue and should be requested to further consider how public open space can be achieved as **additional information**. It is noted that the masterplan provided does not account for any provision of public open space if other sites were to come forward along Ballymount Road Lower, indicating that the subject development is viewed as setting a precedent for similar sub-standard provision as the area redevelops. Furthermore, the stated site coverage of 54% without provision of any public open space suggests overdevelopment of the site.

The applicant should note that in the absence of a supporting Development Contribution Scheme and having regard to Section 8.7.4 Delivery of Public Open Space and Contributions in Lieu and COS5 Objective 5-7, the Planning Authority is currently refraining from implementing CDP provisions requiring 2.4ha of public open space per 1000 population.

Issues concerning access, roads, parking and traffic safety are addressed under the Roads heading of this report.

### **Roads**

The redevelopment of this site presents an opportunity to address existing traffic safety concerns in the area, with particular reference to the current parking arrangements serving the commercial developments along Ballymount Road Lower. It is not considered that the current proposal would address existing issues, and given the precedent nature of the development, would instead further exacerbate existing and future problems. The current situation results in an overdominance of car parking at street level, significantly impacting the public realm and the useability and safety of the area for pedestrians, cyclists and vulnerable road users.

The Roads Department have reviewed the application and have raised concerns summarised as follows:

- Access – visibility is not guaranteed as per the information provided; especially once cumulative development impacts are considered. Details for how illegitimate parking at the site have been stated but cannot be achieved under the current proposals as the red line boundary does not extend to the public road, and a letter of consent has not been provided to confirm these works can occur.

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- Car Parking – insufficient detail has been provided regarding the management and allocation of car parking, and how cars would be prevented from reversing onto Ballymount Road Lower when egressing. The parking ratio of 33% is considered quite low. The indicative masterplan shows multiple similar parking arrangements and accesses onto the road potentially leading to a traffic hazard. The amalgamation of all access points to the far west from the roundabout should be considered.
- Fire tender / Bin Collection Access – no swept path analysis (autotrack) has been provided to confirm larger buildings will have sufficient access to the rear of the building via the laneway.

Their report recommends that **additional information** is sought as follows:

1. *The applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).*
2. *The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location car parking spaces to be provided at the development. Please refer to the SDCC County Development Plan 2023-2028. Any details of the expected nature of the retail units should be submitted in the context of assessing parking provision.*
3. *The applicant is requested to submit a revised layout of not less than 1:200 scale showing the boundary walls/bollards and gates at vehicle access points, these shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, access widths shall be limited to 3.5m, in order to improve forward visibility for vehicles. The methods to prevent non-residents from parking at the development.*
4. *A swept path analysis (i.e., Autotrack) confirming that larger vehicles such as refuse trucks/fire engines will have sufficient access to the site.*

There are clearly significant issues with the development in terms of car parking, and deficiencies in the consideration of these items. The above **additional information** should be requested to address these concerns. This is particularly important as the site will serve as a precedent for the future of development in the area.

It is noted that residents bike parking is provided to the rear of the building, totalling 10 no. spaces at a rate of 1 per unit. This bicycle parking does not appear to be secure or covered and could be utilised by staff in the retail units. The applicant should be requested to submit **additional information** ensuring that bicycle storage for the residential units is secure, useable only by residents, and provides suitable cover for bikes stored there.

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### Green Infrastructure

The site does not appear to be located within a Core Area, Primary GI Corridor or Secondary GI Link, as per Figure 4.4 of the Development Plan.

The Public Realm section have reviewed the application and raised concerns regarding a lack of information in relation to landscaping, SuDS and green infrastructure. Their report recommends the following **additional information** is requested:

1. *Landscape Design 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. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:*

- i. The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
- iv. Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*
- v. Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development*
- vi. Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

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### **2. Roof Garden**

*Prior to the commencement of Development, details regarding the provision of the roof garden and green roof within the development to be submitted and agreed in writing with the Planning Authority. The roof garden and green roof proposed shall be designed so that they contribute to:*

- i. SUDS,*
- ii. the creation of appropriate and biodiversity*

*The details to be submitted shall comprise:*

- a) identification of the roof areas to be used for the provision of the roof garden and green roof;*
- b) details of the planting to be used; and*
- c) details of the maintenance including irrigation.*

### **3. Boundary Treatment**

*The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.*

### **4. Sustainable Drainage Systems**

*A. The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.*

*B. In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.*

*C. SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*

*D. Natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. The applicant is requested to refer to the recently published 'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*

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- E. The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m3. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m2 are proposed such as, green roofs, permeable paving, buildings, roads and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.*
5. *Green Infrastructure and Green Space Factor (GSF)*  
*The applicant is requested to provide additional information as follows and in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:*
- a) To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.*
  - b) To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC*

It is agreed that there are deficiencies in the submission relating to landscaping, green infrastructure and SuDS and that the best way to address these outstanding concerns is through **additional information**.

Water Services have reviewed the application and have stated no objection to the development in terms of surface water.

### **Water Supply and Wastewater**

Irish Water have reviewed the application and have recommended the following **additional information** is sought:

1. *Water*  
*The applicant is required to submit a drawing and report showing the proposed watermain layout for the development.*
2. *Foul*  
*The applicant is required to submit a drawing and report showing the proposed wastewater layout for the development.*

The applicant should be required to submit the recommended additional information as, without it, it cannot be determined that drainage proposals for the development are acceptable, and this cannot be agreed post-grant for a development of this scale.

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Their report also recommends standard conditions requiring water and wastewater connection agreements. This would be considered necessary in the event of a grant of permission.

### Infrastructure and Environmental Services

The Waste Management section have reviewed the application and have stated no objection to the development. In the event of a grant, their report recommends the following **condition** is included:

*Since the proposed development will consist of the demolition of an existing commercial two-storey building, the scale and complexity of the works is greater than the thresholds stipulated in the Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021). As a result, the development is classed as a Tier 2 Project as referred to in the Guidelines. Therefore, prior to the commencement of development, the developer or any agent acting on its behalf shall prepare a bespoke Construction and Demolition Resource Waste Management Plan (RWMP) including demonstration of proposals to adhere to best practice and protocols.*

*The RWMP shall:*

- *include specific proposals as to how the RWMP will be measured and monitored for effectiveness.*
- *follow the requirements set out in Sections 4 & 5 and meeting the minimum content requirements set out in Appendix C of Best Practice Guidelines for the Preparation of Resource and Waste Management Plans for C&D Projects (2021)*
- *be submitted to the planning authority for written agreement prior to the commencement of development.*

*All records (including for waste and all resources) pursuant to the agreed RWMP shall be made available for inspection at the site office at all times.*

This **condition** is considered appropriate to ensure the suitable and safe management of waste as a result of the demolition element of the proposal.

The EHO has reviewed the application and stated no objection to the development, recommending the following **conditions** in the event of a grant of permission:

1. *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*

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- *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.*

### **2. 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.*

These **conditions** are considered appropriate in the interests of public health.

### **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 and serviced urban area and comprises construction of a mixed-use commercial/residential building.

Having regard to:

- the 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.

### **Environmental Impact Assessment**

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

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### **Conclusion**

It is not considered that the applicant has sufficiently dealt with the issues raised under the previous additional information request, required under SD22A/0017, which was subsequently withdrawn.

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the overall design of the development and the responses received by relevant consultees, it is considered that **additional information** should be requested addressing the following:

- Revised submission with regard to the South Dublin County Development Plan 2022 – 2028
- Reduction in height to maximum of 3 storeys with the top floor inset, due to the context of surrounding buildings.
- The design of the scheme, the layout and the interaction of the development with neighbouring lands is not considered to set a good precedent for the redevelopment of the area. The applicant must address concerns regarding the height and bulky design of the building, its interaction with lands to the south, the overdominance of surface level car parking to the front detracting from the public realm and all relevant internal space requirements.

In addition, a masterplan should be considered with regard to lands to the south as well as the east and west, and how these lands would interact rather than being developed in a piecemeal manner.

- Clarity on the intended occupiers of the ground floor units and how access and permeability can be achieved and maintained
- Details in relation to the third-party laneway and guaranteed ongoing access to the site
- Public open space and communal open space provision
- Access arrangements and traffic safety
- Landscape design proposals
- Roof garden details
- Sustainable urban drainage systems (SuDS)
- Boundary treatments
- Green infrastructure and Green Space Factor (GSF)
- Irish Water drainage layouts

### **Recommendation**

Request Further Information.

### **Further Information**

Further Information was requested on 15/12/22

Further Information was received on 13/04/23



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### **Consultations**

Roads:	<b>Clarification of additional information</b> recommended
Public Realm:	<b><u>Refusal</u></b> recommended
Water Services:	No objection
Irish Water:	<b>Clarification of additional information</b> recommended

### **Submissions/Observations**

No further submissions/observations received.

### **Assessment of Further Information**

The Further Information requested was as follows:

- 1. A new development plan has been effective within South Dublin since August 3rd 2022. This has not been accounted for in the application pack provided. The applicant is requested to review the proposed development, and associated reports and drawings, and ensure that the development appropriately responds to the policies and objectives of the South Dublin County Development Plan 2022 – 2028. The applicant should have specific regard to policies and objectives in relation to the design of the building, Section 5.2.1 And 12.5.2 in relation to 'The Plan Approach', and Appendix 10 'Building Height and Density Guide'.*
- 2. If developed, this building will set a precedent for development in the area. The quality of the design of this proposal is therefore critical for the success of this site, and the wider area. The scheme, as currently designed, is not considered acceptable or appropriate, the following should be addressed by way of revisions:*
  - a) The height of the building is considered to be excessive, when viewed in the context of the surrounding area, the nature of development immediately bounding the site, and the overall character of the area as an established mixed-use neighbourhood. The applicant is requested to reduce the height of the building to 3-storeys (with the top floor inset), to better reflect the pattern of development in the area. The applicant is strongly encouraged to revise the scheme, and provide an updated rationale for the design, with regard to Appendix 10 of the Development Plan 2022 – 2028.*
  - b) While the principle of increased density at the site are acceptable, the proposed plot ratio of 2.2 is excessive. A plot ratio of 0.75-1 would be more appropriate to this location. The site coverage of 54% and the absence of any open space proposals also suggest overdevelopment, the applicant is requested to address these concerns and revise the density downwards.*
  - c) The front elevation and building form is not considered to provide a high quality design, and instead is considered to maintain many of the same concerns of the previous application in relation to the design, bulk and mass of the building. The*

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*front elevation is considered to be monotonous and does not provide visual interest. The setback of the top floor is welcomed however, there is minimal articulation in the façade, with the projecting element only adding to an impression of bulk. The applicant is requested to revise the scheme, utilising fenestration and setbacks as well as materials to improve the quality of the design.*

- d) There are concerns about the proximity of the building footprint to the red line boundary, and the potential impact and extent of development at this site might have on future development lands to the south, along Greenhills Road. In particular, the provision of all private amenity space on the rear elevation poses a potential conflict and raises issues of how the privacy of future residents could be maintained. The applicant is requested to consider this and revise the scheme as necessary.*
- e) The masterplan submitted only relates to the existing commercial strip along Ballymount Road Lower, suggesting that neighbouring units could be developed in a similar piecemeal fashion, with parking courts to the front creating multiple accesses onto Ballymount Road Lower, extending the full depth of sites and providing no public open space. This masterplan is considered inadequate insofar as it does not consider the potential to incorporate development along Greenhills Road, and how development along Ballymount Road Lower must protect the development potential of the lands to the south. Redevelopment proposals should enhance the current situation. The applicant may wish to consider further site assembly or work with other neighbouring properties to develop a more robust masterplan that could be implemented and would meet the requirements of the development plan. In doing so, the applicant may wish to consider locating car parking to the rear of the building and develop lands along both Ballymount Road Lower and Greenhills Road in tandem.*
- f) It is not considered that the applicant has met the minimum storage requirements for all units. Hot presses and wardrobe areas cannot be counted towards storage calculations. The applicant is requested to submit revised proposals ensuring all units meet, or exceed, the requirements as per the Design Standards for New Apartments (2020).*
- g) Bicycle parking to the rear does not appear to be covered and it is not clear how these spaces could be reserved for the sole use of the apartments. Revised proposals are requested showing covered and secure bicycle parking to serve the apartment units only.*

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3. *The applicant has not provided sufficient information in relation to the retail uses. A letter from the applicant clarifying certain elements is mentioned in the application pack, however does not appear to have been submitted. There is a concern regarding the occupiers of the retail units, the vehicular and pedestrian traffic that this might create, and the suitability of the access to these units, through the proposed private parking area serving the residential element of the scheme. The location of bicycle parking also impacts the potential permeability of the area, as other sites are developed in a similar manner. The applicant is requested to provide greater detail on the anticipated uses of the commercial units and how their access can be guaranteed whilst also ensuring the security of parking for the residential element of the proposal.*
4. *This application has still not sufficiently addressed access to the site via, what is noted as, a third party lane way to the east. No wayleave is indicated on the site location map and the Planning Authority therefore cannot be satisfied that access will be guaranteed to the rear of the site long term. The applicant is requested to provide greater detail in relation to all proposals requiring use of this laneway, indicating if any wayleaves are in effect and how ongoing access can be ensured.*
5. *Open Space*
  - a. *The applicant is not providing any open space as part of this scheme, nor do they indicate that open space could be provided as part of future development along Ballymount Road Lower. Table 8.2 of the Development Plan requires all new residential development on such lands to provide 10% public open space. The applicant is requested to consider how this can be achieved at the site, noting that, while there are open spaces nearby the development, access is across several large roads and junctions and would not be considered optimum, especially for families.*
  - b. *The communal open space would be located on the fifth storey, facing north. The Daylight and Sunlight assessment provided by the applicant concludes that this space will not achieve the recommended hours of sunlight. Without providing public open space, and with regard to this substandard communal open space provision, there would be concerns about the level of amenity being provided for future residents. The applicant is requested to consider how communal open space provision at the site can be improved, ensuring all relevant standards are adhered to.*

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### **6. Roads and Access**

- a. *The applicant is requested to submit accurate plans demonstrating the provision of a visibility splay of 2.4m x 45m in both directions from the entrance. Sightlines should be shown to the near side edge of the road to the right hand side of entrance and to the centreline of the road to the left hand side of the entrance (when exiting).*
- b. *The applicant is requested to submit a revised layout of not less than 1:200 scale showing the location car parking spaces to be provided at the development. Please refer to the SDCC County Development Plan 2023-2028. Any details of the expected nature of the retail units should be submitted in the context of assessing parking provision.*
- c. *The applicant is requested to submit a revised layout of not less than 1:200 scale showing the boundary walls/bollards and gates at vehicle access points, these shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, access widths shall be limited to 3.5m, in order to improve forward visibility for vehicles. The methods to prevent non residents from parking at the development.*
- d. *A swept path analysis (i.e. Autotrack) confirming that larger vehicles such as refuse trucks/fire engines will have sufficient access to the site.*

### **7. Landscape Design 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. The applicant shall provide a fully detailed landscape plan with full works specification, that accords with the specifications and requirements of the Council's Public Realm Section. The applicant shall provide the following additional information:*

- i. *The applicant shall submit a comprehensive Landscape Design Rationale, the objective of this report is to describe the proposed landscape and external works as part of this proposed housing development.*
- ii. *The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape.*
- iii. *The landscape Plan shall include hard and soft landscape details; including levels, sections and elevations, detailed design of SUDs features including swales and integrated/bio-retention tree pits.*
- iv. *Significantly reduce the impacts of the development on existing green infrastructure within and adjacent to the proposed development site*
- v. *Demonstrate how natural SUDS features can be incorporated into the design of the proposed Development*

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vi. *Submit green infrastructure proposals and a green infrastructure plan that will mitigate and compensate for the impact of the proposed development on this existing site and show connections to the wider GI Network. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population.*

### 8. Roof Garden

*Details regarding the provision of the roof garden and green roof within the development to be submitted and agreed in writing with the Planning Authority. The roof garden and green roof proposed shall be designed so that they contribute to:*

- i. *SUDS,*
- ii. *the creation of appropriate and biodiversity*The details to be submitted shall comprise:
- iii. *identification of the roof areas to be used for the provision of the roof garden and green roof;*
- iv. *details of the planting to be used; and*
- v. *details of the maintenance including irrigation.*

### 9. Boundary Treatment

*The applicant is requested to submit elevation drawings specifying the proposed boundary treatment to the front of the site.*

### 10. Sustainable Drainage Systems

- A. *The applicant should demonstrate compliance with the SDCC SUDS Design Guide 2022, and Policies GI3, GI4, GI5, IE3, SM2, SM7, and sections 4.3.1, 12.7.6, 12.11.1, and 12.11.3. of the South Dublin County Development Plan 2022 - 2028 in relation to sustainable drainage systems.*
- B. *In relation to SUDs, the applicant is requested to submit plans showing how surface water shall be attenuated to greenfield run off rates and showing what SuDS (Sustainable Drainage Systems) are proposed.*
- C. *SUDs Management - The applicant is requested to submit a comprehensive SUDS Management Plan to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan should also be included as a demonstration of how the system will function following implementation.*
- D. *Natural SUDS features should be incorporated into the proposed drainage system for the development such as bio-retention/constructed tree pits, permeable paving, green roofs, filtration planting, filter strip etc. In addition, the applicant should demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development. The applicant is requested to refer to the recently published*

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*'SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022' for acceptable SUDS tree pit details.*

- E. *The applicant is requested to submit a report to show surface water attenuation calculations for proposed development. Show on a report and drawing what surface water attenuation capacity each SuDS (Sustainable Drainage System) system has in m<sup>3</sup>. Show in report what surface water attenuation capacity is required for proposed development. Show what different surface types, areas in m<sup>2</sup> are proposed such as, green roofs, permeable paving, buildings, roads and their respective run off coefficients. Submit a drawing showing the treatment train of SuDS and proposed natural flow controls for each SuDS system.*

### **11. Green Infrastructure and Green Space Factor (GSF)**

*The applicant is requested to provide additional information as follows and in accordance with the quoted policies and sections of the South Dublin County Development Plan 2022 - 2028:*

- a. *To demonstrate how they intend to reduce fragmentation of existing green infrastructure. The applicant should provide a green infrastructure plan showing connections through the site and connections to wider GI network.*
- b. *To demonstrate how the appropriate Greening Factor will be achieved for the relevant land use zoning objective. See link to the Green Space Factor Worksheet: Related Documents - SDCC*

### **12. Irish Water**

*The applicant is required to submit a drawing and report showing the proposed wastewater and the proposed watermain layout for the development.*

## **Assessment**

### ***Item 1 – Development Plan 2022 – 2028***

The applicant has provided a response and assessment of the proposed development in relation to the eight key design principles, stated under Section 5.2.1 of the Development Plan. This response is noted however, the rationale of the scheme is not fully accepted, in particular, in relation to the visual amenity of the area and improvements to public realm as a result of the scheme.

The applicant states under healthy placemaking that the scheme supports active travel and contributes towards the delivery of an attractive local centre. In terms of public realm contribution, the applicant is proposing surface level car parking to the front of the building which, if permitted in subsequent developments, would result in a continuation of an unwelcoming environment for pedestrians and perpetuate the overdominance of vehicles, contrary to QDP6 Objective 6. Based on the site layout plan provided, the Planning Authority does not agree that the scheme would provide a dedicated footpath providing links to other units, as this path would be obstructed by bicycle parking. This is not acceptable.

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The provision of local retail opportunities is welcomed at this location, and it is recognised that there is opportunity to increase the scale of development at the site to provide residential uses also. This must however be done at an appropriate scale and upgrades to the existing streetscape must be sought to ensure such a development is successful. It is not considered that the current public realm and parking arrangements achieve this and in failing to do so, the eight key design principles are not adequately achieved.

### *Item 2 – Precedent and Amendments*

The applicant has provided a response to the amendments requested, summarised as follows:

- a) The applicant has not amended the height of the proposed building, noting precedents such as the Stillorgan Leisureplex redevelopment in neighbouring Dun Laoghaire Rathdown County Council and the viability of the scheme were the density to be reduced. The precedents indicated by the applicant are not considered relevant or reflective of the site and scheme proposed. On this basis, a **condition** could be included to reduce the height of the scheme in the event of a grant.
- b) In response to the request to reduce the density at the site, the applicant has requested the request is reconsidered based on the provisions of the National Planning Framework and the nature of the site, as an infill site within a local neighbourhood centre. It is noted that National Policy Objective 35 encourages increased residential density through a range of measures including infill development schemes and increased building heights. With reference to higher density, the NPF focuses heavily on well designed and attractive developments. It is not considered that the scheme, as currently designed, is of a sufficient architectural quality to mitigate the impacts of such a high density at the site and the precedent it would set for similar schemes in the area. Policy QDP2 of the Development Plan seeks to promote successful and sustainable neighbourhoods through, in part, the delivery of attractive places to live and work. Again, it is not considered that the architectural quality of the scheme as currently presented is such that it would assist in achieving the aims of Policy QDP2 and this represents a reason for **refusal**.
- c) The applicant has amended the front elevation, removing the bulky projecting element and providing a flat elevation with repeating vertical fenestration. On a small scheme at this prominent location, it is considered that further consideration could have been had to creating an interesting and attractive building, utilising insets and step downs and other measures. The current scheme is not considered to positively contribute to the character and setting of the area, per the requirements of QDP3 or, more specifically QDP7 which promotes exemplary standards of high-quality, sustainable and inclusive architecture. As previously stated, this is a site at the gateway to the City Edge framework area and would kickstart the redevelopment of the Walkinstown Roundabout area. Proposals in this area must be of a high quality from the outset to encourage a

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greatly improved appearance of the area. As part of this, per Appendix 10 of the Development Plan, placemaking is another important consideration when determining if a site is appropriate for increased height and density. As stated later in this report, there are significant concerns regarding the public realm associated with the development, the lack of public open space and the poor-quality car parking arrangement. On this basis, the scheme is deficient in meeting many of the requirements to justify increased height and density. On this basis should be **refused**.

- d) The applicant has stated it is not possible to reduce the proximity of the building to the red line boundary to the rear without impacting the internal space and layout of the units proposed. The applicant submitted revised elevations showing 1.8m opaque glazing on the rear balconies. This is considered an inappropriate intervention that would severely impact the amenity of the apartments, providing no aspect of connectivity to the outdoors. As balconies are currently the minimum depth for such outdoor spaces, 1.5m, the amenity value of these spaces would also be restricted by the imposing opaque glazing. The current proposal is unsatisfactory in this regard and forms a basis for **refusal**.
- e) The applicant has submitted a revised masterplan proposal. It is noted and accepted that this is indicative only and the applicant has stated that further site assembly is not possible. This is accepted; however, it is not agreed that the current proposal would set *'a benchmark of quality design by which others can follow.'* While the applicant has provided an updated masterplan with further consideration of future land assembly, for the reasons stated above, the current proposal is not considered to be of a quality to initiate the regeneration of the wider area and would set an undesirable for similar developments to proliferate the area as and when other sites come forward for development. In particular, while the revised masterplan amends the arrangements for parking along Ballymount Road Lower, in the interim this issue cannot be overcome and piecemeal development along this stretch will likely result in a continuation of this unacceptable arrangement.
- f) The applicant has revised the internal layouts to meet the storage requirements of the Design Standards for New Apartments. This is acceptable.
- g) The applicant has provided 8 no. covered bicycles spaces in a locked enclosure to the rear of the building. This is a rate of 1 space per unit. This is below the rate specified in the Development Plan which requires 1 no. space per bedroom (Table 12.23). A **condition** could be included to address this deficiency.



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### *Item 3 – Retail Uses*

The applicant has stated the retail uses would cater for local need only, representing a 'like-for-like' proposal in terms of traffic generation when considering the existing use on the site. The applicant further states that *'it is not anticipated that any more traffic would be generated over and above what already exists.'*

This raises concerns about what traffic implications could arise from the units. While the units would be intended to serve local needs, it is not defined how this would be achieved and it cannot be guaranteed that people working in these units would come from the immediate area. Other commercial uses adjacent to the site provide car parking for customers and the applicant has failed to state how parking would be managed on site to prevent misuse of the resident car parking spaces. It is not considered that these are issues that can be overcome by **condition** and require serious consideration on the applicant's side to address the concerns in terms of both public realm and placemaking, and also traffic. Without adequate assurances, this presents a reason to **refuse** the scheme as currently presented.

The applicant states it would be a missed opportunity to omit the ground floor retail uses. This is not something that the Planning Authority would be looking to do, and ground floor retail at this location would be strongly encouraged, but additional safeguarding and consideration of traffic is considered necessary and still unaddressed by the applicant. These concerns must be properly addressed in order for the Planning Authority to have any assurance that permitting a scheme of the nature currently proposed would not exacerbate an existing, unsatisfactory situation.

### *Item 4 – Lane Way Access*

The applicant has stated that the third-party laneway to the east of the site is used and managed by the applicant. The applicant Section 5.13 of the Development Management Guidelines relating to the Planning Authorities consideration of legal interest in land. While the Planning Authority is not concerned with resolving issues in relation to legal interests and rights of way, it is an important consideration of a planning application that ongoing access to a site can be guaranteed. In this regard, a **condition** could be included requiring a written agreement or other such evidence to be submitted, confirming from the third party that an easement over the land exists and will be maintained.

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### *Item 5 – Open Space*

A review of the applicant's response is summarised as follows:

- a) The Public Realm Section have reviewed the submission and recommended **refusal** as the applicant has not provided any public open space. In lieu of providing and public open space, the Public Realm Section state that mitigation is required, noting that the Development Plan allows for the provision or upgrading of open spaces outside of the development. In certain circumstances where development is proposed on constrained, infill sites, a level of flexibility may be applied with regards to the provision of public open space onsite. However, such circumstances may be considered where the proposal meets and exceeds other CDP requirements in terms of amenity for future occupants and it is considered that this proposal does not represent such a case. As such the scheme should be **refused** for not adhering to this requirement of the Development Plan.
- b) The applicant has not considered the opportunity of assisting in the delivery or upgrade of improved public open space nearby the development site, and as such the scheme should be **refused** for not adhering to this requirement of the Development Plan.
- c) Concerns were raised about the amenity level of the communal open space provided on the fifth storey, facing north, of the proposed block. The applicant has stated that a certain number of units are required to make the scheme viable and that the roof space has been utilised for communal open space given the restricted infill nature of the site. The applicant does not appear to have fully engaged with concerns regarding the amenity level of the communal open space provided. There is limited point in providing a substandard area of communal open space in order to meet a size standard. The Planning Authority will not accept the provision of sub-standard open space areas to deliver a certain number of units on site. If a scheme cannot deliver appropriate communal open space based on a current design, that is an indication that the scheme is not appropriate by means of poor design, inappropriate density and overdevelopment. Reductions in communal open space may be considered where a high standard of private open space is provided. The applicant is providing the minimum private open space and due to the depth of the space, and aspect resulting from the 1.8m screening, these spaces are not considered to provide a high standard of private amenity. Further consideration of how appropriate communal and private open space can be provided on the site is required and this represents a reason for **refusal** of the current scheme.

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### *Item 6 – Roads and Access*

The Roads Department have reviewed the submission and have noted the applicant has not provided all the information that was requested.

In relation to Item 6(a) the applicant has stated they are *'happy to provide any such further details or traffic safety measures as the planning authority might require post planning'*. This is an inadequate response, particularly in relation to traffic where serious concerns have been raised about the safety of the proposed access arrangements. The applicant should note that new proposals in the vicinity of the Walkinstown Roundabout must seek to improve the traffic and parking circumstances in the area. Not engaging with this critical item at this stage is not acceptable and represents a reason for **refusal**.

In relation to Item 6(b), the Roads Department note that the applicant has submitted the same parking arrangements as per the original submission. The Roads Department note that a parking ratio of 33% is *'considered quite low and could result in resident/visitors parking at other locations causing obstruction as a very acute traffic location.'* It is not considered that the applicant has meaningfully engaged with concerns regarding the access and parking arrangements at the site. This represents a reason for **refusal**.

In relation to Item 6(c), the Roads Department note that no details have been provided as to how non-residents would be prevented from parking on the site or how deliveries and waste collection would be managed in relation to the commercial element of the scheme. This lack of information provides further reason for **refusal**.

Again, in relation to Item 6(d) the applicant has not provided the information requested to demonstrate how larger vehicles can safely access the site, representing further reason for **refusal**.

The Roads Department have recommended that **clarification of additional information** is sought in relation to the above items. The items requested in relation to the current application, both for **additional information** and recommended for **clarification**, are the same or similar to those requested under the **additional information** request of the subsequently withdrawn application **SD22A/0017**. The applicant has had ample opportunity to date to address the serious concerns of the Roads Department in relation to parking and access at the site and have failed on multiple occasions to adequately address these concerns. It is not considered that requesting the same information again as **clarification of additional information** would result in a different response and, as there are other concerns with the development, the outstanding concerns represent a reason for **refusal**.

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### *Item 7 – Landscape Design Proposals*

The Public Realm Section have reviewed the applicants A.I response. While the Public Realm Section recommend refusal for a number of other reasons, they note if **clarification of additional information** was sought, the concerns regarding the lack of information in relation to the landscape scheme remain and **clarification** could be sought in this regard.

### *Item 8 – Roof Garden*

There are discrepancies between drawings regarding the area of communal open space to be provided as a green roof or roof garden. The applicant has not provided details of planting, maintenance or irrigation. The applicant's response is considered unsatisfactory. This could be addressed by **clarification of additional information**.

### *Item 9 – Boundary Treatment*

The applicant has not provided any boundary treatments, stating that they wish to promote ease of access to adjoining retail areas which might be compromised by boundary treatments. It is noted that concerns have been raised in relation to traffic management that a lack of formal boundary could result in non-residents misusing parking at the site. In addition, the applicant has not referenced other boundaries at the site, to the rear of the property. This item could be addressed by **clarification of additional information** or **condition**.

### *Item 10 – Sustainable Drainage Systems*

The applicant has stated that all items requested were submitted as part of the original application pack and have included a typical detail of a green roof as part of the additional information request.

The Public Realm Section have reviewed the submission and have stated they are still not satisfied with the information provided and that failure to provide an acceptable SuDS scheme represents a reason for **refusal**. This is considered acceptable as, in particular, it is noted that the applicant was requested to submit a SuDS management plan and report showing surface water attenuation calculations that have not been provided. This information is critical to ensure that SuDS included meet the requirements of the relevant policies and objectives of the Development Plan.

It is noted that underground attenuation is proposed underneath the car parking area. The Planning Authority does not support the provision of underground attenuation except in extreme circumstances where it has been demonstrated that alternative SuDS are not possible. This does not appear to have been fully investigated or justified within the current submission. The applicant is advised to refer to the SDCC SuDS Explanatory Guide in advance of any future applications they may propose on the site.

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### *Item 11 – Green Infrastructure and Green Space Factor (GSF)*

- a) The Public Realm Section are not satisfied with the response to Item 11(a) and recommend **refusal** due to the non-adherence to the requirements of Section 12.4.2 of the Development Plan.
- b) The applicant has stated that they are '*open to engage with the Council on alternative GI solution for the subject site.*' GI5 Objective 4 states that all qualifying developments comprising 2 or more residential units will be required to demonstrate how they can achieve a minimum GSF and submit an accompanying worksheet. If the applicant is not able to meet the GSF requirement on site then discussions should have been had with the Planning Authority prior to a submission of additional information. The lack of engagement with this requirement at this stage is unsatisfactory and the Public Realm Section have recommended **refusal** on this basis.

### *Item 12 – Irish Water*

The applicants response states that details concerning watermain and wastewater connections was submitted with the original application. Irish Water have reviewed the file and additional information and have stated they are still not satisfied that these drawings have been submitted. On this basis they recommend **clarification of additional information** is sought.

### **Conclusion**

Additional information is an opportunity for the Planning Authority to raise concerns with a development and seek to have these resolved prior to making a final decision on an application. There are serious concerns with the proposed scheme in relation to the design of the building, parking arrangements, traffic, open space, green infrastructure and SuDS. These issues have been raised under both SD20A/0017 and the current application. While the applicant has attempted to engage with some of these items, deferring to compliance conditions for the resolution of larger concerns such as traffic, access and green infrastructure is unacceptable.

Having regard to the provisions of the South Dublin County Council Development Plan 2022-2028, the overall design and scale of the development and the recommendations of relevant departments, it is considered that the proposed development would seriously injure the amenities of the area and would set an undesirable precedent for similar substandard development in a significant regeneration area. To grant permission for the development would be contrary to the proper planning and sustainable development of the area.

On the basis of a lack of meaningful engagement with the concerns of the Planning Authority and the requirements of the Development Plan in relation to a number of items, it is recommended that the proposal is **refused**.

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### **Recommendation**

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

### **SCHEDULE**

#### **REASON(S)**

1. Although the constrained nature of the site is acknowledged by the Planning Authority, concerns regarding the parking and access arrangements, and impacts on traffic in the vicinity of the development have not been sufficiently addressed. The scheme would result in a dominance of car parking in the Public Realm, contrary to QDP6 Objective 1, QDP6 Objective 6, Section 12.5.4 'Public Realm: (At the Site Level)' and Section 12.7.6 'Car Parking Design and Layout' of the Development Plan 2022 – 2028. In addition, appropriate details for parking management to prevent non-residents utilising surface level car parking have not been provided, the raising of the kerb is not acceptable to the Planning Authority as this will not reduce illegal car parking to the front of the site. Furthermore, there are concerns regarding visibility from the site, given the existing parking arrangements of developments either side of the subject site, and the applicant has not provided appropriate sightlines or accurate plans demonstrating the provision of the required visibility splay. Swept path analysis for larger vehicles such as refuse, deliveries and fire trucks has also not been provided. Without this information it cannot be determined that the scheme would not result in a traffic hazard. In redeveloping the site, significant regard must be had to improving the public realm and traffic arrangements. Proposals that would result in a continuation of unsatisfactory traffic and parking arrangements are not acceptable. On the basis of a lack of information in relation to the aforementioned, it is considered that the scheme would likely result in a traffic hazard and poor public realm as a result of the dominance of surface car parking.
2. The applicant has not reduced the density of the scheme as requested and has not adequately justified the proposal for increased height and density at the site, per Section 12.5.3 'Density and Building Heights', of the Development Plan. Higher density development is acceptable in instances where schemes are well designed and attractive and would provide significant enhancements in relation to public realm and the overall character of the area. It is not considered that the current scheme meets these benchmarks on a performance-basis. The scheme as currently designed would result in a discordant addition to the streetscape, with the building appearing overly tall and bulky. In addition, the relationship with buildings to the rear of the development site is not well-resolved. As currently proposed, the scheme does not comply with Policy QDP3, to 'Support and facilitate proposals which contribute in a positive manner to the character and setting of an area' or QDP7, to 'promote and facilitate development which incorporates exemplary standards of high-quality, sustainable and inclusive urban design, urban form and architecture', of the Development Plan 2022 – 2028. The proposal would interfere with

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the character of the urban landscape in the area and is therefore not considered to be consistent with the proper planning and sustainable development of the area.

3. The communal open space provided would not be provided with adequate levels of daylight to provide adequate amenity value. In addition, the amenity value of private balconies is not acceptable due to the inclusion of 1.8m obscure balcony glazing, thereby not offsetting the deficiencies of the communal open space. This is contrary to Policy H9 'Private and Semi-Private Open Space', H9 Objective 1, H9 Objective 2 and Section 12.6.7 'Residential Standards'. The absence of public open space and the provision of poor quality private and communal open space are contrary to the Development Plan 2022-2028, would provide poor levels of residential amenity for future occupants and would be contrary to the proper planning and sustainable development of the area.
4. The applicant has included underground attenuation as part of their proposals for Sustainable Urban Drainage Systems (SuDS) at the site. Proposals for underground attenuation are no longer acceptable to the Planning Authority, save for exceptional circumstances where other SuDS are not feasible (Section 12.11.1(iii) of the Development Plan 2022 – 2028). The applicant has not proposed sufficient natural SuDS and has not demonstrated that other measures are not feasible at the site and as such the SuDS proposals are not acceptable. In addition, the applicant has not demonstrated achievement of the required Green Space Factor (GSF) for the site. GSF is a score-based requirement that establishes minimum standards for landscaping and GI provision in new developments. SuDs interventions make a significant contribution to this scoring using this tool. Minimum scoring requirements are based on the land-use zoning of a site (GI5 Objective 4) and applies to all development comprising 2 or more residential units and any development with a floor area in excess of 500 sq m. The absence of SuDs and the failure to meet the required GSF for the site are contrary to the provisions of the Development Plan and therefore contrary to the proper planning and sustainable development of the area.

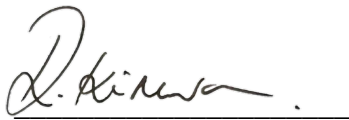
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**REG. REF. SD22A/0406**

**LOCATION: Paintworld, 1-2 Ballymount Road Lower, Dublin 12**



**Deirdre Kirwan,  
Senior Executive Planner**

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

**Date:** 10/05/23



**Gormla O'Corrain, Senior Planner**