

**Tony Bamford Planning**  
**Airport Hub**  
**Furry Park**  
**Swords Road**  
**Santry**  
**Dublin 9**

**NOTIFICATION TO GRANT PERMISSION**  
**PLANNING & DEVELOPMENT ACT, 2000 (as amended) AND PLANNING**  
**REGULATIONS THEREUNDER**

Final Grant Order No.:	<b>0317</b>	Date of Final Grant:	<b>25-Mar-2024</b>
Decision Order No.:	<b>1452</b>	Date of Decision:	<b>18-Nov-2022</b>
Register Reference:	<b>SD22A/0316</b>	Date:	<b>01-Nov-2022</b>

**Applicant:** Better Value Unlimited Company

**Development:** Extension, Change of Use and alterations to Kilnamanagh Shopping Centre; A two storey extension is proposed along the centre's eastern elevation (total GFA increase of 2, 336sq.m); Change of Use of the first-floor retail area (last used by Dunnes Stores as textile sales space) which will be extended and subdivided to provide for two new non-retail, service units; Unit 1 will extend to c.1, 411sq.m for use as a health centre and Unit 2 will extend to 790sq.m for use as a gym; Removal of condition 3 of PA Ref: SD06a/0095 to allow for the increased net sales area to allow for the increase in net comparison sales space at ground floor level; New entrance ramp and steps at the north of the extension; The southern lobby entrance into Dunnes Stores will be demolished and replaced with a new glazed lobby entrance; New walkway canopy generally on the north and south elevations; New ramped access next to existing pedestrian entrance steps on Mayberry Road; Reconfigure existing entrance to Treepark Road including revised parking layout generally around the east side of the building to allow for an adjusted, one-way, system around the centre; Car parking, as a result of the extension, will be reduced; Four electric vehicle parking spaces; Covered cycle parking; New enclosed service yard wall and gates to existing service area on the west side of the centre; New signage (including illumination) proposed to elevations including two Totem signs; Recladding on elevations. Additional landscaping treatment generally around the east side of the centre arising from the amendments to the car park. Landscaping works and all drainage works including SUDS measures; All other ancillary works to facilitate the development.

**Location:** Kilnamanagh Shopping Centre, Treepark Road / Mayberry Road, Kilnamanagh, Dublin 24

**Time extension(s) up to and including:**

**Additional Information Requested/Received:** 20-Sep-2022 / 01-Nov-2022

A Permission has been granted for the development described above, subject to the following conditions.

### **Conditions and Reasons:**

1. Development to be in accordance with submitted plans and details.

The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 01/11/2022, save as may be required by the other conditions attached hereto.

REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.

2. Roads Requirements.

(a). In the interest of sustainable transport, the applicant shall review the demand for EV charging points periodically and provide further charging points if required.

(b). All bicycle parking spaces shall be covered and constructed in line with National Cycle Manual standards.

(c). A revised detailed Mobility Management Plan shall be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority.

(d). The level of illumination of the lighting for the signs shall be reviewable at any time by the Roads Department in the interests of traffic safety, and adjustments shall be made by the applicant at their own expense if required to do so by South Dublin County Council.

(e). Prior to commencement of development, the applicant shall submit the Construction Traffic Management Plan for the written agreement of the Planning Authority.

(f). Prior to commencement of development, the applicant shall submit a developed Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority

REASON: In the interest of proper planning and sustainable development.

3. Drainage - Surface Water.

The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section. In this regard, prior to the commencement of development, the applicant/developer shall submit the following for the written agreement of the Planning Authority:

(a) Fully detailed foul and surface water drainage plans for the proposed development as approved showing location of all manholes, AJs etc located within the site boundary up to and including point of connection to the public sewer that fully accords with the requirements Council's Water Services Section and or Irish Water,

(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

(c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.

(d) The soakaway design to be submitted shall be certified to BRE Digest 365 standard by a suitably qualified person carrying professional indemnity insurance and shall include documented evidence of infiltration test results to demonstrate that the soakaway complies with the requirements of BRE Digest 365.

The revised plans shall provide for a soakaway to be located within the curtilage of the property and this shall be:

(i) at least 5m from any buildings, public sewers or structures and not in such a position that the ground below foundations is likely to be adversely affected.

(ii) at least 5m from the nearest road boundary and not within 3m of the boundary of the adjoining site.

- (iii) a minimum of 10m from any sewage treatment percolation area.
- (iv) at least 10m from any stream / river / flood plain.
- (e) Prior to commencement of the development the applicant shall submit to the planning authority for written approval a drawing showing the existing and proposed watermain layout of the development site and obtain a letter of confirmation of feasibility from Irish Water for proposed development.
- (f) Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.
- (g) Prior to the commencement of development the applicant shall submit a drawing showing the existing and proposed wastewater layout of the development site and obtain a letter of confirmation of feasibility from Irish Water for proposed development.
- (h). Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.

#### 4. Landscaping, taking in charge and SUDs.

##### 1. Implementation of Landscape Masterplan.

The landscaping scheme shown on drawing No. 221 46-2-100 Rev B Landscape Masterplan and associated plans shall be implemented in full, within the first planting season following completion of the development, in addition:

- a) All hard and soft landscape works shall be completed in full accordance with the submitted Landscape Masterplan (drawing No. 221 46-2-100 Rev B).
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
- c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012. Trees in Relation to Design, Demolition and Construction – Recommendations.
- d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

##### 2. Retention of Landscape Architect.

- i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.
- ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.
- iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

##### 3. Green Infrastructure Plan.

The submitted Green Infrastructure Plan and associated pollinator plan contained within the submitted Landscape Design report prepared by Cunnane Stratton Reynolds shall be implemented in full by the applicant.

##### 4. Green Space Factor (Minimum Score Not Achieved).

The applicant has not achieved the appropriate Green Space Factor of 0.5 for the site and is contrary to GI5 Objective 4. In cases where proposed development does not meet the

minimum required score and the Council agree that the minimum score is not achievable on the site; the Council will engage with the applicant to help determine an alternative GI solution, to ensure that the proposed development does not detract from the local environment and makes a positive contribution to local GI provision. Where site-specific constraints do not allow for adequate landscaping features in line with minimum requirements a developer will be permitted to provide alternative GI interventions or contributions to make up for this shortcoming, see below. Those GI measures ultimately chosen will be dictated by the site-specific context and will be subject to agreement with Council. The applicant shall therefore contact the Public Realm Section to agree alternative GI interventions or contributions to make up for this shortcoming.

#### 5. Landscape Management and Maintenance Plan.

The submitted Landscape Management and Maintenance Plan contained within the submitted Landscape Design Report prepared by Cunnane Stratton Reynolds shall be implemented in full by the applicant.

#### 6. SUDS Management and Maintenance Plan.

The submitted SUDS Management and Maintenance Plan prepared by Ors Engineering Ltd shall be implemented in full by the applicant.

#### 7. Taking in Charge.

All areas proposed for taking in charge shall be to a taking in charge standard that ensures ease of maintenance. A taking in charge drawing shall be submitted to SDCC, clearly identifying what sections if any are proposed to be taken in charge by SDCC. If a management company is taking in charge public open space the management company's details shall be submitted with the written confirmation and a detailed drawing.

#### 8. SUDS IMPLEMENTATION.

Prior to the occupation of the buildings the submitted SuDS scheme shall be implemented within a timescale to be agreed and approved by the Planning Authority and thereafter managed and maintained in accordance with the approved details and submitted management and maintenance plan.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies with the South Dublin County Development Plan CDP 2022-2028. To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area. To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies within the South Dublin County Development Plan CDP 2022-2028.

#### 5. Minimise Air Blown Dust.

During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.

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

#### 6. Construction Noise and Hours.

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

13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays. Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:

- Schedule of works to include approximate timeframes
- Name and contact details of contractor responsible for managing noise complaints
- Hours of operation- including any scheduled times for the use of equipment likely to be the source of significant noise.

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

#### 7. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €448, 074.12 (fourhundred and forty eight thousand, seventy four Euros and twelve cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

Amend Condition Number 7 by Order of An Bord Pleanála's decision dated 19th March 2024, to read as follows:

The developer shall pay to the planning authority a financial contribution of €230, 703.36 (two hundred and thirty thousand, seven hundred and three euros and thirty six cents) in respect of public infrastructure and facilities benefiting development in the area of the planning authority that is provided or intended to be provided by or on behalf of the authority in accordance with the terms of the Development Contribution Scheme made under section 48 of the Planning and

Development Act 2000, as amended. The contribution shall be paid prior to commencement of development or in such phased payments as the planning authority may facilitate and shall be subject to any applicable indexation provisions of the Scheme at the time of payment. The application of any indexation required by this condition shall be agreed between the planning authority and the developer or, in default of such agreement, the matter shall be referred to An Bord Pleanála to determine.

Reason: It is a requirement of the Planning and Development Act 2000, as amended, that a condition requiring a contribution in accordance with the Development Contribution Scheme made under section 48 of the Act be applied to the permission.

NOTE: The applicant is advised that under the provisions of Section 34 (13) of the Planning and Development Act 2000 (as amended) a person shall not be entitled solely by reason of a permission to carry out any development.

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

NOTE: The applicant or developer should ensure that all necessary measures shall be taken by the contractor to prevent the spillage or deposit of clay, rubble or other debris on adjoining roads during the course of the works and to ensure that any such instances arising are remedied immediately.

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

- (1) All buildings must be designed and constructed in accordance with the Building Regulations 1997.
- (2) Building Control Regulations require a Commencement Notice. Please log onto [www.localgov.ie](http://www.localgov.ie) and click on BCMS link.
- (3) A Fire Safety Certificate must be obtained from the Building Control Authority, where applicable.
- (4) Free Standing Walls must be designed and constructed in accordance with IS 325: Code of Practice for use of Masonry Part 1: Structural use of reinforced Masonry. The Owner must also ensure that the construction of all walls is supervised by a competent person.

Signed on behalf of South Dublin County Council.

*Pamela Hughes* 28-Mar-2024  
for Senior Planner