

Comhairle Chontae Atha Cliath Theas

Record of Executive Business and Chief Executive's Order

PR/1343/21

Reg. Reference: SD21A/0101

Application Date: 27-Apr-2021

Submission Type: Additional
Information

Registration Date: 20-Sep-2021

Correspondence Name and Address:

Paula Galvin, McCutcheon Halley Planning
Consultants Kreston House, Arran Court, Arran
Quay, Dublin 7.

Proposed 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

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and water supply infrastructure, lighting and provision of an ESB substation and switch room.

Location: Nutgrove Avenue, Rathfarnham, Dublin 14

Applicant Name: Sirio Investment Management Ltd t/a Sirio Homes

Application Type: Permission

(BH)

Description of Site and Surroundings

Site Area

Stated as 0.3157 ha. This includes 0.2821 ha which is under the ownership of the applicant and a further 0.0326 ha that is located on the public road.

Site Description

The application site consists of a former petrol station that is located on Nutgrove Avenue in Rathfarnham. The county boundary with Dún Laoghaire/Rathdown is located to the north of the site across Nutgrove Avenue and to the east in Ely Square. The area is largely residential in nature with residential properties located to the north, south, east, and west. Commercial properties are located to the north-west and a scout hut is located to the east of the site.

Site visited

18th May 2021.

Proposal

Permission is sought for the following:

- Residential development of 28 apartments comprising 8 1-bedroom apartments, 17 2-bedroom apartments and 3 3-bedroom apartments
- Four storey building
- Relocation of existing traffic lights and pedestrian crossing
- communal amenity space (433sq.m) and public open space (286sq.m)
- 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
- a new vehicular entrance from Nutgrove Avenue
- 62 surface level bicycle parking spaces
- relocation of the existing traffic lights and pedestrian crossing located on Nutgrove Avenue
- drainage and water supply infrastructure, lighting and provision of an ESB substation and switch room.

Zoning

The application site is subject to zoning objective 'RES' – 'To protect and/or improve residential amenity.'

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Consultations

County Architect – no response received

EHO – no objections

Heritage – no response received

HIQA – no response received

Housing – no objection

Irish Water – no objection

Public Realm – Additional Information

Roads – Additional Information

Water pollution – no response received

Water Services – no objection

SEA Sensitivity

No overlap of layers recorded within application site.

Submissions/Observations /Representations

Submission expiry date – 31/05/2021

Submissions have been received that have raised the following concerns:

Height, overbearing impact

Number of entrances and exits, object to any entrance to Stonepark Abbey via the site

Decontamination of site

Condition requested regarding boundary wall with Stonepark Abbey

Opaque glass and tree planting should be secured as a financial contribution

Fourth floor should be omitted to avoid overlooking.

If the boundary wall is damaged SDCC should be liable to replace/repair it

A condition should be applied that 30% of the homes are social and affordable and 50% are for first-time buyers

Traffic

Lack of community from apartments

Submissions have been received in support of the proposal with the following comments received:

- Current site is a blot/eyesore, good to see site will be developed
- Site is suitable for apartments, good mix of apartments proposed, generous sizes, proposal is in line with strategic policy, will increase housing supply
- Community will benefit
- Good accessibility for public transport and walking distance to local services, no impact on traffic
- Well designed, not overbearing, scale and height respects character of area
- Landscaping proposals are good
- Previous concerns have been addressed

The issues raised in the third-party submissions have been taken into account in the assessment of the proposal.

Relevant Planning History

SD18A/0421 and ABP-305455-19

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Refused and refused at appeal for construction of a 2,494sq.m residential development consisting of twenty-four apartments in 2 four storey buildings; Block A with 8 apartments and the combined Blocks B and C with 16 apartments with 24 parking spaces and 20 bicycle spaces and landscaped courtyards at the former Esso filling station.

SD15A/0293 and PL06S.246230

Permission granted and granted at appeal for (1) Provision of new two storey forecourt building with 100sq.m retail shop, 91.53sq.m deli cafe, 24.29sq.m deli cafe food prep area, offices, stores & toilet facilities; (2) sale of specially prepared hot & cold food for consumption both on and off the premises from the deli cafe area; (3) new forecourt layout including canopy, fuel pumps, underground tanks, jet wash, carwash water pump room and bin compound; (4) relocation of existing site entrance & exit crossovers, (5) 157.08sq.m first floor office, (6) ancillary signage, both illuminated and non-illuminated and (7) all associated site works.

Relevant Enforcement History

No recent enforcement history recorded.

Pre-Planning Consultation

PP128/20

A residential development on a site area of 0.238 hectares, comprising a total of up to 32 residential units in a building of up to 4 storeys over basement in height. The development will be accessed via a separate vehicular entrance and exit at Nutgrove Avenue and will provide 30 car parking spaces and 36 bicycle parking spaces.

Relevant Government Policy

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

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

- Section 5 – Dublin Metropolitan Area Strategic Plan, in Regional, Spatial and Economic Strategy 2019 – 2031.

Rebuilding Ireland: Action Plan for Housing and Homelessness, Government of Ireland (2016).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of Housing, Planning and Local Government (2020).

Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment and Local Government (2009).

Urban Design Manual, Department of the Environment, Heritage and Local Government, (2008).

Urban Development and Building Heights Guidelines for Planning Authorities, (2018)

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

Design Manual for Urban Roads and Streets Department of the Environment, Community and Local Government and Department of Transport, Tourism and Sport (2013).

Appropriate Assessment of Plans and Projects in Ireland – Guidance for Planning Authorities, Department of the Environment, Heritage and Local Government, (2009).

The Planning System and Flood Risk Management - Guidelines for Planning Authorities, Department of the Environment, Heritage and Local Government & OPW, (2009).

Relevant Policies in South Dublin County Council Development Plan 2016-2022

1. Introduction & Core Strategy

Policy CS1 Consolidation Areas within the Gateway

Policy CS 4 Towns and Villages

2. Housing

Policy H6 Sustainable Communities

Policy H7 Urban Design in Residential Developments

Policy H8 Residential Densities

Policy H9 Residential Building Heights

Policy H10 Mix of Dwelling Types

Policy H11 Residential Design and Layout

Policy H12 Public Open Space

Policy H13 Private and Semi-Private Open Space

Policy H14 Internal Residential Accommodation

Policy H15 Privacy and Security

Policy H17 Residential Consolidation

6. Transport & Mobility

Policy TM1 Overarching

Policy TM 3 Walking and Cycling

Policy TM 5 Traffic and Transport Management

Policy TM 6 Road and Street Design

Policy TM 7 Car Parking

7. Infrastructure & Environmental Quality

Policy IE1 Water & Wastewater

Policy IE2 Surface Water & Groundwater

Policy IE3 Flood Risk

Policy IE5 Waste Management

Policy IE7 Environmental Quality

8. Green Infrastructure

Policy G1 Overarching

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Policy G2 Green Infrastructure Network
Policy G4 Public Open Space and Landscape Setting
Policy G5 Sustainable Urban Drainage Systems
Policy G6 New Development in Urban Areas

9. Heritage, Conservation & Landscapes

Policy HCL1 Overarching
Policy HCL12 Natura 2000 sites
Policy HCL15 Non-Designated Areas

10. Energy

Policy E4 Energy Performance in New Buildings

11. Implementation

11.1.1 Land use zoning tables
Table 11.15

11.2.0 Place Making and Urban Design
Section 11.2.0 Place Making and Urban Design
Section 11.2.1 Design Statements
Section 11.2.2 Masterplans
Table 11.17: Masterplan Considerations
Section 11.2.7 Building Height

11.3.0 Land uses

Section 11.3.1 Residential

- (i) Mix of Dwelling Types
- (ii) Residential Density
- (iii) Public Open Space/Children's Play
- (iv) Dwelling Standards
- (v) Privacy
- (vi) Dual Aspect
- (vii) Access Cores and Communal Areas
- (viii) Clothes Drying Facilities

11.3.2 Residential Consolidation

- (i) Infill Sites

11.4.0 Transport and Mobility

Table 11.22

Table 11.23

11.4.3 Car Parking for Electric Vehicles
11.4.4 Car Parking Design and Layout
11.4.5 Traffic and Transport Assessments
11.4.6 Travel Plans

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11.5.5 Landscape

(i) Ecological Protection

11.6.0 Infrastructure and Environmental Quality

11.6.3 Environmental Hazard Management

11.6.5 Waste Management

11.6.6 Aerodromes

11.7.0 Energy

11.8.0 Environmental Assessment

Assessment

The main issues for assessment are the following:

- Zoning and Council Policy
- Previously refused application
- Residential amenity
- Visual amenity
- Density
- Unit Mix/Tenure
- Part V
- Parking and Access
- Drainage, Flooding and Water Supply
- Landscaping
- Site contamination
- Bin storage
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

Zoning and Council Policy

The application site is subject to zoning objective RES- 'To protect and/or improve residential amenity' under the South Dublin County Council Development Plan 2016 – 2022. Residential development is listed as 'permitted in principle' under the RES zoning objective and therefore, the proposed development is considered to be acceptable in principle but subject to assessment against the relevant policies, objectives and standards set out under the County Development Plan.

Previously refused application

Application SD18A/0421 and the subsequent appeal ABP-305455-19, both of which were refused planning permission, is a material planning consideration in the assessment of the proposal. The application was refused at appeal for the following reasons:

1. Overlooking of private amenity areas, rear elevations and overbearing visual impact and intrusion on properties to the south.
2. Building height.

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3. Visual impact and impact on streetscape.
4. Impact on Irish Water and Water Services wayleaves.

The applicant has provided a response to the An Bord Pleanála reasons for refusal within their Planning Statement. The current proposal will be assessed against each reason for refusal under the relevant heading set out below.

Residential Amenity

Neighbouring residential amenity

Having regard to the appeal decision, one of the key issues was the impact of the proposal on the properties to the south of the application site and in particular Nos.17 and 18 Stonepark Orchard and a single storey dwelling to the east of those properties. The main issues raised in the reasons for refusal were 'overlooking of private amenity areas and rear elevations' and the 'overbearing visual impact and visual intrusion'. Firstly, it is important to highlight the differences between the current and previous schemes. In the refused application three blocks of apartments, two of which were connected, were proposed whereas now a single block is proposed. The mass of the building has been increased due to the inclusion of a single block. However, the building would be set back further from the southern boundary than Block A of the refused scheme.

The applicant has sought to overcome issues of overlooking to the south by introducing privacy screens on the balconies and showing sightlines in relation to an existing 5m high boundary wall to the south of the application site. Due to the height of the boundary wall, views to the south from the ground and first floors would be obscured. The applicant has shown sightlines which shows that there would be some partial overlooking from part of the second floor. However, the presence of the existing 5m high boundary wall would partially obscure overlooking and when the distance between the windows/balconies of approximately 11m and the edge of the amenity space is taken into account, it is considered to be an acceptable relationship.

The proposed building would be set back between 10 and 11 metres from the shared boundary to the south of the application site. This is an increase of approximately 4 metres from the previously refused scheme and is considered to be a significant improvement in terms of how the building would be perceived when viewed from the rear amenity space of the existing properties to the south. The top floor would also be well set in from the rear, front and sides to avoid overlooking and further privacy measures could be introduced if necessary to prevent residents from walking up to the edge of the top floor.

The applicant has submitted a Daylight/Sunlight/Shadow report in support of the application. The report has assessed the potential loss of daylight and sunlight on the neighbouring buildings and their private amenity space. The report provides details of all dwellings and their amenity space and concludes that they would all be within the BRE guidance.

Overall, it is considered that due to the changes proposed, the privacy measures and the information in relation to the height of the southern boundary, that the applicant has addressed the first reason for refusal in relation to the neighbouring residential amenity of the residents to the south of the application site.

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The proposal also consists of habitable windows that would look east and west and as such would offer different vantage points to the previously refused scheme. With regard to the site to the east, which currently consists of a scout hall, even if this site did come forward for development in the future, the set in from the boundary would ensure that there would be space to provide a building without it appearing overbearing and to avoid overlooking through the use of secondary windows. With regard to the property to the west, the proposal includes two main windows that would serve kitchens at first and second floor level. The units on the southern side of the building would have a large window that looks directly to the west. However, based on the siting of this window in relation to the gable end of the house to the west and the distance of 11m proposed, it is considered to be an acceptable relationship and would not be materially harmful. The other window serving the apartments on the northern side of the building would be smaller in size and again given the distance to the boundary and front garden of the property to the west, is not considered to be materially harmful. Balconies are also proposed on the corners of the proposed buildings. However, again given the distances between the sites to the east and west, this relationship is considered to be acceptable.

Standard of accommodation

The applicant has provided a breakdown of all units in terms of internal space, private amenity space and storage which shows that each one would meet or exceed the minimum standards as per the Apartment Guidelines (2020). It is noted that landscaped areas are proposed in front of the ground floor apartments which would provide defensible space and contribute towards privacy which is welcomed.

Generally, the internal layouts of each apartment are acceptable and meet with the minimum internal sizes and widths as per Appendix 1 of the Apartment Guidelines. Three of the 2bed units, 2B1, 2B4 and 2B7 would have a narrow room leading off the main living area that would consist of a kitchen and dining area. However, this is to create dual aspect units and to avoid single aspect north-facing apartments. Although this narrow part of the unit on the southern side of the building would be only 2.54m in width, the area of space afforded to the living room and the dual aspect nature of the apartment would offset this and is therefore considered acceptable in this case.

Public/Communal Open Space

Section 11.3.1 (iii) requires a minimum of 10% of the total site to be public open space. Table 11.21 of Section 11.3.1 (iv) requires a minimum amount of communal open space based on the unit types proposed. The applicant has stated that 286sq.m of the site would be dedicated to Public Open Space and 433sqm to Communal Open Space. The drawing titled 'Landscape Design Plan' gives an indication of the different forms of space proposed such as toddler play space, teen play space, a kickabout area and a communal area. The breakdown of space is expanded upon further on page 30 of the applicant's Landscape Design Report.

Based on the unit types proposed and the requirements of table 11.21 of the CDP, the amount of communal space proposed would exceed the minimum requirement of 182sq.m. Consideration has also been given to the quality of the communal open space and it is noted that the applicant has attempted to provide a variety of spaces including children, teen, seating areas and green space that could be used informally. The constraints of the site have been taken into account and the fact that surface car parking is proposed which removes the ability to provide more communal space.

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However, on balance it is considered that the applicant has proposed a variety of spaces that would fulfil the needs of different age groups and activities and therefore this is considered acceptable. The Daylight/Sunlight/Shadow report also shows that the communal amenity space would be within the BRE guidance.

The amount of public open space would roughly equate to 10% of the site, not including the area of land on the public road. This open space would include a toddler and seating area on the west of the site and the area of land in front of the landscaped areas in the northern part of the site, adjacent to Nutgrove Avenue. Again, the constraints of the site have left more limited space in the northern part of the site, as a result of pushing the building further back from the southern boundary in a response to the appeal decision. However, the applicant has introduced seating so that residents could use this space and it is considered that it would create a good buffer between the building and the street which would create an interesting street scene. Therefore, again on balance the amount of public open space is considered to be acceptable.

Private Amenity Space

All the proposed units would have access to a terrace or balcony that would meet the minimum space standards as per Appendix 1 of the Apartment Guidelines. However, section 3.37 of the guideline's states that the minimum depth of balconies should be 1.5m. The units that feature wrap around corner balconies do not meet this minimum requirement and therefore should be increased accordingly. This is recommended to be sought as **additional information**. It is also recommended that the applicant clearly annotates each balcony on every unit on revised plans to show that each one meets the minimum 1.5m requirement.

Floor to ceiling heights

The floor to ceiling heights proposed are 2.7m on the ground floor, 2.4m on the 1st and 2nd floors, and 2.3m on the 3rd floor. Section 3.21 of the Apartment Guidelines states that the suggested minimum height required is 2.4m to be consistent with the Building Regulations. It is recommended that the height proposed for the top floor is clarified as **additional information**.

Dual Aspect

The applicant has confirmed that 89% of the units would be dual aspect. The single aspect units would be south facing which is considered to be positive in terms of access to light.

Daylight/Sunlight/Shadow

The applicant has submitted a Daylight/Sunlight/Shadow report in support of the application which had provided an assessment on light within the units, the balconies/terraces and the communal amenity space. The report concludes that all the units, private and communal amenity space would be within the BRE guidance.

Visual Amenity

The second reason for refusal centred on the failure of the applicant to have due regard to the prevailing building height in the surrounding area, the proximity of existing housing or the formation of a cohesive streetscape, no transition of height and a failure to comply with Section 3 of the Building Height Guidelines in relation to making a positive contribution to the urban neighbourhood and streetscape. The third reason for refusal centred on the excessive use of brick

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finish, the lack of fenestration, and the staggered building line resulting in a negative impact on the streetscape and visual amenity.

The applicant has submitted an Architectural Design Statement as well as CGIs showing views of the site and proposal in support of the application. In terms of the differences between the previous and current schemes, the proposal would now consist of one block set in from the eastern and western boundaries, compared to three blocks with two of the blocks connected. The height of the building would still be four storeys however setbacks are now proposed at the top floor. The top floor would also consist of different materials that would contrast with the brick in the main part of the building. The building would also be set back further from the southern boundary than previously proposed.

With regard to the issue of height, the building would still be four storeys and similar in height to the refused scheme. However, the applicant has proposed a set back of the top floor at the front, rear and both sides to reduce the visual impact. The building would also be set back further from the southern boundary to overcome the impact on the properties located to the south. The reason for refusal referred to the fact that there would be no transition from the predominantly two storey buildings in the area to a four-storey building. In this case, particularly when viewed from the front elevation, it is noted that the top of the third storey would be roughly the same height as the existing house to the west of the site and would then extend up to the fourth floor which would be well set in from the side elevation to provide a transition in height. Previously the three buildings went straight up to four storeys without any set in or transition. In addition to this, the set in from the eastern and western boundaries would also provide some visual relief and contribute to the transition in height.

Section 11.2.7 of the CDP deals specifically with building height and sets out four criteria regarding the appropriate maximum or minimum height for a building which include the following:

1. The prevailing building height in the surrounding area.
2. The proximity of existing housing - new residential development that adjoins existing one and/or two storey housing (backs or sides onto or faces) shall be no more than two storeys in height unless a separation distance of 35 metres or greater is achieved.
3. The formation of a cohesive streetscape pattern – including height and scale of the proposed development in relation to width of the street, or area of open space.
4. The proximity of any Protected Structures, Architectural Conservation Areas and/or other sensitive development.

Taking these criteria into account it is considered that the applicant has had regard to the prevailing building height in the area with the use of setbacks and set ins leading to a transition in height, has formed a cohesive streetscape pattern with the changes proposed to the design of the scheme, whilst the proximity of protected structures, ACAs or other sensitive development is not relevant in this case. Consideration has however been given to point 2 and the fact that the plan states that new residential shall be no more than two storeys in height unless a separation distance of 35m or greater can be achieved. However, in this case the height proposed is considered to be appropriate for the site given the design approach taken, the orientation of the properties to the south which are perpendicular to the application site, and the site-specific circumstances in relation to neighbouring residential amenity which have been addressed through design. Therefore, although the predominant character of the area is two storeys in height, the design approach taken by the

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applicant has had regard to the surrounding area and the appeal decision. It is therefore considered that the height proposed, based on the design approach, taken, would be acceptable in this location and would not contravene the CDP.

In terms of the layout, the staggered building line has been removed with the building now only consisting of one main block which has addressed that particular aspect of the third reason for refusal. The applicant has introduced a large amount of glazing to break up the front of the building and proposed recessed parts which again do break up the appearance of the front elevation. The introduction of windows and balconies on both side elevations would also add more interest and surveillance which is an improvement. The top floor of the building would consist of different materials which would provide a contrast to the use of brick as the primary material. It is noted that the building line would be further forward than the neighbouring properties to the east and west. However, this is considered necessary to avoid overlooking and any sense of being overbearing to the south. The building line would also contribute to the streetscape and provide some defensible space rather than the more isolated feel of the three buildings that formed part of the refused proposal.

Taking these factors into consideration it is considered that the applicant has made a significant attempt to overcome the second and third reasons for refusal and that there are genuine improvements to the scheme from a visual impact and design perspective. Therefore, based on the changes proposed to the height, design, and layout, it is considered that the proposal would make a positive contribution to the streetscape and has responded appropriately to the existing character of the area.

Density

Policy H9 of the CDP states that it is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context. Section 11.3.1 of the South Dublin County Development Plan 2016-2022 states that the number of dwellings to be provided on a site should be determined with reference to the Departmental Guidelines document Sustainable Residential Development in Urban Areas – Guidelines for Planning Authorities (2009). The proposed development would have a density of 99 units per hectare which is noted as having increased from 84.7 units per hectare from the most recent application and is considered high. However, having regard to the location of the site and proximity to Nutgrove Avenue which comprises a bus corridor, as well as the location of the site in relation to local facilities and services, a higher density of housing on this infill site is considered acceptable within the context of the site and the surrounding area.

Unit Mix/Tenure

The proposal includes 8 x 1-bed, 17 x 2-bed and 3 x 3-bed apartments. Policy H10 of the CDP seeks to ensure a wide variety of adaptable housing types, sizes, and tenures. The general make-up of housing to the south of the site is two storey semi-detached properties consisting of largely three and four bed units. Therefore, the addition of a variety of apartments including one, two and three beds is considered acceptable and would provide more variety to the area. The applicant has confirmed that all units would be for private sale.

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Part V

The SDCC Housing Department has assessed the proposal and provided the following comments:

The Part V submission lodged with this planning application is noted which includes the proposal to provide 1 no. 1-bed apartment and 2 no. 2-bed apartments. South Dublin County Council's preference in respect of Part V is to acquire units on site and is bound by the planning permissions granted. Therefore, South Dublin County Council can only agree in respect of the actual permitted development. In the event of the granting of planning permission the unit nos., types, location, and costings in respect of Part V requirement to be agreed with Housing Department subject to approval of the Department of Housing, Local Government and Heritage. Please note that the Council would require a fully completed Part V submission prior to commenting on costs.

Standard conditions in relation to Part V are recommended to be imposed should permission be granted.

Parking and Access

The Roads Department has assessed the proposal and provided the following comments:

The development of a four-storey residential development. Comprising of 28 apartments, 16 car parking spaces and 62 bicycle spaces. The access is from a singular location on the north-eastern corner on Nutgrove Avenue. The existing pedestrian crossing and traffic lights at to be relocated to the west. A separate planning application has been lodged with DLRCC for the relocation of the traffic lights.

The proposed access to the development is only 5500mm wide at the point closest to Nutgrove Avenue, suitable radii for a safe movement at the access point is required. An auto-track analysis has been provided for a passenger vehicle only, a larger delivery van and fire tender auto-track is preferred.

The footpath to the front of the development is split between a proposed walkway and the existing public footpath. This may lead to pedestrian confusion and lead to a traffic hazard, particularly at the proposed vehicle access. Where the proposed footpath enters the carriageway before the stop line. It should be possible to develop a combined pedestrian walkway across the front of this development to create a greater than 1800mm wide footpath.

The development proposes two waste collection points at the front of the development. There are no dedicated set-down areas for the bin collection vehicle, other than to stop on the carriageway/bus lane on Nutgrove Avenue. Nutgrove Avenue is an extremely heavily trafficked road, a Traffic and Transport Assessment was requested at preplanning stage but does not accompany the application. The Roads Department considers a TTA for this development, while below the threshold for such, as necessary to show the developments impact on the surrounding areas.

The historical use of the site was an Esso filling station. A demolition and waste management report must be submitted to the planning authority, with attention on the safe disposal of any contaminated material.

Roads have requested additional information regarding a Traffic and Transport Assessment, a revised layout showing pedestrian routes within and to the front of the development, a swept path analysis demonstrating fire tender and large vehicle access and egress, a location for bin collection

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vehicles to set down, and the submission of plans demonstrating the provision of the pedestrian crossing at the proposed vehicle access/egress location on the north-eastern side of the site. Roads have also recommended that should permission be granted conditions regarding a developed Construction & Demolition Waste Management Plan (C&DWMP), a developed Construction Traffic Management Plan, and that construction details for all items for taking in charge should be submitted.

The comments, request for additional information and suggested conditions should permission be granted are noted. It is considered that the applicant should address the items of concern through the submission of **additional information** to ensure the safety of pedestrians, traffic and that emergency vehicles can safely access the site. The use of conditions here is not considered appropriate in case any amendments are required to the siting of the building or entrances.

Drainage, Flooding and Water Supply

The fourth reason for refusal from the previous application concerned encroachment on the seven-metre wayleave running through the site and the location of terraces and balconies would be deemed to be contrary to Irish Water and SDCC Water Services requirements. The applicant has shown the wayleaves on the proposed plans and shown that areas of open space and car parking would be located on them rather than parts of the building as previously proposed. Water Services and Irish Water have not raised any concerns in relation to the wayleaves. It is therefore considered that the applicant has addressed the fourth reason for refusal from ABP-305455-19.

In addition to this Water Services has assessed the proposal and has no objections in relation to surface water or flooding. Water Services has recommended a condition in relation to the submission of details of a petrol interceptor and that all floor levels should be a minimum of 500mm above the highest known flood level for the site. Irish Water has assessed the proposal and has no objections subject to standard conditions. These conditions are recommended to be imposed should permission be granted.

Landscaping

The applicant has provided a Landscape Design Plan as well as information in relation to trees that are currently on site. The Public Realm Section has assessed the proposal and has raised concerns with the lack of detail submitted with the following aspects of the proposal:

- Play items
- SuDS
- Landscaping
- Details of the boundary
- Loss of trees

Public Realm has requested additional information on the following matters:

- Public Open Space
- A landscaping plan
- Revised layout to reduce the loss of trees
- Play equipment
- SuDS
- Taken in Charge

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The issue of Public Open Space has been addressed earlier in this report. It is noted that the applicant has submitted a landscaping plan and therefore the principles of this plan could be expanded upon through a suitable condition. Whilst it is acknowledged that the proposal would require the loss of trees, the applicant has proposed replacement planting and therefore further details could be secured by condition. The applicant has shown indicative layouts of where toddler and teen play space would be located. Further details of the equipment proposed could be secured by condition. In terms of SuDS, the applicant has proposed green roofs to the building which is positive and further details of features within the rest of the site could be secured by condition. The applicant has provided a taken in charge drawing which shows that the site would be managed by a management company.

Site Contamination

The application site consists of a former petrol filling station and as such has a risk of contamination. As per the previous application on site the applicant has again confirmed that the petrol station, fuel storage and dispensing system were decommissioned in 2008. The applicant has provided a decommissioning report that concludes that the 'site is free enough of contamination to the degree necessary for high density development'.

Bin Storage

The applicant has proposed two separate bin storage areas with one in the north-eastern and one in the north-western corners of the site to allow access for residents across the site. The applicant has confirmed that waste would be transferred by the management company on the day of collection and placed at an allocated kerb-side area for collection. Comments in relation to the accessibility of the site for bin trucks has already been provided in the Parking and Access section of this report. However, it is unclear if the size of the structures proposed would be sufficient to meet waste management requirements. The proximity of the storage space on the western side of the site to the existing property adjacent to the site and to the proposed toddler area is noted. It is recommended that further details regarding the prevention of odours should be sought due to the proposed siting of the storage area, whether the storage area could accommodate enough bins to serve the development, screening for the storage units given their prominent location, and a waste management plan. This is recommended to be sought as **additional information**.

Appropriate Assessment

The applicant has submitted an Appropriate Assessment Screening Report in support of the application. Having regard to the information submitted to the Planning Authority, the distance of the proposed development from any Natura 2000 sites and the absence of a hydrological connection to any Natura 2000 sites, it is not likely that the proposed development would have a significant impact on any Natura 2000 sites, either individually or in combination with any other plan or project, and therefore a Stage 2 Appropriate Assessment would not be required.

Environmental Impact Assessment

A mandatory EIAR is not required by Schedule 5 of the Planning and Development Regulations 2000 (as amended) for this development. Having regard to the nature and scale 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

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environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

Consideration has been given to the reasons for refusal that formed the appeal decision and the applicant's attempt to overcome these reasons, particularly in relation to the impact on visual and residential amenity. It is considered that the applicant has provided a design response that responds to the site and its constraints positively. Consideration has also been given to the fact that the proposal would utilise a vacant and brownfield site in an accessible location and would contribute 28 dwellings to the County. In addition to this the proposed residential land use is considered to be more consistent with the RES zoning objective compared to the previous use on the site. The application is therefore considered to be acceptable in principle and has a number of significant planning merits. However, there are a number of matters including balcony sizes and ceiling heights that require clarification in order to achieve a satisfactory standard of accommodation, information on bin storage due to the proposed location adjacent to an existing property and a proposed amenity area, and parking and access to ensure traffic and pedestrian safety, that are required to be clarified. It is recommended that these matters are addressed through the submission of additional information.

Recommendation

Request Further Information.

(CM)

Further Information

Further Information was requested on 21st June 2021.

Further Information was received on 20th September 2021.

Further Consultations

Roads	Requests Clarification of Additional Information
Environmental Services	No objection, subject to conditions.

Further Submissions/Observations/Representations

None.

Assessment of Additional Information

Item 1

The Roads Department has raised concerns with the proposal from a traffic and pedestrian safety perspective and on the accessibility of the site for emergency vehicles. Given these concerns and the heavily trafficked nature of Nutgrove Avenue, the applicant is requested to submit the following:

- (1) A Traffic and Transport Assessment that takes into account the impact of the proposal on the surrounding area and has regard to existing and proposed developments.
- (2) A revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e. Autotrack or similar) demonstrating that fire tenders and large vehicles can access/egress the site.
- (3) The footpath to the front of the development is split between a proposed walkway and the existing public footpath. This may lead to pedestrian confusion and lead to a traffic hazard, particularly at the proposed vehicle access. Where the proposed footpath enters the carriageway

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before the stop line it should be possible to develop a combined pedestrian walkway across the front of the development to create a greater than 1800mm wide footpath. A revised layout is requested showing pedestrian routes within and to the front of the development.

(a) The minimum width of footpaths should be 1.8m wide to aid mobility impaired users.

(b) The footpath layout should provide adequate connectivity around the development and footpaths on the main road.

(4) A revised layout of not less than 1:100 scale, showing suitable designated bin collection vehicle set-down spaces on Nutgrove Avenue.

Response

The applicant has provided a technical response to the above item, which has been assessed by the Roads Department.

The response includes provision of a bin collection area to the rear of the site in addition to the bin stores at the roadside.

Assessment

The Roads Department has recommended clarification of additional information. Their report includes the following conclusions and recommendations:

- (1) The applicant was requested to take into account the impact of the proposal on the surrounding network, this has not been set aside.
- (2) An autotrack has been provided detailing the refuse vehicle turning within the development. Two parking spaces have been removed. An autotrack has been submitted showing fire tender access. Roads are satisfied with the submission.
- (3) The point where the proposed private footpath and the existing footpath merge will still allow pedestrians to cross the vehicle entry/exit before the vehicle stop location, thus reducing the visibility splay to this point due to the north-east corner of the building. **Roads are not satisfied with the submission.**
- (4) An additional waste collection point has been identified at the south of the development. However, the original bin store location has remained to the north along Nutgrove Avenue. The original should be relocated or removed to the south to prevent refuse collection on Nutgrove Avenue.

The report recommends **clarification of additional information**, with the following points:

1. Please submit a revised layout of not less than 1:100 scale, showing the bin store off or inaccessible from Nutgrove Avenue.
2. The boundary walls at vehicle access points shall be limited to a maximum height of 0.9m, and any boundary pillars shall be limited to a maximum height of 1.2m, in order to improve forward visibility for vehicles. Or provide a visibility splay from the junction of the footpath (public or private) to the required dimensions and 2.4m back along the vehicle access/exit.
3. All items and areas for taking in charge including areas currently in SDCC's charge shall be undertaken to a taking in charge standard. Prior to development the applicant shall submit

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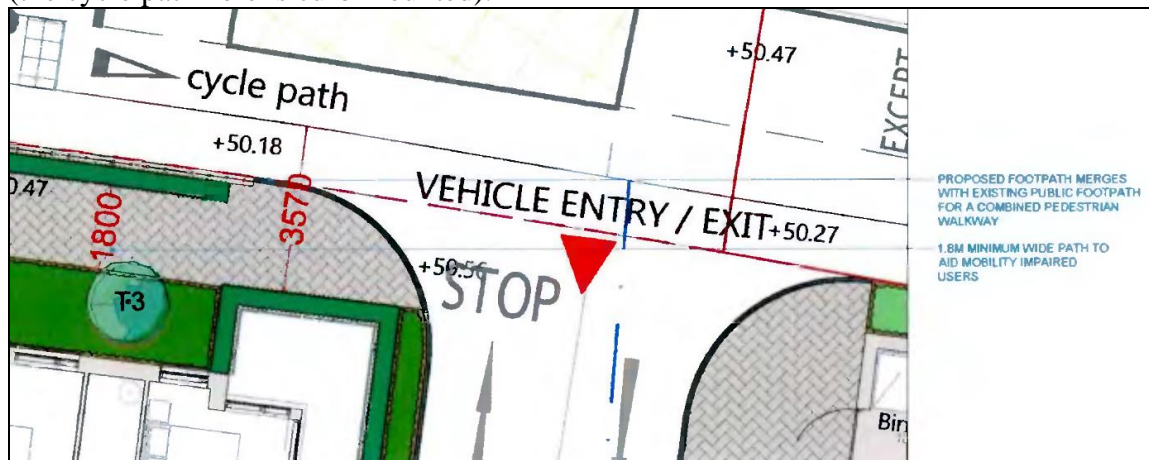
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construction details of all items to be taken in charge. No development shall take place until these items have been agreed.

4. Prior to commencement of development, the applicant shall submit a developed Construction Traffic Management Plan for the written agreement of the Planning Authority.
5. 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. Showing number of loads, haulage routes, times of works, etc.

Access Junction

In relation to item 1(3) in particular, it is noted that the drawings submitted show a broad junction radius going through a full 90 degree turn within the site, inside the public footpath and cycle path (the cycle path here is curb mounted).



Extract from applicant's Site Layout. Note that the public footpath and cycle path are in white to the north of the internal footpath within the site.

The curved corner section of the junction corner should be located at the curb edge, i.e. on the public footpath and cycle path, and not within the site, behind these features. The above layout should be altered and this can be done by way of a **clarification of additional information**. It is noted that the cycle path is curb-mounted here, and any proposal to locate the junction stop line 'behind' the cycle path should be explicitly laid out in drawings, and, would likely require that the cycle path is lowered to carriageway grade.

The applicant's proposal for the footpaths is to have a 3.57m footpath area but with segregation features (hedging) at the edge of the property boundary. This creates a parallel throughway within the site. Of particular concern is the risk that the private footpath may at a later stage be judged to require fencing and restrictive access points, which would detract significantly from the streetscape. It is considered more appropriate to provide a single, wider, footway at this location, without segregating features. It may be appropriate that this footway is taken in charge and adequate privacy strip provided. The applicant may wish to provide **clarification of additional information**.

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Item 2

The applicant is requested to address the following matters in relation to the standard of accommodation that would be provided to ensure a satisfactory living environment for prospective residents:

- (1) Section 3.21 of the Apartment Guidelines (2020) states that the suggested minimum floor to ceiling height should be 2.4m. Having regard to this the applicant is requested to increase the floor to ceiling height in the top floor to 2.4m. Revised sections should be submitted to demonstrate this.
- (2) Section 3.37 of the Apartment Guidelines (2020) states that a minimum depth of 1.5m is required for balconies. The wrap around balconies in their current form do not meet the 1.5m depth. The applicant is requested to provide revised plans demonstrating that each balcony meets this requirement.

Response

- (1) The applicant has raised the ceiling of the top floor by 0.1 metres. The space is taken from the ceiling void at ground level and the building height does not change.
- (2) The applicant has proposed to increase balcony depths to fulfil this request. The applicant states that the wrap-around corner balconies to the north-east of the site do not entirely meet the minimum depth on all sides, but the parts that do meet the minimum depth exceed minimum space requirements of 5m². This is due to the wayleave to the east of the building, which prevents balcony placement there.

Assessment

- (1) This is an acceptable response to the request item.
- (2) The balconies to the north-west of the building have been increased in depth to meet minimum standards, though the dimensions are not labelled on the drawings. The balconies to the north-east wrap around the corner of the building; to the north, they measure 1.8m by 2.8 m (5.04m²), although these dimensions are not labelled on the drawings submitted. To the east of the building, the balcony is less than 1.5m in depth. At ground level, these balconies serve a 2-bedroom unit which is also served by a rear terrace (5m²) and so between these two areas, adequate private amenity space is provided without needing to take the east-facing balcony into account. On upper floors, the balcony serves 1-bedroom units for which the minimum private amenity space is 5m² as per the 2020 apartment guidelines. This is acceptable; however, the applicant should provide dimensions for these balconies on drawings, by way of **clarification of additional information**, for the Planning Authority's records and to clarify in the event of a grant of permission, what has been granted.

Item 3

Given the proposed siting of the bin storage unit, in particular on the north-western side of the site in close proximity to an existing residential property and a proposed toddler play/seating area, that would also be visible from the street, the applicant is requested to submit the following information:

- (1) A waste management plan and measures to prevent access from non-residents given the proximity of the storage units to the street.

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- (2) Details of the capacity of the bin storage units to accommodate enough bins, including general waste, recycling, and organic waste, for the number of units proposed and to comply with waste management standards.
- (3) Details of the design of the storage units to include ventilation and measures to reduce odours.
- (4) Details of screening to reduce the visual impact.

Response

The applicant has provided a Waste Management Plan showing the necessary capacity and proposed access controls for the bin stores. The Plan and an amended Site Layout Plan show arrangements for collection of waste within the site.

Design of storage units is shown to include ventilation measures, and screening to the road.

Assessment

The Waste Management Plan provides for bins from both bin stores to be taken to collection areas within the site prior to collection. Bins from the north-west bin store are proposed to be taken to the car park to the rear, while bins from the north-east bin store are proposed to be left just outside the store. This is a considerably more difficult arrangement than simply providing for bin stores to the rear of the site – where they would preferably be located, away from the street – and having them collected there.

There are other issues that require clarification as detailed in this report. It is considered that the applicant should also assess alternative arrangements for the location of a bin store (or stores) to the rear of the site, and if this is not feasible due to site constraints or impact on resident amenities, show this as **clarification of additional information**, or otherwise present such a layout.

Screening for Appropriate Assessment

The applicant has submitted an Appropriate Assessment Screening Report in support of the application. Having regard to the information submitted to the Planning Authority, the distance of the proposed development from any Natura 2000 sites and the absence of a hydrological connection to any Natura 2000 sites, it is not likely that the proposed development would have a significant impact on any Natura 2000 sites, either individually or in combination with any other plan or project, and therefore a Stage 2 Appropriate Assessment would not be required.

Screening for Environmental Impact Assessment

A mandatory EIAR is not required by Schedule 5 of the Planning and Development Regulations 2000 (as amended) for this development. Having regard to the nature and scale 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.

Conclusion

The submission provided by the applicant does not adequately answer the Roads Department concerns. Additionally, an alternative location for bin stores is preferable, and the revised design of balconies should be confirmed with dimensioned drawings. Some of the issues are in relation to

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design and could be conditioned, however, the inadequacy of the TTA can not be addressed though condition.

Recommendation

I recommend that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant with regard to the following:


1. (a) The applicant is requested to clarify their response to Item 1(1). The Roads Department reiterates that a Traffic and Transport Assessment of the development is required which takes account of the impact of the development on the surrounding network - in particular capacity analysis and junction analysis as appropriate. The applicant is requested to carry out a TTA.
(b) The applicant is requested to clarify their response to Item 1(3) and clarify the proposed arrangement of the junction. The drawings provided suggest that the curved corner of the junction will be contained entirely within the site - this would be an inappropriate arrangement given the public footpath and cycle path. Works will be required outside the red line of the planning application, i.e. in the public domain, and the applicant should propose a junction layout which includes such works. The sightlines provided should also be adjusted if the position of the 'stop' line changes, as necessary.
(c) The applicant is requested to clarify how the footpath to the front of the development will interact with the public footpath, to ensure that there are not segregating features between the two, that privacy strips as necessary are provided within the site, and to show which areas should be taken in charge.
2. The proposed alterations to the balconies are acceptable. The applicant is requested to clarify the new dimensions as proposed, by indicating these dimensions on architectural drawings.
3. The applicant is requested to clarify the arrangement for bin storage and collection. The proposed layout and arrangements suggest the location of bin stores to the front of the site, and collection from within the site to the rear. The Waste Management Plan provides for bins from both bin stores to be taken to collection areas within the site prior to collection. Bins from the north-west bin store are proposed to be taken to the car park to the rear, while bins from the north-east bin store are proposed to be left just outside the store. This is a considerably more difficult arrangement than simply providing for bin stores to the rear of the site – where they would preferably be located, away from the street – and having them collected there.
The applicant is requested to assess alternative arrangements for the location of a bin store (or stores) to the rear of the site, and if this is feasible or not considering any site constraints or impact on resident amenities.

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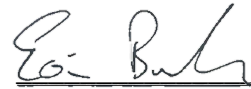
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REG. REF. SD21A/0101

LOCATION: Nutgrove Avenue, Rathfarnham, Dublin 14




Jim Johnston,
Senior Executive Planner



Eoin Burke,
Senior Planner

ORDER: I direct that **CLARIFICATION OF ADDITIONAL INFORMATION** be requested from the applicant as set out in the above report and that notice thereof be served on the applicant.

Dated: 18 October 21



Mick Mulhern, Director of Land Use,
Planning & Transportation