

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## Record of Executive Business and Chief Executive's Order

**Reg. Reference:** SD21A/0148

**Application Date:** 04-Jun-2021

**Submission Type:** Additional  
Information

**Registration Date:** 06-Dec-2021

**Correspondence Name and Address:**

Lotts Architecture & Urbanism Ltd. 22, South  
William Street, Dublin 2

**Proposed Development:**

The refurbishment of Katherine Tynan House, or 'Whitehall', a Protected Structure (RPS ref.197), with change of use from disused dwelling to community centre. Works will entail refurbishment of the roof and external walls; reinstatement of windows and external doors; ceilings and floors; reinstatement of a conservatory and glazed porch (10sq.m and 5sq.m respectively); new internal stairs and doors; new services and sanitary accommodation; two new single storey open-fronted structures on part of the footprint earlier outbuildings with an enclosed area for toilets (534sq.m); refurbishment of historic garden walls and gates; upgrading of the existing non historic entrance and approach from the Ballymount Road; and provision for parking on site.

**Location:**

The Katerine Tynan House, Ballymount Road,  
Kingswood, Dublin 24

**Applicant Name:**

Hibernia REIT Holdco Two Limited

**Application Type:**

Permission

(BH)

### **Description of Site and Surroundings**

#### Site Description

The application site consists of a derelict detached dwelling known as Katherine Tynan House which is a protected structure. The site is surrounded by agricultural fields on all sides and is access from Kingswood Avenue off the Ballymount Road. Tallaght Fire Station is located to the west and residential properties are located on the opposite side of the Ballymount Road to the east.

#### Site Area

Stated as 2.875 Ha.

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### **Proposal**

The proposal consists of the following:

- The refurbishment of Katherine Tynan House, or 'Whitehall', a Protected Structure (RPS ref.197)
- **Change of use from disused dwelling to community centre**
- Works include the following
  - refurbishment of the roof and external walls
  - reinstatement of windows and external doors
  - ceilings and floors
  - reinstatement of a conservatory and glazed porch (10sq.m and 5sq.m respectively)
  - new internal stairs and doors
  - new services and sanitary accommodation
  - two new single storey open-fronted structures on part of the footprint earlier outbuildings with an enclosed area for toilets (534sq.m)
  - refurbishment of historic garden walls and gates
  - upgrading of the existing non historic entrance and approach from the Ballymount Road
- Parking

### **Zoning**

The site is subject to zoning objective 'RU' – 'To protect and improve rural amenity and to provide for the development of agriculture'.

### **Consultations Received**

An Taisce – no objection

Architectural Conservation Officer – no objection subject to conditions

Community – no response received

EHO – no objection

Parks – Additional Information

Roads – Refusal/Additional Information

Waste Management – no response received

Water Services – Additional Information

Heritage Officer – no response received

Fáilte Ireland – no response received

Heritage Council – no response received

Irish Water – no objection

Arts Council – no response received

### **Screening for Strategic Environmental Assessment:**

Indicates overlap with the following layers:

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

- Protected Structure – No. 197
- Rural 2016

### **Submissions/Observations/Representations**

Submission expiry date: 8<sup>th</sup> July 2021.

Submissions have been received that have raised the following concerns:

- Restoration and community use welcomed
- Exhibition space should be included
- Gate lodge should be restored
- Samples of any remaining materials should be taken and used in proposal
- Heritage fruit and vegetables should be used, surveys should be carried out
- Protection of flora and fauna
- Site clearance works should be supervised by a professional
- Site should be handed over to SDCC and incorporated into Ballymount Park
- An Taisce and Heritage Ireland should be consulted
- Kingswood Heights already has a community centre
- Site entrance on Ballymount Road, construction traffic should use other entrances on the Belgard or Naas Roads
- Proposal should be heritage led, a national literary heritage site
- Energy efficiency
- Security fence in appropriate
- Bicycle stands, bollards too modern

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

### **Relevant Planning History**

**SD07A/0928**

Temporary retention permission (for a period of 36 months) granted for development at this site (0.64ha approximately), adjacent to Whitehall House (protected structure), Ballymount Road, Dublin 24. The temporary development consists of a hardcore access road, an area of hardstanding, (both of which facilitate the storage of topsoil from the Lansdowne Road Stadium redevelopment) and areas of mounded topsoil. The entrance to the access road is via an existing agricultural entrance, off Ballymount Road, and the access road runs for 135 meters approx. It is proposed as part of this application to landscape the site and to reinstate the entire site to its original state on the expiry of the temporary permission.

### **Pre-Planning Consultation**

None recorded for this development.

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### **Relevant Policy in South Dublin County Development Plan 2016 – 2022**

#### **Section 3 Community Infrastructure**

Policy C1 Community Centres

Policy C13 Accessibility

#### **Section 4 Economic Development & Tourism**

Policy 8 Heritage, Culture and Events Tourism

#### **Section 6 Transport & Mobility**

Section 6.4.4 Car Parking

Policy TM7 Car Parking

#### **Section 7 Infrastructure & Environmental Quality**

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

Section 7.5.1 Waste and Resource Policy and Legislation

Policy IE5 Waste Management

#### **Section 8 Green Infrastructure**

Policy 2 Green Infrastructure Network

Policy 5 Sustainable Urban Drainage Systems

#### **Section 9 Heritage, Conservation and Landscapes**

Policy HCL3 Protected Structures

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

#### **Section 10.0 Energy**

Policy E3 Energy Performance in Existing Buildings

#### **Section 11 Implementation**

Section 11.1.1 Land Use Zoning Tables

Section 11.4.1 Bicycle Parking Standards

Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards

Table 11.23: Maximum Parking Rates (Non-Residential)

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

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

Section 11.5.2 Protected Structures

Section 11.6.1 (i) Flood Risk Assessment  
Section 11.6.1 (ii) Surface Water  
Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)  
Section 11.6.1 (iv) Groundwater  
Section 11.6.1 (v) Rainwater Harvesting  
Section 11.6.1 (vi) Water Services  
Section 11.6.3 Environmental Hazard Management  
Section 11.6.3 (i) Air Quality  
Section 11.6.3 (ii) Noise  
Section 11.6.3 (iii) Lighting  
Section 11.6.5 Waste Management

Section 11.7.0 Energy

Section 11.8.1 Environmental Impact Assessment  
Section 11.8.2 Appropriate Assessment

### **Relevant Government Guidelines**

**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.

**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).

### **Assessment**

The main issues for assessment are the following:

- Zoning and Council Policy

# Comhairle Chontae Atha Cliath Theas

PR/0045/22

## Record of Executive Business and Chief Executive's Order

- Impact on Protected Structure
- Visual amenity
- Residential Amenity
- Parking and Access
- Services, Drainage and the Environment
- Landscaping and Public Realm
- Ecology
- Screening for Appropriate Assessment
- Screening for Environmental Impact Assessment

### Zoning and Council Policy

The application site is subject to zoning objective 'RU' – 'To protect and improve rural amenity and to provide for the development of agriculture'. The proposal seeks a change of use from a disused residential dwelling to a community centre. A community centre is listed as 'open for consideration' under the RU zoning objective. Land uses that are listed as 'open for consideration' in the land use zoning tables may be acceptable subject to detailed assessment against the principles of proper planning and sustainable development, and the relevant policies, objectives and standards set out in this Plan. Proposed uses in this category will be subject to full assessment on their own merits and particularly in relation to their impact on the development of the County at a strategic and a local level. Such uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan. In addition to this Section 11.5.2 (iii) of the CDP allows a certain degree of flexibility in the change of use of a protected structure to help safeguard the ongoing use and preservation of the structure.

With regard to Council Policy, policy C1 Community Centres of the CDP is relevant and states that it is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities. The site is located in close proximity to the established Kingswood area which consists of residential properties, schools, a GAA club and park. Therefore, the principle of a community centre to provide facilities would generally be welcomed and seen as a positive addition. However, it is noted that there is already an established community centre located approximately 600m to the west of the application site within the Kingswood area adjacent to Tynan Hall Park. The applicant has not provided any information on the background to the proposal, how they intend the facility to be managed and operated in the future, the levels of access that would be afforded to local people including facilities and services, and importantly what the potential impact on the existing community centre could be. The proposed floor plans show that there would be rooms allocated to 'Activity Rooms', 'General Areas', 'Storage' and 'Outdoor Activities' but has not provided any more information. Whilst the principle of a community centre would generally be welcomed and is considered positive in principle, given the lack of information provided and the requirements of policy C1, it is considered necessary for the applicant to address these issues through the submission of **additional information**. This is considered important to allow a full

# Comhairle Chontae Atha Cliath Theas

PR/0045/22

## Record of Executive Business and Chief Executive's Order

assessment of the proposal to take place in the site and surrounding context and to ensure the viability of a community centre in this specific location.

### **Impact on Protected Structure**

Of particular importance is the fact that the dwelling is a protected structure and therefore significant regard must be had to the impact that the proposal would have on the protected structures character and setting. 'Whitehall House' Former Katharine Tynan's House is referred to in the Council's Record of Protected Structures - Schedule 2 of the South Dublin County Development Plan 2016-2022 under Map Ref. No. 197. The SDCC Architectural Conservation Officer (ACO) has assessed the proposal and has no objections subject to conditions. ACO comments are set out in full below:

*The proposed development consists of the refurbishment of 'Whitehall' House, a Protected Structure, detailed above with change of use from disused dwelling to Community Centre. Works will entail refurbishment of the roof and external walls; reinstatement of windows and external doors; ceilings and floors; reinstatement of a conservatory and glazed porch (10sq.m and 5sq.m respectively); new internal stairs and doors; new services and sanitary accommodation; two new single-storey open-fronted structures on part of the footprint earlier outbuildings with an enclosed area for toilets (534sq.m); refurbishment of historic garden walls and gates; upgrading of the existing non historic entrance and approach from the Ballymount Road; and provision for parking on site.*

*Pre-planning details were submitted directly to the Councils Architectural Conservation Officer, by way of providing details of the initial concept and reuse of the existing Protected Structure. Details of remedial repairs have been previously assessed as part of an application under the Built Heritage Investment Scheme 2021 by the undersigned. The application was successful for the essential remedial repair to Whitehall House and as such these works will be done in accordance with the details submitted as part of the BHIS 2021 application. This application is in addition to the remedial repair works to safeguard the structure and will allow the full refurbishment and reuse of the existing building, which is very much welcomed.*

*The proposed development will provide for a new use and the necessary conservation and repair works along with other additional works to allow the full enhancement and use of the site as a Community Centre with the addition of open-fronted structures, facilities and upgrading of a secondary vehicular entrance to provide vehicular access to the site with the provision of on-site parking. The proposals included for the refurbishment and energy upgrading of the existing structure have been particularly well considered and ensure that there is minimal intervention and the retention of as much as the original built fabric as possible along with the reinstatement of historical architectural features.*

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

*An Energy and Sustainability Report has been completed and submitted as part of the planning application, which sets out the energy design approach proposed. This will be primarily through passive strategies to obtain the desired energy goals, while reducing running costs. The performance criteria relating to the developments building envelope are set out in the Energy and Sustainability Report.*

*The refurbishment of the existing 'Whitehall House' (RPS Ref. 197) will entail repairs to the roof, external walls, ceilings and floors along with the reinstatement of windows and external doors. The reinstatement of a conservatory and glazed porch, new internal stairs and doors, new services and sanitary accommodation. It is also proposed to provide two new single-storey open-fronted structures on part of the footprint of earlier outbuildings with an enclosed area for toilets. It should be noted as the existing building is a Protected Structure it is technically exempt from achieving Part L compliance due to its status, the re-development will strive to meet the minimum requirements outlined in Part L (Section 2, 2017) wherever achievable. This is particularly welcomed as part of national climate change policy, along with the conservation, repair and adaptive reuse of a Protected Structure.*

*An architectural impact assessment of the proposed work has been prepared and submitted as part of the planning application. This report details the proposed works and provides an assessment on the overall impact. The Assessment Report also includes a Schedule of Proposed works including interventions. A rationale for the works and a method statement have also been included. It is considered that the works proposed shall adhere to the best practice and be carried out in accordance with the methodology provided.*

*On assessing the proposed works and information provided in the Architectural Impact Assessment Report it is considered that the proposed works and mitigating measures have been well considered to ensure minimal intervention to the original built fabric. The proposal allows for the conservation and reuse of the existing ruinous dwelling, which is important historically and socially. The adaptive reuse and repurposing of the existing house ensures the reuse of the existing building which has stood vacant for over a decade and is now in a state of disrepair. The reinstatement of original architectural features is proposed, which will result in the original type porch and conservatory being reintroduced along with other architectural elements.*

### Conclusion

*The proposed works provide an opportunity to revive the use of the existing house and to enhance the site allowing it to be used by the community whilst securing a sustainable future. The restoration and reinstatement works are based on documentary and physical evidence. The proposed additions are intended to enhance the historic structure by providing a covered outdoor space for community use without compromising the significance.*



# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

*The gate lodge does not form part of the proposed development; however, it is considered that the gate lodge should be made safe and secured. The retention and refurbishment of garden features, walls and gates are included in the proposal. The gardens are to be made available to the community for horticultural activities, this is particularly positive and will enhance the enjoyment and use of the site. An existing secondary entrance will be used to provide access to the site rather than proposing changes to the original entrance. The gates at the secondary entrance will be upgraded and a pedestrian path will be provided to one side of the road connecting the gate with the historic avenue near the house.*

*The proposed development allows for the conservation and continued protection of the existing Protected Structure along with the adaptive and sensitive reuse of the structure for a Community Building. The reuse of the existing building promotes the sensitive reuse and upgrading of a Protected Structure and a long-term use for the site. It is felt that the proposed development has been well considered in accordance with good conservation practice and principles to achieve a high quality sustainable development.*

### **Conclusion**

The assessment, comments, and recommended conditions from the ACO are noted. The fact that the Protected Structure would be refurbished can be given significant weight and is welcomed. Therefore, subject to the conditions recommended by the ACO it is considered that the proposal would be acceptable in terms of the impact on the protected structure.

### **Visual Amenity**

In terms of visual amenity, the potential impact largely rests on the refurbishment works and how these would affect the character and appearance of the protected structure which has already been assessed in the previous section and found to be acceptable subject to conditions. It is however noted that a 2.5m tall palisade fence is proposed around the site boundary. This has also been referred to as 3m tall in the landscaping report. However, no details of this fence in terms of elevations or materials have been submitted in support of the application. Given the fact that the site including the curtilage is protected it is considered important to see details of this fence upfront as a more suitable boundary treatment may be required. This is recommended to be secured as **additional information**.

### **Residential Amenity**

Given the separation distances between the application site and nearest residential property, it is not considered that the proposal would be materially harmful to residential amenity.

### **Parking and Access**

The Roads Department has assessed the proposal and has raised significant concerns with comments provided below:

# **Comhairle Chontae Atha Cliath Theas**

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### Vehicular Access

The proposed development falls under RU zoning objectives ‘To protect and improve rural amenity and to provide for the development of agriculture’. The proposed vehicular access which is an existing farm access off the Ballymount road at the southern end of the proposed development directly opposite of Kingswood Avenue junction. The applicant has submitted visibility splays of 2.4m x 70m in both directions to the centre of the road from the proposed entrance. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).

The applicant submitted sightlines are being restricted by a hedgerow and mature trees to either side of the proposed access which eliminates sightlines in both directions from the entrance. It is also noted that the applicant cannot acquire the required sight lines at the proposed access as the red line boundary is behind the green area of the road frontage which is not in the applicant ownership. SDCC require the applicant to submit a revised access layout showing the required site lines in both directions at the proposed access. SDCC require the applicant to acquire the land at the proposed access in order to improve the entrance radii for emergency vehicles and sightlines for the visibility envelope in both directions.

### Traffic and Transport Assessment

There is no traffic and transport assessment submitted with this application. TTA report is required to assess the traffic impacts of this development.

### Bin storage & Collection

The applicant shall provide information with regards to their proposed bin/waste collection arrangement and bin storage and collection locations, including auto track analysis showing how bin truck can access and egress the site safely.

### Internal Layout

The proposed drawing does not contain sufficient information for Roads Department to assess. Essential attributes are not showing on the proposed drawings such as, provision vehicular parking spaces for electrical, access dimensions and footpath and roads dimensions. It is not clear how fire engines and emergency vehicles can access the back of the development during emergencies. The applicant shall submit revised drawings addressing the above requirements.

### Pedestrian Routes

The applicant shall submit a revised layout showing, a pedestrian footpath of 1.8m width starting from the front access to the back end of the development.

### Car Parking

The maximum SDCC car parking provision requirements are in table 11.23 of the County Development Plan. Based on these guidelines the maximum spaces required in zone 1 is 1 per

# Comhairle Chontae Atha Cliath Theas

PR/0045/22

## Record of Executive Business and Chief Executive's Order

25sq.m GFA. The proposal is for 13 spaces including 1 mobility impaired. The applicant has reserved area for spill over parking. The Roads Department is satisfied with the level of car parking provision at this proposal.

### Bicycle Provision

The minimum SDCC bicycle parking provision requirements are in table 11.22 of the County Development Plan. Based on these guidelines the minimum spaces required is 1 per staff (Long Term) and 1 per 100sq.m GFA (Short Term).

The proposal is for 16 spaces. This provision is satisfactory to the Roads Department. All bicycle parking spaces must be covered to protect bicycles for inclement weather.

### Construction and Operational Management Plans

There will be a need for a Construction, Waste and Demolition Plan. There will be a need for a Construction Traffic Management Plan. There will be a need for a Mobility Plan for the operational phase of this development.

### Public Lighting

Site and Public Lighting design has been submitted with this application. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.

### Road Construction Details

The road carriageway construction details are not in accordance with **Appendix 6 of the SDCC Taking in Charge** Recommendations for road construction. The depth and specification of road materials still apply irrespective of whether the road is to be Taken in Charge. Gravel finished carriageway is not a recommended surfacing material. The applicant has submitted roads layouts showing swept path analysis for fire tender access. The analysis shows the road widths and turning Radii to be narrow for emergency and refuse vehicles when negotiating a turn. The road widths and Radii shall be improved to provide more manoeuvrability around corners and turns.

### Conclusion

The Roads Department has raised some significant issues with the proposal and has recommended that the application should be refused or that additional information be sought from the applicant to address the concerns. These matters include the lack of visibility at the access, the lack of manoeuvrability for emergency and refuse vehicles and pedestrians, car and bicycle parking, the construction details of the road layout, and bin collection arrangements. Whilst it is noted that the issues raised are significant, it is considered reasonable to afford the applicant the opportunity to address them through the submission of **additional information** given the fact that the proposal would see the refurbishment of a derelict protected structure.

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### **Services, Drainage and the Environment**

Water Services has assessed the proposal and has no objections in relation to flooding but has requested further information on surface water regarding percolation test results, surface types and areas, and water butts. It is recommended that these matters are addressed through the submission of **additional information**.

Irish Water has assessed the proposal and has no objections subject to standard conditions in relation to water and foul water.

### **Landscaping and Public Realm**

The Public Realm Section has assessed the proposal in relation to trees, landscaping, and public realm and has provided comments regarding the design of the public and communal spaces, the strengthening of green infrastructure links in particular with the adjoining farms and Ballymount Park so that new wildlife corridors are created and existing ones are protected, that the arboricultural method statement and tree protection strategy are implemented in full, and that further landscaping details are submitted including additional tree planting along the original approach. Public Realm has recommended conditions regarding landscaping, green infrastructure, biodiversity management, a bat survey, the retention and protection of existing mature trees, a tree bond, details of SuDS, and the retention of a landscape architect and arborist.

### **Conclusion**

The comments and suggested conditions from the Public Realm Section are noted. With the exception of the bat survey, it is considered that the remaining items could be secured by conditions and the principles set out in the landscaping plan could be developed further.

### **Ecology**

Given the site context and age of the building the site could be capable of providing roosts and foraging routes for bats and other species. The applicant has not provided any information or surveys and therefore an ecological survey to include the building and surrounding area for bats and other wildlife is recommended to be sought as **additional information**.

### **Screening for Appropriate Assessment**

The applicant has provided an Appropriate Assessment Screening report in support of the proposal. The report concludes that significant effects are not anticipated via surface water, groundwater, or land/air pathways on the identified SACs and SPAs. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no likelihood of significant effects on the environment

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

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 fact that the applicant is proposing to restore a derelict protected structure and bring it back into use is considered positive and can be given significant weight in terms of planning merits. However, further clarification on the proposed use is required including management arrangements and the levels of access that would be afforded to the community given the site context and since there is an existing community centre located only 600m away. There have also been some significant issues raised by the Roads Department that need to be addressed as well as issues concerning surface water, the boundary treatment and ecology. It is recommended that additional information is sought from the applicant to allow the planning authority to conduct a full assessment of the proposal.

### **Recommendation**

Request Additional Information.

### **Additional Information**

Additional information requested on 29<sup>th</sup> June 2021 and received on 6<sup>th</sup> December 2021.

### **Further Consultations**

Environmental Services	No objection, subject to conditions.
Public Realm	No objection, subject to conditions.
Roads	No objection, subject to conditions.
SDCC Architectural Conservation Officer	No objection, subject to conditions.

### **Further Observations / Representations / Submissions**

None.

### **Assessment of Additional Information**

#### **Item 1**

Whilst the principle of a community centre is generally considered to be acceptable and weight can be given to the fact that the proposal would see the refurbishment of a protected structure, there are concerns with the lack of information submitted in relation to the proposed community centre use in the context of the site and surrounding area. Given the requirements of policy C1 Community Centres of the SDCC County Development Plan (2016-2022), the applicant is requested to submit the following information to enable the planning authority to undertake a full assessment of the proposal.

(a) A full rationale for the proposed community centre use and full details of who exactly the proposal would cater for including activities proposed and levels of access for local people;

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

- (b) Details of how the proposed community centre is anticipated to operate and be viable in the future given the fact that there is an existing community centre located approximately 600m away from the application site; and
- (c) Full details of the proposed management arrangements of the community centre.

### Response

The applicant has provided a written rationale for the proposed community centre use and details of its availability. The centre will be available for use by any local group wishing to book a space; the rationale states that the catchment for the centre would be wider than that of the existing centre due to the “unique historical and cultural setting of Katharine Tynan House.”

The written response notes the following activities proposed to take place in the centre:

- educational purposes for all ages
- poetry and literary readings
- horticulture classes
- youth cafés and youth programmes.
- meeting space for local people and organisations
- promotion of Heritage and history of South Dublin
- Indoor/Outdoor Events space
- yoga/Pilates
- meeting space
- general recreation space for children and families in a supervised setting
- art and crafts exhibitions and displays
- studio space for art and craft classes.
- farmers'/Sunday market
- hosting events in celebration of appropriate festivals such as Red Line Book Fest or One Dublin One Book.
- community allotments

The written rationale also details management arrangements. The building is proposed to be managed by a building management committee comprising representatives of Hibernia (the applicant) and local community organisations. The actual makeup of this group is not specified. The management committee would appoint a centre/building manager and the day-to-day management of the building would be undertaken by a combination of paid and unpaid staff members. The building would be staffed at all times during opening hours, which are envisaged to be 9am to 9pm.

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### Assessment

The above rationale is noted. The provision of a community centre is welcomed on the basis of the proposed activities; other activities on site should be occasional or ancillary to the activities outlined in the letter from Hibernia REIT plc, dated 1<sup>st</sup> December 2021. This can be provided for by **condition**.

### **Item 2**

There are contradictions in the height proposed of the palisade fence on the site boundary within two separate documents submitted with the application. In addition to this no details on elevations to show the fence or details of the materials proposed have been submitted. Given the protected nature of the site it is considered that full details of the fence are required to be submitted. Given the requirements of Policy HCL3 of the SDCC County Development Plan (2016-2022), the applicant is also requested to consider a more sympathetically designed boundary fence that would be more appropriate to the protected structure and its curtilage which is also protected.

### Response

The applicant has provided a sample elevation of the fence and proposed to retain the design choice of a 3m security palisade fence. The applicant states that due to the distance from the house, the fence will have no negative impact on the character of the structure and its curtilage.

### Assessment

The applicant has not proposed and does not appear to have considered a more sympathetic boundary treatment. The proposed boundary (and site boundaries in general) would cut across existing field boundaries and access points. The design should be more sympathetic, and it is considered that such a design can be agreed by **condition**, with agreement from the Public Realm Department and Conservation Officer.

### **Item 3**

The Roads Department has raised a significant number of traffic and transport issues with the proposal. The applicant is requested to submit a response to the following items.

(1) a revised layout showing vehicular/pedestrian access for the proposed development with sufficient visibility envelope in both directions and 6m width and radii to facilitate access for emergency vehicles and bin trucks.

(2) a revised layout showing 5% of vehicular parking provision for mobility impaired users, and 10% vehicular parking provision equipped with electrical charging points.

(3) a revised layout showing the car parking, bicycle parking and pedestrian routes within the development.

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

(b) Footpath layout shall provide adequate connectivity around the development and footpaths on the main road.

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

(4) a revised layout showing a swept path analysis showing emergency vehicle can access at the far edge of the development.

(5) a revised layout showing internal road width of 6m as a shared road surface or 1.8m pedestrian footpath and 4.2m road surface. Radii should be improved to provide more manoeuvrability around corners and turns for emergency and refuse vehicles.

(6) a revised layout showing that the road carriageway construction details are in accordance with Appendix 6 of the SDCC Taking in Charge standard as Recommended for road construction.

(7) information regarding the proposed bin/waste collection arrangement and bin storage and collection locations, including auto track analysis showing how bin truck can access and egress the site safely.

### Response

The applicant has provided written responses and technical drawings to address this condition, and these have been assessed by the Roads Department.

### Assessment

The Roads Department report notes acceptance of all points with the exception of point (5), for which their report states:

The applicant has submitted roads layouts showing swept path analysis for fire tender access. The analysis shows the road widths and turning Radii to be slightly narrow for emergency vehicles when negotiating a turn at the proposed access. The road widths and Radii shall be improved to provide more manoeuvrability at the access road for emergency vehicles.

The report recommends the following condition (among 10 conditions):

“Prior to commencement of development, the applicant shall submit a revised layout and a swept path analysis showing, the site main access road widths and radii improved at the entrance for fire tender access.”

The proposed junction kerb line radii at the entrance is 6 metres. In line with advice in the DMURS guidance, this should be acceptable provision for occasional movements by larger vehicles. It is considered appropriate that the final layout at the entrance be agreed in compliance, with reference to appropriate mechanisms for handling occasional manoeuvres by larger vehicles as per DMURS Manual, figs. 4.43 and 4.44.

The other recommendations of the Roads Report are accepted.



# Comhairle Chontae Atha Cliath Theas

PR/0045/22

## Record of Executive Business and Chief Executive's Order

### Item 4

The Water Services Department has raised concerns regarding surface water. The applicant is requested to provide the following information to address these concerns:

- (a) a report to show percolation test results for location of proposed soakaway as per BRE Digest 365 Standards.
- (b) a report to clarify the area of hard standing buildings, permeable paving if any, grasslands and other surface types with their respective runoff coefficients.
- (c) details of water butts as part of SuDS (Sustainable Drainage System).

### Response

The applicant has provided a written and technical response, which has been assessed by the Environmental Services Department.

### Assessment

The Water Services report reads as follows:

1.1 Proposed surface water attenuation of 137m<sup>3</sup> is undersized by approximately 73% (or undersized by 109m<sup>3</sup>). Prior to commencement of development submit a revised drawing showing increased surface water attenuation. Additional surface water attenuation should be provided by means of SuDS (Sustainable Drainage Systems) and not by increasing attenuation capacity of underground arched type system. Examples of SuDS include swales, permeable paving, filter drains channel rills and other such SuDS. Proposed revised SuDS surface water attenuation shall be agreed with Water Services of South Dublin County Council prior to commencement of development.

1.2 Prior to commencement of development submit a revised report to clarify the area of hard standing buildings, roads, permeable paving, grasslands and other surface types with their respective runoff coefficients. The report shall show how surface water attenuation requirements are calculated. Include Met Eireann rainfall for the site, SAAR value (Standard Annual Average Rainfall) and soil value for the site.

1.3 Include water butts in proposed development as part of SuDS (Sustainable Drainage System).

It is considered that, given the protected nature of the building, the forced provision of water butts by way of planning condition is not appropriate. Otherwise, the proposed **conditions** are considered acceptable.

### Item 5

Given the historical nature of the building, the fact that it is derelict and the site context, as well as the requirements of policy HCL15 of the SDCC County Development Plan (2016-2022), the

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

applicant is requested to submit a full ecological survey that should include but not be limited to a bat survey. The ecological survey should include biodiversity management proposals and mitigation measures.

### Response

The applicant has provided an Ecological Impact Assessment report, prepared by Malin Lundberg, Ecologist. The report identifies:

- Potential disturbance/harm to treeline habitat to protected species that may inhabit due to construction phase damage.
- Pollution of the drainage ditch and impact on amphibians;
- Disturbance of commuting and foraging terrestrial mammals and bats, and potential accidental fatal entrapment of terrestrial mammals, during construction;
- Disturbance of badgers during construction should they return to the 'inactive' sett.
- Spread of invasive species during construction;
- Light causing disturbance to bats and reducing quality of local habitats during operation.

The report proposes mitigation measures in relation to all of the above, including in construction phase:

- Sediment control measures;
- Pollution control and spill prevention;
- Tree and hedgerow protection measures (as per Arboricultural Impact Assessment);
- Mitigation for breeding birds (remove vegetation outside of nesting season);
- Safety measures to avoid harm to animals on-site;
- a pre-construction badger survey (and specific measures if badgers are discovered to be using the sett);
- eradication of snowberry prior to works;

And in the operational phase:

- lighting design, hours of illumination and light levels to avoid impact on bats, and as per 2018 guidelines from the Bat Conservation Trust and the Institution of Lighting Professionals (UK).

The report includes recommended enhancements as mitigation measures also. These are:

- 2 no. artificial bat roosts;
- Planting as per the All-Ireland Pollinator Plan.

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### Assessment

The potential impact of the development is mostly in the construction phase. A Construction Environmental Management Plan should be agreed with the Planning Authority and should include the measures identified in the EcIA.

Lighting design on the site should be agreed by **condition** with the Public Lighting and Public Realm sections of the council prior to development.

The above measures should be provided for by **condition**.

### **Screening for Appropriate Assessment**

The applicant has provided an Appropriate Assessment Screening report in support of the proposal. The report concludes that significant effects are not anticipated via surface water, groundwater, or land/air pathways on the identified SACs and SPAs. Having regard to the nature of the development, connection to public services and the distance from the Natura 2000 sites the proposed development would not require a Stage 2 Appropriate Assessment.

### **Screening for Environmental Impact Assessment**

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no 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.

### **Other Considerations**

#### **Bonds & Contributions**

The proposed development is for a recreation centre.

The proposed development provides for:

**Change of use of a protected structure** – 322sq.m

New structures – 212sq.m

Total Assessable Area – 534sq.m.

#### **SEA Monitoring**

Development Type: Community

Floor Area (sq.m): 534

Site Type: brownfield / urban consolidation

Site Area (Ha.): 2.875 Ha.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

### **Conclusion**

The applicant has addressed the outstanding issues to such extent that the proposed development would, subject to conditions attached herewith, be consistent with the proper planning and sustainable development of the area.

### **Recommendation**

I recommend that a decision be made pursuant to the Planning & Development Act 2000, as amended, for the reasons set out in the First Schedule hereto, to Grant Permission for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

### **FIRST SCHEDULE**

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2016 - 2022 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

### **SECOND SCHEDULE**

#### **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 7th December 2021, 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. Conservation.  
The applicant, developer or land owner shall attend to the following requirements of the SDCC Architectural Conservation Officer, with all details to be agreed prior to commencement of works with the Planning Authority except where otherwise noted:
  - (a) The proposed development shall be carried out in accordance with the details provided in the Methodology as part of the Architectural Impact Assessment. Works shall be carried out adhering to best conservation practice and principles.
  - (b) A suitably qualified Conservation Architect shall be engaged to supervise and oversee the proposed works to the existing Protected Structure site (Whitehall House, RPS Ref. 197), ensuring that all conditions relating to the architectural conservation and status of the existing building are addressed.

# **Comhairle Chontae Atha Cliath Theas**

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

(c) The proposed interventions and works within the existing buildings shall be carried out in accordance with the methodology provided. All works shall be carried out in accordance with good conservation practice and principles ensuring minimal intervention and no damage or risk to the original built fabric.

REASON: To ensure works to structures to a Protected Structure (RPS Ref. 197) are carried out according to good conservation practice and principles.

(d) Safety measures shall be put in place during the proposed works on site. A Safety Statement shall be provided detailing how the existing structure will be protected during the proposed works. A safety statement shall be submitted for written agreement with the Planning Authority prior to the commencement of development. Once works commence on site the Councils Architectural Conservation Officer shall be contacted with regard to inspecting the safety measures put in place to safeguard and protect the original built fabric.

REASON: To ensure the Protected Structure and all associated features are being safeguarded during the proposed development and appropriate safety measures are put in place to prevent any possible damage.

(e) A schedule of materials and finishes shall be provided for the proposed new additions/elements prior to commencing development. This shall include full details on materials and finishes for all elements of the proposed development. In relation to reinstatement of original architectural features, details shall be submitted prior to commencement of works providing specifications and design details for the reinstatement of windows, porch, conservatory and other architectural features and elements.

REASON: To ensure the correct methods and materials, use of new elements and the reinstatement of architectural features and items are done in accordance with best practice.

(f) Details and specification for the external lime render mix is required for agreement prior to the commencement of works along with a sample panel being provided on site for approval by the Councils Architectural Conservation Officer.

REASON: To ensure the correct lime render mix and application in providing an appropriate finish.

(g) With regard to the energy upgrading works, the specification and data sheets shall be provided along with an overall summary of the energy efficiency upgrading works to be completed.

REASON: To allow works to be monitored, results assessed on completion of the works so this data can be to be used as a leading/exemplar of such works.

The above conditions should be submitted to the Planning Authority for agreement and written approval of the Councils Architectural Conservation Officer prior to the

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

commencement of development.

3. Security Fence.

Prior to the commencement of development, an alternative layout and design proposal shall be agreed in writing with the Planning Authority in relation to the layout and design of any security fencing around the site. Such fencing shall be sympathetic to the protected structure and its curtilage, and the local field boundaries and vegetation contained therein.

REASON: To ensure the works are appropriate given the context of the site.

4. Use.

The permitted development shall be used as a community centre. The uses permitted to take place on site shall be as outlined on pages 3 and 4 of the letter from Hibernia REIT plc, dated 1st December 2021 and submitted as additional information on 7th December 2021. Other activities on the site shall be ancillary or incidental to the proposed uses, or otherwise in keeping with the reasonable use of a community centre, and as such any commercial use of the site shall be occasional or ancillary to local community uses. All other uses shall required a new planning application.

REASON: to ensure the proposed development is used as a community centre and in the interest of proper planning and sustainable development of the area.

5. Roads - Entrance Junction and pedestrian facilities.

(a) The applicant shall maintain all vegetation as part of this application to facilitate sightlines.

(b) Prior to commencement of development:

(i) the applicant shall agree in writing with the Planning Authority, a revised layout for the site main access road, with appropriate carriageway widths and junction radii improved for emergency vehicle access. The junction layout shall take account of section 4.3.3 (in particular figs. 4.43 and 4.44) of the Design Manual for Urban Roads and Streets.

(ii) the applicant shall provide a raised pedestrian ramp (to the satisfaction of the SDCC Roads Department) within the site boundary at the site vehicular egress onto Ballymount access road to allow for pedestrian priority.

(iii) the applicant shall provide a detail design of the proposed pedestrian crossing onto Ballymount Road for the Planning Authority review. Once agreed, the pedestrian crossing shall be constructed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Roads Department.

REASON: To ensure adequate pedestrian facilities, emergency access to the site and adequate sightlines.

6. Construction Demolition and Waste Management Plan.

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

REASON: In the interests of public safety, compliance with Development Plan Policy and

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

sustainable waste management.

7. **Mobility Management Plan.**

A Mobility Management Plan shall be completed within six months of opening of the proposed development, and submitted for the agreement of the Planning Authority.

REASON: To promote active and sustainable transport.

8. **Electric Vehicle Charging.**

The development shall make provision for the charging of electric vehicles. 100% of spaces shall be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of surface car parking spaces shall be provided with electric vehicle charging points which shall be operational upon operation/occupation of the community centre.

Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.

REASON: In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.

9. **Taking in Charge.**

The applicant, developer or owner shall construct and maintain to the Council's standard for taking in charge all the roads, including footpaths, verges, public lighting, open space, surface water drains, attenuation infrastructure, manholes etc., forming part of the approved development including where applicable any wayleaves in favour of SDCC or a management company that will be required.

REASON: In the interest of the proper planning and sustainable development of the area and compliance with South Dublin County Council's Development Plan.

10. **Bicycle Parking.**

All bicycle parking spaces shall be covered.

REASON: To comply with SDCC policy on Bicycle parking.

11. **Irish Water Connection Agreement.**

Prior to the commencement of development the applicant or developer shall enter into water and/or wastewater connection agreement(s) with Irish Water.

REASON: In the interest of public health and to ensure adequate water/wastewater facilities.

12. **Drainage - Irish Water.**

(a) The water supply and drainage infrastructure, shall comply with the requirements of 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

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

a minimum thickness surround of 150mm Concrete Class B.

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

### 13. Surface Water.

(a) Proposed surface water attenuation of 137m<sup>3</sup> is undersized by approximately 73% (or undersized by 109m<sup>3</sup>). Prior to commencement of development the applicant shall submit a revised drawing showing increased surface water attenuation. Additional surface water attenuation should be provided by means of SuDS (Sustainable Drainage Systems) and not by increasing attenuation capacity of underground arched type system. Examples of SuDS include swales, permeable paving, filter drains channel rills and other such SuDS. Proposed revised SuDS surface water attenuation shall be agreed with SDCC Environmental Services Department prior to commencement of development.

(b) Prior to commencement of development the applicant shall submit a revised report to clarify the area of hard standing buildings, roads, permeable paving, grasslands and other surface types with their respective runoff coefficients. The report shall show how surface water attenuation requirements are calculated. Include Met Eireann rainfall for the site, SAAR value (Standard Annual Average Rainfall) and soil value for the site.

REASON: To handle water runoff as per SDCC policy on surface water and green infrastructure.

### 14. Landscape Design Proposals.

The applicant shall submit a detailed landscape design rationale and comprehensive and detailed landscape proposals prepared by a qualified Landscape Architect, for the written agreement of the Planning Authority. Such proposals shall include a scaled landscape plan(s) with cross-sections, showing the layout and hard and soft treatment of all boundaries, features, external areas and green spaces. The proposals shall be accompanied by specifications for materials, workmanship and maintenance, together with proposed design details. Hard landscape details are to include, where applicable, those for any proposed lighting, seating, kerbing, boundaries, edging, surfacing and water features. Soft landscape details are to include detailed planting plans and planting schedules, stating species/varieties, quantities, sizes, rootball presentation and spacings. The landscape plan shall be accompanied by a timescale for its implementation, including a minimum 18-month landscape maintenance period and defects liability clause.

REASON: To assimilate the development into its surroundings, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting and policies HCL7 Objective 1 and HCL7 Objective 2 of the CDP 2016-2022.

### 15. Green Infrastructure.

The applicant shall submit green infrastructure proposals that will mitigate and compensate for the impact of the proposed development on this existing mature parkland



# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

site. These proposals should include additional landscaping, SUDS measures (such as permeable paving, green roofs, filtration planting, above ground attenuation ponds etc) and planting for carbon sequestration and pollination to support the local Bat population. Response should include revised layout and drawings.

REASON: To ensure satisfactory landscape treatment of the site which will enhance and improve the character and Green Infrastructure of the site and local area, in accordance with the policies and objectives contained within Section 8 Green Infrastructure of the CDP 2016-2022.

### **16. Biodiversity Management Plan**

Prior to the commencement of development a Biodiversity Management Plan shall be drawn up by the applicant (and submitted to the Planning Authority for agreement) to oversee the various biodiversity issues on the site including bats, birds, amphibians, invertebrates, mammals etc. and the provision of a range of appropriate habitat types to mitigate against potential biodiversity impacts.

The plan shall indicate how biodiversity and green infrastructure is to be protected, enhanced and developed on this site during construction and into the future, taking into account matters that included the following:

- (i) Protection of existing trees on site
- (ii) Protection and enhancement measures for bats
- (iii) Protection and enhancement of identified habitats
- (iv) The use of SuDS and Climate Adaption Measures

REASON: To protect and enhance areas of biodiversity, in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

### **17. Tree Protection Measures.**

As per the submitted Arboricultural Impact Assessment and Tree Protection Strategy all tree works throughout the site shall be carried out by a qualified and experienced tree surgery contractor in accordance with BS3998 (2010) Tree Work – Recommendations before commencement of any other site operations including the erection of protective barriers.

Prior to the commencement of construction works on site, a meeting with the Project Landscape Architect, Site Foremen, the appointed Arborist and the Parks Supervisor from the SDCC Public Realm Department shall take place on-site to inspect that:

- (a) all tree pruning & tree felling has been carried out appropriately
- (b) that the protective fencing has been erected prior to the commencement of construction works on site as per the submitted Arboricultural Impact Assessment and Tree Protection Strategy and the Arboricultural Protection Plan (1860\_PL\_TS\_02). This fencing is to remain in place for the duration of the project.

All tree felling, surgery and remedial works shall be completed upon completion of the works. All works on retained trees shall comply with proper arboricultural techniques conforming to BS 3998:2010 Tree Work – Recommendations. The clearance of any

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st day of March to the 31st day of August inclusive) or as stipulated under the Wildlife Acts 1976 and 2000.

The arborist shall carry out a post construction tree survey and assessment on the condition of the retained trees. A completion certificate is to be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the tree report. The certificate shall be submitted to the planning authority for written agreement upon completion of the works.

REASON: To provide for the retention and protection of existing trees in the interests of visual amenity and biodiversity, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

### 18. Tree Bond and Arboricultural Agreement.

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €56,000 (fifty six thousand euros) with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

An Arboricultural Assessment Report and Certificate shall be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.

REASON: to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

### 19. Retention of Landscape Architect.

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 of development. A Practical Completion Certificate shall be signed off by the Landscape

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals. If attenuation tree pits are proposed, their installation shall be supervised by the project landscape architect.

REASON: To ensure the implementation of the agreed landscape proposals, to assimilate the development into its surroundings and to ensure the longevity of the landscaping scheme, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting 2 of the CDP 2016-2022.

### 20. Ecological Impact.

#### (a) Pre-Construction.

A pre-construction Badger survey shall be undertaken to establish if the badger sett on-site is in use, and the measures identified in the Ecological Impact Assessment (produced by JBA Consulting and lodged as additional information on 7th December 2021) shall be implemented.

#### (b) Construction Phase.

Prior to commencement of development, the applicant shall lodge a Construction Environmental Management Plan which shall demonstrate the following construction phase measures to mitigate construction phase impacts on local ecology, as identified in the JBA Consulting Ecological Impact Assessment lodged as additional information on 7th December 2021. The measures identified are summarised as:

- Sediment control measures;
- Pollution control and spill prevention;
- Tree and hedgerow protection measures (as per Arboricultural Impact Assessment);
- Mitigation for breeding birds (remove vegetation outside of nesting season);
- Safety measures to avoid harm to animals on-site;
- A pre-construction badger survey (and specific measures if badgers are discovered to be using the sett);
- Eradication of snowberry prior to works.

The Construction Environmental Management Plan (CEMP) shall be available for inspection on the site throughout the construction phase and the measures contained within the Ecological Impact Assessment and CEMP shall be implemented on-site.

#### (c) Operational Phase.

The mitigation measures and enhancements contained in the Ecological Impact Assessment in relation to lighting, artificial bat roosts, and pollinator planting, shall be implemented as part of the development.

REASON: To implement mitigation measures with regard to the ecological impact of the development.

### 21. Public Realm Lighting.

Prior to commencement of development, the applicant, developer or land owner shall submit to the Planning Authority for written approval by both the SDCC Public Lighting Section and the SDCC Public Realm Department, details of the public realm lighting throughout the development. The design, hours of use and illumination levels shall ensure

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

the protection of foraging and commuting bats on the site as per the Ecological Impact Assessment.

REASON: To ensure lighting on site meets the requirements of the SDCC Public Lighting section while preventing detrimental environmental impacts.

### 22. 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.

### 23. 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

# Comhairle Chontae Atha Cliath Theas

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

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.

### 24. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €43,200.20 (forty three thousand two hundred euros and twenty 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 contribution shall be paid prior to commencement of development, or in such phased payments as the Planning Authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.

**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.

**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 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:** The applicant is advised that in the event of encroachment or oversailing of adjoining property, the consent of the adjoining property owner is required.

**NOTE:** Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by

# **Comhairle Chontae Atha Cliath Theas**

**PR/0045/22**

## **Record of Executive Business and Chief Executive's Order**

Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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: Adequate provision should be made to facilitate access to and the use of the development, buildings, facilities and services by disabled persons, including sanitary conveniences. The minimum requirements should be as per Part M of the Building Regulations.

**Comhairle Chontae Atha Cliath Theas**

**PR/0045/22**

**Record of Executive Business and Chief Executive's Order**

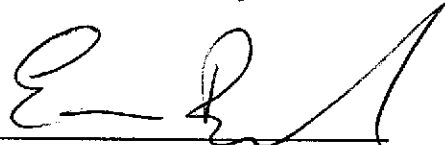
**REG. REF. SD21A/0148**

**LOCATION: The Katerine Tynan House, Ballymount Road, Kingswood, Dublin 24**

*jjohnston*  
\_\_\_\_\_  
**Jim Johnston,**  
**Senior Executive Planner**

**ORDER:** A decision pursuant to Section 34(1) of the Planning & Development Act 2000, as amended, to Grant Permission for the reasons set out in the First Schedule above, in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule above, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule is hereby made.

**Date:** 11/1/22

  
\_\_\_\_\_  
**Eoin Burke, Senior Planner**