

Armstrong Fenton Associates  
Unit 13, The Seapoint Building  
44/45, Clontarf Road  
Dublin 3

Date : 16-Aug-2023

**Reg. Ref. :** SDZ22A/0010/C7  
**Proposal :** Kelland Homes Ltd. intends to apply for permission for development on a site area of 6.3Ha, on lands within the townland of Cappagh, Dublin 22. The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway line, north of Cappaghmore housing estate and Whitton Avenue, and east of an existing carpark / park & ride facility at the Clondalkin Fonthill train station and the R113 (Fonthill Road). The proposed development is located within the Clonburris Strategic Development Zone (SDZ), within the development areas of (I) Clonburris South East (i.e. CSE-S1 & CSE-S2) and (ii) part of Clonburris Urban Centre (i.e. CUC-54), as identified in the Clonburris SDZ Planning Scheme 2019. The proposed development consists of the construction of 294 no. dwellings, creche and retail / commercial unit, which are comprised of: 118 no. 2, 3 & 4 bed, 2 storey semi-detached and terraced houses, 104 no. 2 & 3 bfd duplex units accommodated in 10 no. 3 storey buildings, 72 no. f' & 2 bedroom apartments in 2 no. 4 & 6 storey buildings, 1 no. 2 storey creche (c.520.2m<sup>2</sup>), 1 no. 2 storey retail /commercial unit (c.152.1m<sup>2</sup>). Access to the development will be via the permitted road network (under Ref. SDZ20A/0021) which provides access from the Ninth Lock Road to the east and the R113 (Fonthill Road) to the west. The proposed development will connect into the permitted Infrastructural works as approved under the Clonburris Strategic Development Zona Planning Scheme (2019) and permitted under Ref. SDZ20A/0021, with the proposed development connecting into the permitted surface water drainage attenuation systems i.e. 1 no. pond, 3 no. modular underground storage systems and 1 no. detention basin combined with modular underground systems. The proposed wastewater infrastructure will connect into a permitted foul pumping station and pipe network within proposed road corridors to facilitate drainage connections to future wastewater drainage infrastructure within the adjoining SOZ lands (Including future Irish Water pumping

station permitted under SDZ21A/0006). The proposed development also provides for all associated site development works above and below ground, public & communal open spaces, hard & soft landscaping and boundary treatments, surface car parking (401 no. spaces), bicycle parking (797 no. spaces), bin & bicycle storage, public lighting, plant (M&E), utility services & 4 no. ESB sub-stations. This application is being made in accordance with the Clonburris Strategic Development Zone Planning Scheme 2019 and relates to a proposed development within the Clonburris Strategic Development Planning Scheme Area, as defined by Statutory Instrument No. 604 of 2015.

**Condition 7:**

**Management Company.**

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

- (i) A plan clearly identifying and dimensioning the external common areas of the development to be retained in private ownership by an owners' management company (OMC) under the Multi-Unit Developments Act 2011, or other acceptable legal entity prior to the occupation of the [first residential unit], and this plan shall also clearly identify and dimension any areas of the approved development intended to be offered for taking in charge by the Council, and;**
- (ii) A detailed building lifecycle report which shall include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development, as well as demonstrating what measures have been specifically considered by the developer to effectively manage and minimise costs for the benefit of all potential residents.**

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

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

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

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

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

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

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

**Location :** The proposed development is located west of the Ninth Lock Road, south of the Dublin-Cork railway, line, north of Cappaghmore housing estate and whitton Avenue, and east of an existing carpark/park, & ride facility at the Clondalkin, Fonthill train statio

**Applicant :** Kelland Homes Ltd

**Application Type:** Compliance with Conditions

Dear Sir/Madam,

I refer to your submission received on 20-Jun-2023 to comply with Condition No 7 of Grant of Permission No. SDZ22A/0010, in connection with the above.

In this regard I wish to inform you that the submission received is deemed **not** compliant.

Comments:

“With regard to the details submitted including;

- Cover letter, Armstrong Fenton, 20 June 2023
- Layout 2004-PL-002
- Form A1
- Section 24 declaration
- Building lifecycle report
- Constitution of Keepers Lock Owners' Management company limited by Guarantee

The submission is considered to be:

**Not compliant with condition 7**

The applicant has submitted the information required in Part (i). This condition cannot be compliant until C17 and other conditions regarding layout changes have been agreed.

With regards part (ii), the applicant has submitted a Building Lifecycle Report. Section 3.2.1 states “*it should be noted that the detail associated with each element heading, i.e. specification and estimate of the costs to maintain / repair or replace, can only be determined after detailed design and the procurement / construction of the development and therefore has not been included in this document*”. The submission is therefore not compliant. It is noted that the applicant has submitted measures specifically considered by the proposer to effectively manage and reduce the costs for the benefit of residents.

**Recommendation:** Not compliant with Condition 7”

“Not compliant with part (i). This condition cannot be compliant until C17 and other conditions regarding layout changes have been agreed.

Not compliant with part (ii). The submission did not include an assessment of long term running and maintenance costs as they would apply on a per residential unit basis at the time of approval of the development.”

Yours faithfully,

M.C.

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*for* **Senior Planner**