

South Dublin County Council,
Planning Department,
County Hall,
Tallaght,
Dublin 24.
D24 YNN5

E: planningdept@sdublincoco.ie

Date: 14th November 2023
JSA Ref.: PT 18145

Dear Sir/Madam,

RE: DETAILS OF AN UPDATED COMPLIANCE WITH CONDITION NO. 15 OF THE PERMITTED WAREHOUSING / LOGISTICS, OFFICE AND CAFÉ / RESTAURANT DEVELOPMENT AT CALMOUNT ROAD AND BALLYMOUNT AVENUE, BALLYMOUNT INDUSTRIAL ESTATE, DUBLIN 12

SDCC REG. REF.: SD22A/0099

Condition No. 15 – Green Space Factor (Updated Compliance)

Introduction

On behalf of the applicant, Blackwin Limited, The Herbert Building, The Park, Carrickmines, Dublin 18, we hereby submit an updated compliance submission in respect to Condition No. 15 of Reg. Ref.: SD22A/0099 for which the final grant of permission from the Planning Authority is dated the 3rd of February 2023.

The permission relates to *inter alia* the construction of five no. warehouse/logistics units, 3 no. own door office buildings, a café unit, and all associated development.

The original compliance submission for Condition 15 was submitted on the 18th of May 2023 and approved by the Planning Authority in a letter dated the 17th of July 2023. As outlined below, this updated compliance submission responds to issue arising from the fire safety certificate and has been discussed with Sarah Watson, Area Planner, prior to resubmission.

This submission, as outlined below, relates to Condition No. 15 only and is submitted in soft copy format only.

Condition No. 15 reads as follows:

“15. Green Space Factor.

The applicant has not achieved the appropriate Green Space Factor of 0.5 for the site. Prior to the commencement of development, the Applicant shall liaise with the Public Realm department to determine what additional measures can be provided. Following this and prior

to the commencement of development, the applicant shall submit these details for the written agreement of the Planning Authority.

REASON: Ensuring that new development meets minimum standards for the provision of GI, in accordance with policy GI5 Objective 4 and other relevant policies of the CDP 2022-2028.”

Response

In response to the foregoing condition, this updated compliance submission in respect to Condition 15 is being made to reflect the requirements arising from the fire safety certificate for Unit 1 (copy attached for ease of reference) of the Calmount Road development. Condition 4 of the FSC excludes the provision of a green wall on the building. The fire officer advised that this requirement would apply to the other warehousing / logistics units (Unit 1, 2, 3, 4 and 6), unless there is Government guidance to the contrary in respect to green walls (which we understand is not expected in the short-term).

Class 41(e) of the Planning and Development Regulations 2001-2023 provides an exemption for carrying out works in compliance with the requirements of a condition(s) of a fire safety certificate and reads as follows:

“CLASS 41

Works consisting of or incidental to—

(e) the carrying out of development in compliance with a condition or conditions attached to a fire safety certificate granted in accordance with Part III of the Building Control Regulations, 1997 other than the construction or erection of an external fire escape or water tank, or.”

Thus, it is apparent that the applicant must comply with the condition of the fire safety certificate and to do so is exempted development under Class 41(e).

In order to avoid any inconsistencies with the permitted / compliance documentation on the planning application file, we are now submitting an updated version of the compliance documentation previously submitted for Condition 15- Green Space Factor, which includes revised elevation drawings for each unit, omitting the element of green walls previously proposed, and a revised GSF sheet. Murray and Associates have recalculated the GSF with the green walls omitted from Unit 1, 2, 3, 4 and 6, and the impact is immaterial, i.e. even though the Green Factor Numerator is lower, the overall Final GI score is the same as with the green walls. Thus, given the green walls were only included for the GSF and visual amenity was not the primary concern, we understand that the omission of the green walls should not create any issues for the Planning or Parks Department.

This cover letter is accompanied by a cover letter and drawings prepared by Murray and Associates and TOTA Architects, which provides details of the additional landscape measures incorporated into the scheme (i.e. the same as those previously agreed in the original compliance documentation) to enhance the green infrastructure provisions of the permitted development, and now reflecting the removal of the green walls based on the fire safety certificate requirements.

Please note that separate compliance submissions of relevance to the GSF will be made for the amendment permission, Reg. Ref.: SD23A/0127, and the 3 no. units permission to the north-west, Reg. Ref.: SD23A/0179, and reflecting the omission of the green walls and other relevant changes in due course.

Conclusion

We would be grateful if the Planning Authority could consider and confirm that this compliance submission is satisfactory and addresses the requirements of Condition No. 15.

Please do not hesitate to contact us if you require any additional information or clarification in respect to the above.

Yours sincerely,



John Spain Associates

Enclosures

- Appendix 1- Fire Safety Certificate for Unit 1
- M&A Cover Letter and GSF Sheet
- Updated landscape masterplan (showing all landscape measures)
- Updated Architectural Elevations (with the green walls omitted)

Appendix 1- Fire Safety Certificate for Unit 1

South Dublin County Council
Development Economic & Transport, Planning
Department
County Hall
Dublin 24

BCMS

Building Control Management System

Date of issue: 28/08/2023

Ref: FSC, 3012721

Description: Unit 1 Apex Hub Ballymount, Unit 1 Apex Hub comprising a single storey warehouse with two storey office

At: Unit 1, Apex Hub, Calmount Road, Ballymount, South Dublin

EIRCODE

Fire Safety Certificate Application (FSC2304295SD) **DECISION TO GRANT WITH CONDITIONS**

CE/Managers order No: [FSC/196/23]

Dear Sean O Neill,

South Dublin County Council hereby certify that the building or works to which the application relates, will, if constructed in accordance with the plans, calculations, specifications and particulars submitted, comply with the requirements of Part B of the Second Schedule to the Building Regulations as amended. In considering the application, no assessment has been made as to whether the building or works will comply with the other requirements of the Second Schedule to the Building Regulations as amended. This certificate is **GRANTED** subject to the attached conditions.

Yours sincerely,



Chris Shanahan,

Administrative Officer

BUILDING CONTROL/ CHIEF EXECUTIVE OFFICER

To whom the powers are Delegated by the Order of the Chief Executive

South Dublin County Council

NOTE: An appeal against a decision of a Building Control Authority may be made to An Bórd Pleanála, 64 Marlborough Street, Dublin 1 (Tel: 01-858 8100; LoCall 1890 275 175).

AN APPEAL SHALL

- (a) be in writing
- (b) state the name and address of the appellant
- (c) state the subject matter of the appeal
- (d) state in full the grounds of appeal and the reasons, considerations and arguments on which they are based
- (e) be accompanied from a fee of €500.00
- (f) be made within a period of one month beginning on the day of the decision of the Building Control Authority on an application

SCHEDULE OF CONDITIONS WITH REASON

Conditions and Reasons Condition 1:

The conditional grant of this application is on the basis that; should the risk profile be increased from normal to high risk as defined in Appendix E of Technical Guidance Document B 2006 Reprint 2020 the premises will be subject to a Revised Fire Safety Certificate application.

Reason:

To comply with the provisions of Part B of the Second Schedule to the Building Regulations, 1997 to 2020.

Condition 2:

Fire extinguishers shall be provided in accordance with Clause 1.4.16 of Technical Guidance Document B 2006(2020).

Reason: To comply with the provisions of Part B1 of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 3:

Portal frames shall comply with the provisions of 4.1.2 and 4.1.3 of Technical Guidance Document B 2006 (2020).

Reason: To comply with the provisions of Part B4 of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 4:

Green Walls shall not be permitted on any elevation of the proposed building.

Reason: To comply with the provisions of Part B4 of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 5:

Ventilation of heat and smoke shall comply with the provisions of clause 5.4.3.3 of Technical Guidance Document B 2006 (2020).

Reason: To comply with Part B5 of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 6:

In addition to being activated by the fire detection and alarm system as described in the CFD Report, the vents are also to be provided with a manual override function for fire brigade use.

Reason:

To comply with the provisions of Part B5 of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 7:

Details of the activation strategy of the smoke ventilation system as described in the Compliance Report and the CFD Report are to be maintained by Management and stored in the Fire Register for the building. Management procedures are to be put in place to ensure that all personnel involved in maintenance and upgrading works of the system are aware of the approved strategy.

Reason:

To comply with the provisions of Part B of the Second Schedule to the Building Regulations, 1997 to 2022.

Condition 8:

The smoke ventilation strategy is to be fully validated by a site specific CFD analysis and approved and endorsed by Atkins Global, prior to the building occupation.

Reason: To comply with Part B of the Second Schedule to the Building Regulations, 1997 to 2022.