

125 Stonepark Abbey  
Rathfarnham  
Dublin 14  
D14 V3W5

Chief Planning Officer  
South Dublin County Council  
County Hall  
Town Centre  
Tallaght  
Dublin 24

27 May 2021

Planning Department  
Planning Counter

28 MAY 2021

Received

OBJECTION TO PLANNING APPLICATION FOR DEVELOPMENT AT LANDS AT  
NUTGROVE AVENUE ("Application") FOR THE CONSTRUCTION A 4 STOREY  
BLOCK APARTMENT COMPLEX ("Development")  
APPLICANT: SIRIO INVESTMENT MANAGEMENT LIMITED  
REF: SD 21A/0101

Dear Sir/Madam

We are the owners of property referred to in the top right hand corner of this letter. We wish to object to this Application in the following manner and on the following grounds, in accordance with the Planning and Development Act 2000 (PDA).

We note that the planning authority must place prime importance with regard to the "proper planning and sustainable development of the area" in considering an application. The current Application does not do so for a number of reasons.

#### **Executive Summary**

In summary we suggest the following steps should be undertaken:

- (a) It should be absolutely clear that there is no exit through the southern boundary onto Stonepark Abbey/Orchard
- (b) There should be a financial condition/bond put in place so that in the event of any accidental damage to /removal of the southern boundary wall that SDCC is in a financial position to replace /repair it swiftly.
- (c) The Fourth storey should either be removed or limited so that the overlooking/visual intrusion in respect of the Southern and Northern boundaries is minimised (by way of making the fourth storey smaller and centring it).
- (d) The very specific steps that are being taken generally to reduce overlooking and visual intrusion on the Southern boundary are backed up by a specific financial condition that will allow SDCC ensure that all relevant opaque glass and the very specific tree requirements are definitively met by the Developer

## **General Comment**

We wish to put it on record that we note that, as set out in the McCutcheon Halley Planning Statement that this is the third application by this applicant (or its predecessor in title) to develop this site. In this context we acknowledge that the applicant does appear to have responded in good faith to a number of objections/observations that have been made in respect of the proposed development of this site. We accept that there is a particular need at this moment in time for housing to be provided for an ever-growing population in the Dublin area. Our objection therefore is not to the proposals with regard to the provision of housing generally on this site, it is for the purpose of addressing issues to ensure that “the proper planning and sustainable development” of this site takes place.

The issues that arise from a perusal of the Application are the following:

- 1. The number and nature of entrances and exits**
- 2. The height of the development**
- 3. Decontamination and impact upon the environment**

### **1. The number and nature of entrance and exits**

The Applicant and SDCC are aware that this has been an issue in the past and while we note that the application letter dated 27<sup>th</sup> April 2021 makes reference to “access and egress are proposed from a singular location located on the site’s north-eastern corner boundary on Nutgrove Avenue”, there is a lack of clarity as follows:

- (a) The letter noted above makes reference to “singular” location.
- (b) Section 5.1 of the Planning Statement (page 17) makes references to “pedestrian access to the building.....are provide at numerous points along Nutgrove Avenue”;
- (c) Section 5.3 of the Planning Statement (Access and Permeability page 19) references 3 pedestrian points along Nutgrove avenue and additional pedestrian points along the Western boundary;
- (d) Figure 5 as set out on page 19 of the Planning Statement and the accompanying language of Section 5.3 does not fully include the Southern edge of the site which does abut onto Stonepark Abbey.

In the event that the only entrances are along Nutgrove Avenue then we have no objection to this aspect of the Development. The only comment that we would make is that we note that the developer will be undertaking significant work along the boundary wall with Stonepark Abbey. This wall is of a considerable age and care must be taken to ensure its integrity. In that regard we would ask that SDCC ensure this integrity by the inclusion of some form of condition within the planning that addresses this point. The most prudent and practical way to address this point may be the inclusion of a condition that ensures that some form of insurance/financial contribution is in place to allow SDCC replace/repair any breach/demolition of this wall in a speedy manner should it be breached during the construction of any approved development.

In the event that there is indeed an access point onto Stonepark Orchard we would strongly object to this. The grounds on which we would object would include:

1. There has been no engagement with any of the residents or residents’ group within Stonepark and it is clear that this pedestrian/cyclelink would significantly change the character of the Stonepark estate given the significant increase in footfall that would result. Parking within Stonepark is relatively limited in any event and in effect the

turning of Stonepark into a parking bay for Nutgrove avenue would be significantly damaging to the amenity value for Stonepark residents.

2. If a passageway was created, it is not clear as to which party would be responsible for the maintenance, upkeep and repair of any such walkway. As such, it is not possible for the impact of same to be evaluated.

As stated above, there does appear to be a significant number of assurances that no such throughway is planned however as this is not certain (for the reasons as set out at (a)-(d) above we do believe it is necessary to reference this.

As a final point in relation to the matter of entrances and exits we would note that An Bord Pleanála have referred to the open space of Stonepark in the recent decision in relation to Ely Place-Inspectors Report for decision ABP 307 682 -20. This states that this open space is “modest” and any entrance/exit “in the vicinity would significantly reduce its amenity value.”

## **2.The Height of the Development**

Again, the Applicant and SDCC are aware that this issue has also been a significant one in the past. In Section 3.2 of the Planning Statement the Applicant refers at some length to the objections that SDCC had in relation to this matter with regard to Planning Application SD18A/0421.

SDCC was particularly concerned with what it termed the “overbearing visual impact on the streetscape of Nutgrove Avenue and the dwellings to the south of the site, in particular 17 and 18 Stonepark Orchard”

This appears to have been addressed in the current application by

- (a) Tiering the height of the proposed development so that it is 4 storeys on the Northern boundary at Nutgrove Avenue which goes down to three storeys at the Southern boundary with Stonepark Orchard.
- (b) In respect of 17 Stonepark Orchard it is noted that [page 12 of Document Nme] that “the southern setbacks for the upper level have been further recessed to provide a separation distance of 15.8 metres from the gable end of 17 Stonepark Orchard”

We would make the following comments in relation to this matter:

- While the tiering approach does attempt to address the matter, given the width of the site the reality is that Nutgrove Avenue is now significantly overlooked and the residents on Nutgrove Avenue are affected with regards to light and general amenity.
- Having reviewed the plans in detail it would appear that given that there is a balcony on the fourth floor apartment, 17 SPO can still be overlooked and that the distance is actually 11.5 metres (because of the length of the balcony/terrace).

In the context of the applicant having generally made a good faith effort to engage with the issues that arose in previous planning permissions, we would ask that the following be undertaken which would be limited in impact upon the development but which would address the issues set out above and, more generally would address the overlooking issue:

1. The fourth floor should consist of one 3 bedroom apartment, not three. The removal of the outermost apartment on the top floor from both the Eastern and the Western side would
  - (a) Considerably reduce the overlooking and general reduction of visual amenity in respect of Nutgrove Avenue and

(b) would also mean that 17 and 18 SPO would also benefit from a reduction in being overlooked.

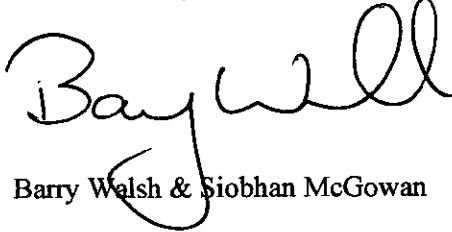

2. There are references to the provision of opaque glass and also a very significant tree planting programme (all to address the issues of visual intrusion/overlooking of the Southern boundary. There should be a specific financial requirement, by way of planning condition or otherwise by a financial contribution, so that the relevant opaque glass and the trees as specified are definitely provided for.

### **3. Decontamination and impact upon the environment**

We note that this proposed development is taking place on a former petrol station. It is not clear what steps have been taken to deal with the petrol tanks and other potential hazards.

We enclose cheque in the sum of twenty euros to support this objection.

Yours sincerely,

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Barry Walsh & Siobhan McGowan

Barry Walsh & Siobhan MCGowan  
125 Stonepark Abbey  
Rathfarnham  
Dublin 14  
D14 V3W5

Date: 31-May-2021

Dear Sir/Madam,

**Register Ref:** SD21A/0101  
**Development:** Residential development comprising a total of 28 apartments, in a building up to 4-storeys in height; the cumulative gross floor area is proposed to be 2,640sq.m on the 0.3157 hectare site including the site of the former filling station (0.2821 ha - under applicant's ownership) and a portion of land (0.0326ha) located to the north of the filling station site, where the existing traffic lights and pedestrian crossing are located along Nutgrove Avenue; to accommodate access to the site, it is proposed to relocate the existing traffic lights and pedestrian crossing which traverses both South Dublin County Council and Dun Laoghaire-Rathdown County Council boundaries; a development with a maximum height of c.11.7m and a total gross floor area of 2,640 sq.m comprising of 28 residential units comprising 8 1-bedroom apartments, 17 2-bedroom apartments and 3 3-bedroom apartments; communal amenity space (433sq.m) and public open space (286sq.m) located to the rear and western side of the site; at grade car parking is proposed to the rear of the site which will provide 16 residents' car parking spaces (including 2 electric vehicles spaces and 1 accessible spaces) and 2 motorcycle parking spaces; 2 resident waste bin storage areas are proposed along the north-western and north-eastern corner of the site, fronting Nutgrove Avenue (total 25sq.m); a new vehicular entrance from Nutgrove Avenue; a total of 62 surface level bicycle parking spaces comprising 48 spaces located at the rear of the site and 14 spaces within the residents' communal area, located along the north-western portion of the site; relocation of the existing traffic lights and pedestrian crossing located on Nutgrove Avenue to the west of its existing position to accommodate access to the site; all ancillary site development works including installation of drainage and water supply infrastructure, lighting and provision of an ESB substation and switch room.

**Location:** Nutgrove Avenue, Rathfarnham, Dublin 14  
**Applicant:** Sirio Investment Management Ltd t/a Sirio Homes  
**Application Type:** Permission  
**Date Rec'd:** 27-Apr-2021

I wish to acknowledge receipt of your submission in connection with the above planning application. The appropriate fee of €20.00 has been paid and your submission is in accordance with the appropriate provisions of the Planning and Development Regulations 2001(as