

ABP-311616-21 – STRATEGIC HOUSING DEVELOPMENT AT STOCKING LANE, BALLYBODEN, DUBLIN 16

INTRODUCTION

South Dublin County Council hereby sets out its Chief Executive's Report, including recommendations on the above Strategic Housing Development for An Bord Pleanála (ABP or The Board). The Board as the competent authority has validated the application, and will carry out an Appropriate Assessment Screening of the proposed development, and will decide to grant or refuse permission for the proposed development.

Statutory Requirements of this Report

This report sets out, in accordance with the provisions of the Planning and Development (Housing) and Residential Tenancies Act 2016 and the Planning and Development (Strategic Housing Development) Regulations 2017 - inter alia:

1. A summary of the points raised in the submissions received by An Bord Pleanála on the application.
2. The Chief Executive's view on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment, having regard to matters specified in Section 34(2) of the Planning and Development Act, 2000 (as amended) and submissions received by An Bord Pleanála on the application.
3. A summary of the views of the relevant elected members on the proposed development as expressed at a meeting of members of the Tallaght Area Committee held on 28/9/2020.
4. The Planning Authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, including a statement as to whether the Planning Authority recommends to An Bord Pleanála that permission should be granted or refused, together with the reasons for its recommendation.
5. Conditions of permission
Where the Planning Authority recommends that permission be granted or refused, the planning conditions and reasons for them that it would recommend if An Bord Pleanála grants permission.

Summary of Key Issues Arising

Procedural Note / Previous Applications

The proposed development was refused under SHD3ABP-308763-20. The reason for refusal related to 'material contravention' of section 11.2.7 and thus Policy H9, Objective 3, of the South Dublin County Council Development Plan 2016 – 2022, with the Board raising both the issue of the material contravention, and the procedural issue that no 'Material Contravention Statement' had been lodged with the application, nor referred to in public notices.

The applicant has provided a Material Contravention Statement with the subject application, and has made only minor changes to the proposed development. This assessment therefore

refers extensively to the previous assessment of the proposed development, to confirm the continuity of opinion on most matters pertaining to the development.

As advised to the applicant in Stage 1 of this application, this report makes repeat recommendations where items of concern to the Planning Authority have not since been addressed.

Principle of Development

The Planning Authority accepts the principle of development at this site for residential and ancillary uses, as per the land-use zoning, and statutory planning strategies for consolidation of the urban area (at national, regional and local level).

Building Height

Building height on the site is acceptable. The Planning Authority does not consider that it constitutes a 'Material Contravention' of the County Development Plan as it represents a gradual change.

Material Contravention: Apartment Sizes

The applicant has responded to previous SDCC comments on the issue of 2-bed, 3-person units. These units are not provided for by way of a Specific Planning Policy Requirement under S.28 of the Act, and the County Development Plan standard for a 2-bed unit (minimum size: 73sq.m) is the appropriate standard to apply in respect of these units. Therefore, the units should either be enlarged or reconfigured as 1-bed units.

Access to Springvale

The applicant has proposed (in their Site Notice and Planning Report) a cycle/pedestrian access into Springvale with fixed bollards. This is a different approach to the previous application.

In drawings however the applicant has shown retractable bollards. The SDCC Roads Department supports an arrangement with emergency access via retractable bollards.

It is considered that the applicant has applied for fixed bollards at this location. SDCC would support the use of retractable bollards as per the Roads Department's report and this can be ensured by condition.

Residential Density

There is a question over whether the site is suitable for a density of 54 d/ha., given the limited accessibility provided by sustainable transport options and lack of proximate local centres.

Materials Received

The plans and particulars submitted by the applicant should have been more detailed in relation to dimensions, particularly relating to distances between the proposed development and neighbouring, existing, buildings. The applicant has supplied a number of reports which rely on data which should be considered out of date. Both issues were raised by SDCC at Stage 2.

Building Layouts

Concern was raised previously by a third party that the application may not meet the minimum standards in the 'Sustainable Urban Housing: Design Standards for New

Apartments – Guidelines for Planning Authorities’ (2020) if amendments are made to the layouts to comply with Building Regulations. It is proposed to deal with this by condition in the event of a grant, but the implicit risk is that development cannot be delivered that complies with the permission.

Proposed Development

Description of Development

The development will consist of:

131 residential units including 21 houses (1 three bed, 11 four bed, 9 five bed) of up to two-storey plus roof storey; 2 duplex apartment units (2 two bed) in a three-storey high block; 108 apartment units (29 one bed; 59 two bed; 20 three bed) in ten apartment blocks up to four-storeys; a creche of c. 128sq.m at the ground floor of Block L; a shop of c. 65sq.m at the ground floor of Block G, with associated storage; a total of 167 car parking spaces, of which 88 are at surface level and 79 in the basement under apartment Blocks F and G, 5 are dedicated visitor parking spaces; a total of 288 cycle parking spaces and 5 motorcycle spaces; a new vehicular access onto Stocking Lane; a new pedestrian and cycle access to the Springvale estate to the east; new roads, footpaths and cycle paths and connections within the site; a new pedestrian crossing on Stocking Lane to the north west; the expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west; the development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

Development Statistics

Key Statistics for Proposed Development

Overall: 131 Residential units

Tenure: Build to Sell

Unit Mix:

- Apartments / Duplexes:
 - o 1-bed 29 (22%)
 - o 2-bed / 3- person 13 (10%)
 - o 2-bed / 4-person 48 (37%)
 - o 3-bed 20 (23%)
 - o Total apartments / Duplexes 110 (84%)
- Houses:
 - o 1-bed 1 (8%)
 - o 4-bed 11 (8%)
 - o 5-bed 9 (8%)
 - o Total houses 21 (16%)

Site Area (Gross): 2.47 Ha.

Site Area (Net): 2.41 Ha. (excludes areas on public lands)

Density: 54 DpH

Height: 2 – 4 Storeys

Dual Aspect apartments: 89 (81%)

Public Open Space: 3,000sq.m (12% of the net area).

Communal Open Space: 3661sq.m stated on p7 of applicant’s Planning Report.

Appears to be approx:

112sq.m to serve 2 ‘A’ blocks (6 units)

96sq.m to serve Block C (2 units)
1,200sq.m to serve Blocks F, G, H and J;
700sq.m to serve Blocks E and K;

Car Parking Spaces: 167. Includes:

- 5 retail spaces
- 5 visitor spaces
- 6 universally accessible spaces.
- Applicant states that 24 EV charging points will be provided, though not clear in plans.

Car Parking Ratio: 1.3 per unit.

Parking provision for Bicycles: 288

Bicycle Parking Ratio: 2.2 per unit.

Procedural Note and Summary of S.247 Consultations

Previous Application SHD3ABP-308763-20

The applicant has previously applied for permission through the SHD process for a similar development on these lands. The applicant had engaged in consultations on a development of 108 no. units before applying for 131 units. The Board refused permission to that development on 25th March 2021. South Dublin County Council recommended a grant of permission on this development with several proposed alterations to be implemented by condition.

Pre-Planning with the Planning Authority: SHD1SPP005/21

The applicant has engaged in another round of Stage 1 pre-planning consultation. The main points of discussion were as follows:

- SDCC did not consider the original application to constitute a material contravention of the County Development Plan.
- SDCC will support a similar development.
- Address any comments or recommended alterations in the SDCC Stage 3 Opinion.

The relevant minutes are included in the appendices of this report.

SHD2ABP-310111-21

The applicant lodged a Stage 2 Pre-Application and a tripartite consultation meeting was held remotely on 23rd March 2021. This related to a development of **131** units.

South Dublin County Council reiterated the points previously raised at Stage 1. There was disagreement over the nature of the access to Springvale, and no resolution was reached in the meeting. See Roads Report on this issue.

DEVELOPMENT CONTEXT

Site Description

The site is located on the eastern side of Stocking Lane, R115. The site is irregular in shape and is a greenfield site. Ballyboden Water Works are located directly opposite the subject site, on the western side of Stocking Lane. To the south of the site is Prospect residential housing estate (comprising Prospect Heath, Prospect Ave, Prospect Meadows and Prospect Drive).

Despite the suburban location of the site, Stocking Lane retains a rural character, with mature trees and hedgerows along the roadside. Springvale housing estate is located east of the subject lands. To the north of the site are a number of detached houses.

The Owendoher River runs east of the site along the Edmonstown Road, to the rear of Springvale. The site is located c. 8km south of Dublin City Centre and c.3km south of Rathfarnham Village. Existing development in the vicinity of the site is characterised by suburban residential housing estates and single dwellings on Stocking Lane. The western boundary of the site is characterised by an attractive dense hedgerow, mature trees and a stone wall, while to the north, east and south of the site is bounded by a timber fence.

The topography of the site slopes in a northwest – southeast east direction. The rear gardens of Prospect Avenue bound the site to the south while the eastern boundary directly adjoins the street in Springvale.

The red line area of the application includes several spurs onto the public road at Stocking Lane and Springvale. The applicant has provided a letter of consent from South Dublin County Council.

Site Area

Stated 2.41 Hectares (net)

Zoning

The proposed site is subject to land-use zoning objective ‘RES’ – ‘To protect and/or improve residential amenity’.

SEA Sensitivity Screening

The site is in close proximity to Rookwood House, on the adjoining lands to the north (RPS No. 327). The reservoir west of Stocking Lane is also on the register of protected structures (RPS No. 333).

Note for An Bord Pleanála: The SEA Sensitivity Screening is related to an internal SEA Monitoring framework, which is used by South Dublin County Council to record certain Development Management information relating to monitoring Biodiversity, Flood-plains, Contaminated Soils, Conservation (Built Environment), Archaeological areas of importance, and Landscape

CONSULTATIONS

Internal Consultees

Environmental Services	No objection, subject to conditions.
Roads	No objection, subject to conditions.
Public Ream	No new report received.
Housing	No objection, subject to conditions.

Submissions and Observations

Third Parties

3 third party submissions have been submitted on the application. These are summarised as follows:

Common Concerns

- Traffic concerns if ped/cycle link made vehicular
- Parking overflow into Springfield
- Existing high levels of traffic in area
- Drainage concerns, system already under pressure
- Previous reason for refusal not addressed (H Pol 9 Obj 3)
- High levels of development in area, services/amenities not sufficient to serve additional development at a high density

Patrick Conneran and Charlene Thornton

- Drainage – water pools at back of existing estate
 - Green area regularly waterlogged during winter & path at entry to estate regularly unusable
 - Impact of additional run off from new development has not been adequately assessed
 - Concerns about quality of existing sewer in Springvale
 - Feasibility from IW submitted is for 122 units not 131 proposed
- Parking and traffic – prevalence of on-street parking, blind corners etc..
- Existing levels of traffic in area high & lack of good quality cycling infrastructure
 - Applicant traffic assessment doesn't consider HSE offices or quality of existing cycle infrastructure
 - Inadequate consideration of impact of additional traffic flows in the area
- Ped/cycle link
 - Concern about change from cul-de-sac to through road for significant bicycle traffic
 - Ped route to creche would create parking overflow in Springvale estate
- Insufficient visitor parking spaces

Neena Aeri & William Baxer

- Proposed ped/cycle link
 - Described in landscape report as vehicular link with metal bollards – need clarity
 - Concern about increased vehicular movement from new development into Springvale, particularly given gradients and potential conditions during icy winter weather
 - Impact on green area at rear of Springvale currently used by children within the estate
 - Issues of movement if overflow parking occurs
 - Increase in noise from vehicular traffic
- Previous refusal reasons
 - Still a considerable difference in ridge height of proposed block K and prevailing ridge height in Springvale (4.08m difference)
- Drainage
 - System in Springvale already experiencing overload issues
 - Previous reason for refusal included drainage
- Density
 - Density of new development will change the character of the area
 - Issues of light, noise, traffic disruption, felling of mature trees and disruption to the stable community of Springvale

- Permitted SHD in the area
 - Traffic in area already bad, additional housing will add to current situation – roads already appear at capacity
 - Construction traffic will exacerbate existing conditions
 - Overdevelopment – there are not enough facilities in the area to support population increase.
 - Concerns about environmental impact, loss of trees, more litter, light pollution.

David Sharma

- Concern about how cycle lane will intersect with existing footpath in Springvale & that it will later be converted to a vehicular access
- Waste and drainage system in Springvale already under pressure
- Contravention of H Policy 9 Objective 3 – development should incorporate a gradual change in height
- Application states there will be a vehicular link controlled by bollards but this is not mentioned on site notice.

Elected Representatives

The proposed development was presented to the Rathfarnham Area Committee on 9th November 2021. The comments of Elected Members at that meeting are summarised thus:

Cllr O'Donovan

- Density is shocking
- What is Councils view regarding density and transport?
- Car parking spaces inadequate
- Public transport is under strain
- There will be serious issues with traffic when everyone is back to the office
- I do not support this SHD
- Unhappy with layout

Cllr Bailey

- I oppose SHDs
- SHD process is not working
- I am aware the SHD process will be phased out
- I oppose long term leasing – poor return on the public purse
- New rules around public housing - will any new rules apply to these type of developments?
- Electrical vehicle charging – need to make sure there are significant levels – not future proofing this development

Cllr Donaghy

- Concerns re SHD process
- Congestion – how many charging points?
- Only one ext from site
- How many will be build to rent?
- Not a sustainable addition to the area

Cllr Kearns

- I agree with other Cllrs comments
- Density too high
- Inadequate public transport
- It will not make a community, only a transient population
- I am against SHD process

Cllr Collins

- Concerns that there will be adequate and enough and secure facilities for bicycles
- I oppose SHDs – it only promotes profits for developers
- I oppose the density
- They will be build to rent – no competition
- This diminishes housing supply
- Wrong place for this development – no employer nearby
- Insufficient public transport
- Cars will cause congestion
- Massive waiting list for schools
- It is poor planning
- I object
- Decision-making taken from us by SHD process
- Poor planning
- Metro for Dublin south west – we are underserved in this area

Cllr McMahon

- Congestion with extra traffic
- Inadequate public transport
- SHD process is poor
- Electrical charging points concerns
- Against Build to rent model
- Density too high

Cllr McCrave

- Against SHDs
- Do not support this development
- Density is disastrous
- Car parking is underestimated
- No proposal for road improvement and area will be choked up with traffic
- Against this proposal

Cllr McEnaney

- Lack of transport infrastructure and schools and coffee shopt and amenities

Cllr Edge (Cathoirleach)

- Six applications prior to SHD process on this site
- Poor transport links – these are rural roads and won't cope with volume of traffic
- Height is inappropriate and not suitable – will lead to loss of amenities for Springvale
- Granting of SHDs in vicinity means roads won't cope

- Is site within curtilage of a Protected Structure?
- I oppose SHDs
- Poor design drawing does not clarify the materials and there is a hodge podge of materials.

PLANNING HISTORY

Subject Site

SD18A/0225 – Proposal comprised 95 residential units (46 apartments and 49 houses) and ancillary development as follows:

- Three apartment blocks, two and three storeys in height, providing 46 apartments (36 2-bedroom and 10 1-bedroom);
- 1 crèche;
- 1 retail unit;
- 49 houses (8 2-storey, semi-detached 3 bedroom houses; 20 3-storey, semi-detached 4 bedroom houses; 2 3-storey, detached 5 bedroom houses; 8 2-storey, terraced 2 bedroom houses; 7 3-storey, terraced 3 bedroom houses; 4 3-storey, terraced 4 bedroom houses);
- New entrance location and design at Stocking Lane with a new access road and pavement to service the development; new separate pedestrian access with cycleway and pavement off Stocking Lane and new pedestrian access to Springvale.
- The development includes landscaped private and public open space, boundary fencing, lighting, play area, vehicle and cycle parking, site drainage works and all ancillary site development works on a site of c.2.4ha.

South Dublin County Council refused permission for the development on 13th August 2018, for the following reasons:

1. Section 2.3.5 of the South Dublin County Development Plan 2016 – 2022 relating to Privacy and Security for residential development states:

- A high level of privacy and security is an important part of residential amenity, particularly in higher density schemes. Security can be improved by providing a clear definition between public, semi-private and private spaces and maximising passive and active surveillance of streets and spaces.

Policy H15 states: It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

H15 Objective 1: To ensure that there is a clear definition between private, semi-private and public open space that serves residential development.

H15 Objective 2: To ensure that all developments are designed to provide street frontage and to maximise surveillance of streets and spaces.

H15 Objective 3: To ensure that private open spaces are enclosed within perimeter blocks behind the building line and that they are subdivided by suitably robust boundary treatments of a sufficient height and composition to provide adequate privacy and security.

The proposed development, in respect of Apartments Blocks FI, F2 and G1 materially contravenes these objectives and policy. The layout of these apartment blocks does not provide the required perimeter blocks.

The design layout incorporates very poor **layout quality and quantity of public open space** and, in the case of Blocks F1 and F2 is dominated by car parking spaces and the internal road network. Furthermore, in the case of Block G1, the strips of open space are not usable areas of open space and the location of the bin and bicycle storage areas to the southeast of this Block would inhibit the potential amenity quality of the public open space area and impact negatively on the amenity of surrounding residents (existing and future).

This layout would seriously injure the amenities of property in the vicinity and of future occupants and would therefore, be contrary to the proper planning and sustainable development of the area.

2. Having regard to the South Dublin County Development Plan 2016-2022, and **Childrens Play**, the proposed development does not comply with Section 11.3.1 (iii) relating to Public Open Space/Children's Play. This section states:

- Developments of 50 units or over shall include formal provision for children's play in semiprivate or public open spaces through provision of a Young Children's Area for Play (YCAP), or a Local Equipped Area for Play (LEAP) or a Natural Play Area. Where publicly accessible YCAPs are provided they should be taken-in-charge by the local authority. Play features should be sited so that they are accessible and supervised, without causing nuisance to nearby residents.

The proposal fails to adequately address this objective.

Furthermore, the public open spaces and their location, are piecemeal, inadequate and of substandard quality throughout the site and would not create a high quality living environment for the future residents of the area.

Thus, the proposed development would seriously injure the amenities of property in the vicinity and of future occupants and would, therefore, be contrary to the proper planning and sustainable development of the area.

3. The proposed development does not comply with the standards in the **Design Manual for Urban Roads and Streets (DMURS)** Guidelines (Department of Environment, Community and Local Government, 2013), specifically:

- the 6m wide carriageways proposed on Road 1, Road 5 and Road 3 exceeds DMURS standards.
- the carriageway width beside the shop and crèche where shared surfaces are proposed exceed the DMURS standards.
- the 1m wide proposed pedestrian pathway along Road 4 is below the DMURS standards and is considered restrictive to future users.
- there is a lack of self-regulating low speed environment within the road design.

The proposed development would not accord with the fundamental principles of good urban design and would not create a high quality safe living environment for future residents and would not be consistent with the proper planning and sustainable development of the area.

4. Insufficient details have been lodged with the Planning Authority in relation to **surface water layouts** which are required to ensure compliance with the objectives and policies of the South Dublin County Development Plan 2016 - 2022, such as Policy 1 Water and Wastewater, Policy 2 Surface Water and Groundwater and Sustainable Urban Systems, Section 11.6.1 (ii) Surface Water, Section 11.6.1 (iii) Sustainable Urban Drainage Systems. The proposed development has not demonstrated compliance with the aforementioned policies and objectives or demonstrated that the proposed development would not be prejudicial to public health. In addition, permeable paving areas will not be taken in charge by SDCC and, as such, sewers to be taken in charge should not be under permeable paving.

The Planning Authority is not satisfied that the proposed development would provide adequate and appropriate surface water drainage. Thus, the proposed development would not accord with the proper planning and sustainable development of the area.

5. Section 3.18 of the **Apartment Guidelines 2018** refers to single aspect apartments and states:
- Where single aspect apartments are provided, the number of south facing units should be maximised, with west or east facing single aspect units also being acceptable.

The Planning Authority is not satisfied with the design orientation of 6 single aspect (one bed apartments) which are proposed in apartment Blocks F1 and F2. Each of these six apartments are north facing only which is not considered to be in the interest of residential amenity of future occupants and therefore is not in the interest of proper planning and sustainable development of the area.

6. The Planning Authority has serious concerns with regard to the **poor urban design** demonstrated throughout the proposed development including the following:
- The positioning of the 3 apartment blocks, specifically F1 and F2 in the centre of the site, and G1 in the south west corner, on island type layouts, together with the provision of minimum and poor quality open space is not acceptable for future residents of the scheme. The applicant has also failed to provide perimeter blocks with semi private open space for future residents.
 - The pedestrian access to the east of Block F1 leading to the refuse storage area and bicycle sheds are considered poor in design and layout, as the walkway leading to the bin storage area and bicycle area may become a point for anti-social activities.
 - The positioning of Block G within 6 metres of the site boundary with existing residential properties is considered to be over-bearing and would adversely impact upon the residential amenity of the existing homes along this boundary.
 - The design has not appropriately accommodated pedestrian accessibility. The circuitous route of the footpaths throughout the site, which includes sharp corner bends, manoeuvring around car parking spaces and grass verges is not considered acceptable in terms of walkability and accessibility through the site and encourages restricted pedestrian flow. The variation of footpath widths throughout the site is also of concern, particularly 1 metre wide proposed footpaths along Road 4, which is considered extremely restrictive to users, in particular persons with prams or wheelchair users.
 - The proposed design omits pedestrian connectivity between the proposed pedestrian footpath to the southwest of the site (adjacent to apartment Block G1) and internal development scheme footpaths, thereby inhibiting connectivity.

- The proposed location and layout of the shop and crèche on an island surrounding by internal road network demonstrates poor urban design.
- The proposed open space is not designed as an inclusive landscape suitable for recreational for all future residents, little passive or active opportunities have been provided.
- The design of the pedestrian link between the subject site and Springvale is poor, considering that the ramp must be usable by pedestrians, wheelchair users and cyclists. The gradient at the turning point of the ramp seems very steep for users.
- On Road 5, areas of grass are proposed between the boundary of the houses and the public footpaths. No design rationale has been provided. The provision of the grassed areas is to the detriment of the footpath width whilst also reducing the potential allocated space of each of the residential units. Maintenance of these grass verges may also prove challenging. This space may be better served provided to each of the respective dwelling.
- No rationale is provided as to why a shared surface is proposed for house units A1/38 and A1/39.
- Proposed areas allocated for private driveways of some units are considered deficient in some instances, with apparent difficulty for 2 cars to adequately park, for example in units A1/38 to A1/45, A2/4, A2/5. More detailed site layout plans have not been provided and these would be required to comprehensively assess if sufficient provision has been made.
- On-street landscape planting within the development scheme is considered sparse and would result in a hard landscape character for the development which is undesirable.
- The proposal to locate 2 refuse storage areas adjoining the rear gardens of housing units, specifically house type A2/16 and house type D2/1 would adversely impact upon the enjoyment of the private amenity space of future residents of unit nos. A2/16 and D2/1 by way of odour, noise, and potentially rodents.
- Deficit of information in relation to the elevation and finishes of the external bin storage areas associated with the proposed apartment blocks.
- Details of the proposed pedestrian access points leading to Stocking Lane have not been provided.
- Some of the drawings have inconsistencies and are poorly presented, inhibiting the comprehensive assessment of the overall design, for example the width of car parking spaces differs in some instances and are not completely rectangular in shape.

The substandard urban design layout demonstrated in the proposed development would significantly constrain accessibility and connectivity throughout the site, and would be injurious to the overall residential amenity of the area.

7. (a) **Failure to meet minimum housing space requirements**

The development fails to accord with the minimum space standards for houses set out in Table 5.1 of the Quality Housing for Sustainable Communities Guidelines, DEHLG (2007) as it does not comply in providing Minimum storage space requirements and Minimum aggregate bedroom area in some units.

(b) **Failure to meet minimum apartment space requirements**

The proposed development does not comply with the National and Regional guidelines - 'Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities 2018' and Section 11 of the South Dublin County Development Plan 2016-2022 in respect of the provision and specification for internal space requirements for minimum storage and minimum bedroom floor area in some of the apartment units.

Therefore, the development would materially contravene Council Policy for dwelling standards and would seriously injure the amenities of future occupants of the proposed dwelling, be contrary to the proper planning and development of the area, and would contravene the zoning objective 'to protect and /or improve residential amenity'.

8. The applicant has submitted a basic **landscape plan** prepared by Matt Barnes Architects drawing no. 2183-13. The proposed plan is unsatisfactory as it has not provided sufficient details such as appropriate cross sections, planting plans, levels, boundaries, SuDS, maintenance plans, street trees, etc. Key concerns include:
- Insufficient quantities of street trees have been proposed, at various locations there are upwards of 30m to the nearest tree. There are numerous locations in the development site that can facilitate street tree planting.
 - No street trees have been proposed in the West of the development site near the shared surface and shops. This creates a very hard, urban landscape and is unwelcomed by SDCC.
 - Street trees have been proposed within private open space this is not acceptable, SDCC require street trees to be planted in public open space, with a constructed tree pit and structural root soil to enable tree longevity for future residents.
 - London Plane (*Platanus Acerfolia*) have been proposed as street trees, this specie has a tendency to uplift pathways and grow excessively large. This is an unsatisfactory location for London Plane.
 - The landscape plan doesn't detail where lighting columns will be located, all lighting columns should be located a minimum of 5m away from any tree.
 - CMK Hort + Arb has submitted a tree survey and tree protection plan, it has been outlined in the Arboriculture Impact drawing no. TSTO001 that 60 trees out of 101 trees or 59.40% are being removed this is deemed unsatisfactory.

The proposed development is not considered to be in accordance with the South Dublin County Development Plan 2016-2022 and below are a number of extracts from policies and sections which confirms same:

G2 Objective 2: To protect and enhance the biodiversity value and ecological function of the Green Infrastructure network.

G2 Objective 9: To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County

G2 Objective 13: To seek to prevent the loss of woodlands, hedgerows, aquatic habitats and wetlands wherever possible including requiring a programme to monitor and restrict the spread of invasive species

G6 Objective 1: To protect and enhance existing ecological features including tree stands, woodlands, hedgerows and watercourses in all new developments as an essential part of the design process.

HCL15 Objective 3: To protect existing trees, hedgerows, and woodlands which are of amenity or biodiversity value and/ or contribute to landscape character and ensure that proper provision is made for their protection and management in accordance with Living with Trees: South Dublin County Council's Tree Management Policy 2015-2020.

The proposed development would not comply with South Dublin County Development Plan 2016-2022 policy and would not be in the interest of amenity, biodiversity, the provision of a reasonable standard of landscape, and the proper planning and sustainable

development of the area.

Neighbouring Sites

SD20A/0002 – Permission **refused** by An Bord Pleanála, following earlier decision to refuse by South Dublin County Council, for: 3 five bedroom, three storey houses of 170sq.m; 1 three bed, two storey house; 5 duplex units in a three storey block consisting of a one bed unit; 3 two bed units and a three bed unit with new vehicular access and associated site works at site adjacent. The Board’s reasons for refusal were as follows:

1. Having regard to the provisions of sections 07 (Layout) and 08 (Public Realm) of the Urban Design Manual Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas (Cities, Towns & Villages) issued by the Department of the Environment, Heritage and Local Government in May 2009, and the provisions of sections 3.40 and 3.41 (Security Considerations), 4.10, 4.11 and 4.12 (Communal Amenity Space) of the Sustainable Urban Housing: Design Standards for New Apartments Guidelines for Planning Authorities issued by the Department of Housing, Planning and Local Government in March, 2018, it is considered that proposed development would be substandard in its provision of quality public open space and quality communal amenity space. The proposed development would, therefore, seriously injure the amenities of future occupants of the development, would be contrary to the Ministerial Guidelines and would be contrary to the proper planning and sustainable development of the area.
2. Having regard to the proximity of the three storey duplex/apartment block, 2.5metresto the southern boundary, it is considered that the proposed development would lead to significant overlooking of lands to the south that would negatively impact upon the development potential of these residentially zoned lands. The proposed development would be contrary to the RES zoning objective ‘to protect and/or improve residential amenity’ as set out in the South Dublin County Council Development Plan 2016-2022 and would, therefore, be contrary to the proper planning and sustainable development of the area.
3. Having regard to the siting and orientation of Units 3 and 4 and the scale and proximity of these units relative to the existing dwelling ‘Coolamber’, it is considered that the proposed development would have a negative impact on the residential amenity of ‘Coolamber’ by reason of overlooking, overbearing, visual impact and visual intrusion. The proposed development would, therefore, seriously injure the residential amenity of ‘Coolamber’, would be contrary to the residential zoning objective of the site, would seriously injure the residential amenity of the area and would be contrary to the proper planning and sustainable development of the area.

SHD3ABP-308763-20 – Permission **refused** by An Bord Pleanála for a proposed development for 131 no. units and laid out almost exactly as the subject development of this application. The reason for refusal was as follows:

“Having regard to the provisions of the South Dublin County Development Plan 2016-2022, specifically Housing (H) Policy 9 – Objective 3 requiring proposals to comply with Section 11.2.7 of the South Dublin County Development Plan 2016-2022, which states

that new residential development that would adjoin existing one and/or two-storey housing, shall be no more than two storeys in height, unless a separation distance of 35m or greater is achieved, and to the form, height and layout of the proposed development, it is considered that the proposed development materially contravenes the Housing (H) Policy 9 – Objective 3 of the South Dublin County Development Plan 2016-2022.

Furthermore, the statutory requirements relating to public notices and the submission of a material contravention statement have not been complied with by the applicant. Accordingly, the Board is precluded from granting permission in circumstances where the application is in material contravention of the development plan and where the statutory requirements referred to above have not been complied with.”

Recent Relevant Enforcement History

None.

RELEVANT POLICY

Relevant Government Policy

The relevant policy documents are detailed below. The Planning Authority are of the opinion that of most significant relevance is the *‘Project Ireland 2040 National Planning Framework’*. In this regard, National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of *‘Compact Growth’*. The NPF states,

‘From an urban development perspective, we will need to deliver a greater proportion of residential development within existing built-up areas of our cities, towns and villages and ensuring that, when it comes to choosing a home, there are viable attractive alternatives available to people’

The NPF indicated that the delivery of compact growth will be through National Policy Objective 2a, which states,

‘A target of half (50%) of future population and employment growth will be focused in the existing five Cities and their suburbs’

and National Policy Objective 3a, which states,

‘Deliver at least 40% of all new homes nationally, within the built-up footprint of existing settlements’.

The National Planning Framework also includes a specific Chapter, No. 6, entitled *‘People, Homes and Communities’*. It includes 12 objectives from among which:

Objective 27 seeks to ensure the integration of safe and convenient alternatives to the car into the design of our communities, by prioritising walking and cycling accessibility to both existing and proposed developments, and integrating physical activity facilities for all ages.

Objective 33 seeks to prioritise the provision of new homes at locations that can support sustainable development and at an appropriate scale of provision relative to location.

Additional National Policy Documents of Relevance

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

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

Sustainable Residential Development In Urban Areas - Guidelines for Planning Authorities, Department of Environment, Heritage and Local Government (December 2008).

Urban Design Manual; A Best Practice Guide, A Companion Document to the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, Department of the Environment, Heritage and Local Government, (2008).

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities, Department of the Environment, Community and Local Government (2015).

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

Regional Planning Guidelines for the Greater Dublin Area 2010-2022, Dublin Regional Authority & Mid-East Regional Authority, (2010).

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).

Site Layout Planning for Daylight and Sunlight: A Guide to Good Practice, Building Research Establishment, (1991).

Smarter Travel – A Sustainable Transport Future. A New Transport Policy for Ireland 2009 – 2020, Department of Transport, (2009).

National Cycle Manual – National Transport Authority (June 2011).

Relevant Policy in South Dublin County Council Development Plan 2016 – 2022

Policy CS1 Consolidation Areas within the Gateway

Policy H6 Sustainable Communities

It is the policy of the Council to support the development of sustainable communities and to ensure that new housing development is carried out in accordance with Government policy in relation to the development of housing and residential communities.

Policy H7 Urban Design in Residential Developments

It is the policy of the Council to ensure that all new residential development within the County is of high quality design and complies with Government guidance on the design of sustainable residential development and residential streets including that prepared by the Minister under Section 28 of the Planning & Development Act 2000 (as amended).

Policy H8 Residential Densities

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.

Policy H9 Residential Building Height

It is the policy of the Council to support varied building heights across residential and mixed use areas in South Dublin County.

Policy H10 Mix of Dwelling Types

It is the policy of the Council to ensure that a wide variety of adaptable housing types, sizes and tenures are provided in the County in accordance with the provisions of the Interim South Dublin County Council Housing Strategy 2016-2022.

Section 2.3.0 Quality of Residential Development

Policy H11 Residential Design and Layout

It is the policy of the Council to promote a high quality of design and layout in new residential development and to ensure a high quality living environment for residents, in terms of the standard of individual dwelling units and the overall layout and appearance of the development.

Policy H12 Public Open Space

It is the policy of the Council to ensure that all residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation and enhances the visual character, identity and amenity of the area.

Policy H13 Private and Semi-Private Open Space

It is the policy of the Council to ensure that all dwellings have access to high quality private open space (incl. semi-private open space for duplex and apartment units) and that private open space is carefully integrated into the design of new residential developments.

Policy H14 Internal Residential Accommodation

It is the policy of the Council to ensure that all new housing provides a high standard of accommodation that is flexible and adaptable, to meet the long term needs of a variety of household types and sizes.

Policy H15 Privacy and Security

It is the policy of the Council to promote a high standard of privacy and security for existing and proposed dwellings through the design and layout of housing.

Policy H16 Steep or Varying Topography Sites

It is the policy of the Council to ensure that development on lands with a steep and/or varying topography is designed and sited to minimise impacts on the natural slope of the site.

Section 3.2.0 Community Facilities

Policy C1 Community Centres

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.

Section 3.13.0 Open Space Management & Use

Policy C12 Open Space

It is the policy of the Council that a hierarchical network of high quality open space is available to those who live, work and visit the County, providing for both passive and active recreation, and that the resource offered by public open spaces, parks and playing fields is maximised through effective management.

Section 6.3.0 Walking and Cycling

Policy TM3 Walking and Cycling

It is the policy of the Council to re-balance movement priorities towards more sustainable modes of transportation by prioritising

Section 6.4.3 Road and Street Design

Policy H12

It is the policy of Council to ensure that streets and roads within the County are designed to balance the needs of place and movement, to provide a safe traffic-calmed street environment, particularly in sensitive areas and where vulnerable users are present.

Section 6.4.4 Car Parking

Policy TM7 Car Parking

Section 7.1.0 Water Supply & Wastewater

Policy IE1 Water & Wastewater

It is the policy of the Council to work in conjunction with Irish Water to protect existing water and drainage infrastructure and to promote investment in the water and drainage network to support environmental protection and facilitate the sustainable growth of the County

Section 7.2.0 Surface Water & Groundwater

Policy IE2 Surface Water & Groundwater

It is the policy of the Council to manage surface water and to protect and enhance ground and surface water quality to meet the requirements of the EU Water Framework Directive.

Section 7.3.0 Flood Risk Management

Policy IE3 Flood Risk

It is the policy of the Council to continue to incorporate Flood Risk Management into the spatial planning of the County, to meet the requirements of the EU Floods Directive and the EU Water Framework Directive.

Section 8.0 Green Infrastructure

Policy G1 Overarching

Policy G1 Green Infrastructure Network

Policy G3 Watercourses Network

Policy G4 Public Open Space and Landscape Setting

Policy G5 Sustainable Urban Drainage Systems

Policy G6 New Development in Urban Areas

Section 9.3.1 Natura 2000 Sites

Policy HCL12 Natura 2000 Sites

Section 10.0 Energy

Policy E4 Energy Performance in New Buildings

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
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

Table 11.20: Minimum Space Standards for Houses
Table 11.21: Minimum Space Standards for Apartments

Section 11.4.1 Bicycle Parking Standards
Table 11.22: Minimum Bicycle Parking Rates

Section 11.4.2 Car Parking Standards
Table 11.24: Maximum Parking Rates (Residential Development)

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 11.6.1 (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 11.7.2 Energy Performance in New Buildings
Section 11.8.1 Environmental Impact Assessment
Section 11.8.2 Appropriate Assessment

ASSESSMENT OF PROPOSED DEVELOPMENT

Principle of Development

Zoning

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

The proposed 'residential', and 'shop-local' uses on the site are permitted in principle under this zoning. Childcare facilities are 'open for consideration'.

Uses which are 'open for consideration' should be assessed on their own merits and in relation to their impact on the development of the county at a strategic and local level. Such

uses may only be permitted where they do not materially conflict with other aspects of the County Development Plan.

Land-Use and Transport

We refer the Board to our previous Stage 3 Opinion Report, which concluded as follows:

“South Dublin County Council considers that the public transport links and proximity to the city centre at this location, facilitates an efficient integration of land use and public transport at an appropriate density. The public transport links are quite limited and would not provide justification for a density of development far above the prevailing density. It is noted however that, given the location of the site, sustainable densities should be achieved. This is explored more below.”

Residential Density

The site is located east of the M50 and south of the River Dodder, in a ‘Consolidation Area’ under policy CS1 of the South Dublin County Development Plan 2016 - 2022. Policy H8 of the County Development Plan provides for a recommended density of 35 – 50 dwellings, although this specifically applies to lands outside the M50.

The apartment guidelines provide further guidance on residential density. Under such guidance, the site may qualify as an ‘intermediate urban location’ (suitable for >45 dph) or a ‘peripheral and/or less accessible urban location’ (<45 dph) depending on how the site’s accessibility is assessed.

The current and future access to frequent bus routes is limited. Under Bus Connects, the provision of high frequency routes to this area will not notably improve, although those routes will connect to high frequency transport spines closer to the city.

Considering all of the above, the 20% increase in density (23 units) between Stage 2 (SHD2ABP-30712-19) and Stage 3 (SHD3ABP-308763-20) of the previous application is considered questionable. Though inside the M50, this site may not be accessible enough by sustainable transport means to sustainably support such a density, and may be car dependent.

In this regard, the Planning Authority has not previously advised an increase in density and would not support an increase in density compared to previous proposals on a larger site/ proposal where the impact would be magnified. Given the location and the number of units proposed, the Planning Authority consider that the proposed number of units is acceptable in this circumstance.

Building Height

We refer the Board to our previous Stage 3 Opinion Report. The only remaining issue from that report arises from the confusion among third parties as to the balcony orientation of Blocks H, J and K. The plans provided are exactly as previously proposed, and the same condition is proposed.

Blocks H, J and K

Blocks H, J, and K have each been queried in third parties for having balconies that will overlook adjoining rear gardens. This appears to be the proposal in the Site Layout Plan. The individual floor plans however show balconies which face away from the adjoining sites. The floor plans show the more acceptable proposal and any grant of permission should specify by

condition that these floor plans are to be implemented. The applicant should provide a revised Site Layout Plan to correct any inconsistencies.

Comment on Material Contravention

This issue did not arise in our previous Stage 3 Opinion Report, but was the basis of the Board's decision to refuse SHD3ABP-308763-20. We refer the Board to our comments from our most recent Stage 2 Opinion Report (SHD2ABP-310111-21):

“Application reg. ref. **SHD3ABP-308763-20** was refused on the basis that the proposed duplexes to the south of the site were within 35 metres of 2-storey development, deemed by An Bord Pleanála to be a ‘material contravention’ of the South Dublin County Development Plan 2016 – 2022... SDCC’s Stage 3 Opinion Report did not recognise the proposal as a material contravention of the County Development Plan, and did not consider the issue of potential justification for a material contravention.

At Stage 2 of that application process (reg. ref. **SHD2ABP-305712-19**), the SDCC Stage 2 Opinion Report did address the variation between the County Development Plan and the proposal.

“The Planning Authority must have regard for Development Plan policy relating to a separation distance of 35 metres between existing residential development and new development above 2 storeys in height. In this scheme, 3-storey duplexes are located within that distance of existing residential development – the closest distance being 11 metres. The Planning Authority notes however that the placement of duplexes in these locations has been proposed to enable boundary trees and hedgerows to be retained (and not be placed in back gardens). There is therefore suitable screening to mitigate any impact that might arise from the increase in building height.”

The issue of this constituting a material contravention did not arise in the Stage 2 pre-planning meeting with An Bord Pleanála and was not addressed in An Bord Pleanála’s subsequent advice to the applicant.

It is acknowledged that the subject site is not identified for tall buildings exceeding five storeys in an approved plan (as per H9 Objective 4 & UC6 Objective 3). In addition, it is considered that the provision of increased height above 2 storey within 35m of the existing two storey dwellings is contrary to a criterion contained in the implementation section of the County Development Plan. (Section 11.2.7). However, Policy H9 of the CDP sets out the policy of the Council to support varied building heights across residential and mixed-use areas in South Dublin County. In addition, Objective H9 Objective 3 sets out that new residential developments immediately adjoining existing one and two storey housing incorporate a gradual change in building heights with no significant marked increase in building height in close proximity to existing housing.

The proposed height represents a gradual change in height and is generally in accordance with Policy H9 Objective 3, as there is no significant marked increase in building height in close proximity to existing housing. A separation distance of approx. 27m is proposed at the nearest point between existing two storey and the new three storey element of the development. As stated in SDCC’s Stage 2 Opinion Report (quoted above), the development

should be well screened through the retention of trees in communal amenity space at this boundary.

It remains the view of the Planning Authority that the discrepancy of the proposal with section 11.2.7 does not constitute a ‘material contravention’ of the South Dublin County Development Plan 2016 - 2022.

Furthermore, the Planning Authority acknowledges that the Section 11.2.7 text which states that 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 may be viewed as a blanket height restriction that runs contrary to the Urban Development and Building Height Guidelines, specifically SPPR 1. It is noted that SPPR1 supports the incorporation of increased building height and density in locations with good public transport accessibility in development plans. SPPR3 provides a framework for planning authorities to grant permission contrary to their development plan subject to being satisfied that the applicant has met specified criteria.

Mix of Uses/Non-Residential Uses

As per our previous Stage 3 Opinion Report, the proposed mix of uses is acceptable.

Unit Type and Tenure

The proposed development comprises the following units:

- Apartments / Duplexes:
 - o 1-bed / 29 (22%)
 - o 2-bed / 3- person 13 (10%)
 - o 2-bed / 4-person 48 (37%)
 - o 3-bed 20 (23%)
 - o Total apartments / Duplexes 110 (84%)
- Houses:
 - o 1-bed 1
 - o 4-bed 11
 - o 5-bed 9
 - o Total houses 21

Given the wider housing mix in the area, the mix of units is acceptable, and well within the guidelines of the 'Sustainable Urban Housing: Design Standards for New Apartments - Guidelines for Planning Authorities' (2020).

Unit No. 15

The applicant has amended unit no. 15 and proposed a dormer bungalow in place of a 2.5 storey house. The proposed bungalow has 1 identified bedroom at attic level, and 2 spaces which are labelled ‘store’ and conform to the standards of a single and a double bedroom respectively. The applicant’s Housing Distribution Plan labels this unit as a 3-bedroom house. SDCC has no issue with specifying that this is a 3-bed house but the applicant should correct this inconsistency either way with submission of consistent plans. This can be done by **condition**.

Public Housing (Part V)

The Housing Department has provided a response to the application. It states:

“The stage 3 Part V planning documentation proposes 6 1-bed apartments, 5 2-bed apartments, 1 3-bed apartment & 1 4-bed mid terrace house to fulfil Part V. The Housing Department’s preference is for a mix of units in line with the ratio of unit types applied for. Going forward the applicant is encouraged to engage directly with the Housing Department on any part V proposal.

South Dublin County Council’s preference in respect of Part V is to acquire units **on site** South Dublin County Council can only agree in respect of the actual permitted development subject to costing approval from the Department of Housing, Local Government & Heritage. These negotiations will continue following a grant of planning permission.”

Design, Layout and Character

Layout

As per our Stage 3 Opinion Report, the layout is considered to be appropriate and is acceptable.

Boundary Treatment

As noted in our previous Stage 3 Opinion Report, the Planning Authority accepts the proposed boundary treatments.

Shared Boundary Walls and Heritage

As noted in our previous Stage 3 Opinion Report, works to shared boundary walls cannot occur without the consent of the adjoining land owner. This can be noted in any grant of permission.

Visual Impact

As noted in our previous Stage 3 Opinion Report,

“the general strategy of providing for higher density development to the west of the site has allowed for lower impact on the adjoining established residential area to the east, without compromising the sustainability of the site.”

Conservation

The following comment, from our previous Stage 3 Opinion Report, remains valid and a condition should be applied:

“The potential existence of older stone features on the site has been raised by third parties. The applicant should engage a conservation architect to survey the site and make a report to South Dublin County Council, with proposals for retention and/or re-use of such features, to the agreement of the Planning Authority. This should form a **condition** of permission.”

Connectivity and Accessibility

SDCC welcomes the cycle and pedestrian connection to Springvale, as noted in our previous Stage 3 Opinion Report.

Open Spaces

The only issue in relation to open space at the time of the last application was as follows. The applicant has not addressed this and so a condition should be applied.

“There does not appear to be any communal open space provided for Blocks L and M. The simplest manner in which to rectify this is to remove 2 no. units from Block M and insodoing reduce its footprint by one half, to provide communal open space between these blocks. This should be agreed by **condition.**”

Residential Amenity and Services

Unit Sizes

The issues of 2-bed, 3-person apartments and the prospect of compliance difficulties with building regulations were raised in our previous Stage 3 Opinion Report. See updated commentary below.

2-Bed 3-Person Apartments

The Planning Authority has noted that several apartment units within the scheme were labelled as ‘2-bedroom, 3-person’ units, without a particular rationale being given for this type of unit. As per section 3.6 of the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2018),

“planning authorities may also consider a two-bedroom apartment to accommodate 3 persons, with a minimum floor area of 63 square metres, in accordance with the standards set out in Quality Housing for Sustainable Communities (and reiterated here in Appendix 1). This type of unit may be particularly suited to certain social housing schemes such as sheltered housing.”

This unit type is not provided for in South Dublin County Council’s County Development Plan, nor is it imposed by a Specific Planning Policy Requirement of the 2020 guidelines. The correct standard is therefore the County Development Plan, which contains a blanket minimum floor size of 73 sqm of all 2-bed units. The applicant has suggested that the 2020 guidelines introduced these units and that the County Development Plan has not been updated to comply with the guidelines; on the contrary, this unity type has been an option for planning authorities since 2007, and has not been taken up in South Dublin.

Therefore, these units should either be enlarged in size or reconfigured as 1-bedroom units. This can be agreed by **condition.**

Comment on Building Regulations

Concern was raised by a third party in response to SHD3ABP-308763-20, that the apartment blocks in the scheme do not comply with building regulations in relation to access stairs and circulation areas. This was forwarded to the Board in our Stage 3 Opinion Report.

Specifically, it was alleged that the application may not meet the minimum standards in the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020) if amendments are made to the layouts to comply with Building Regulations.

As building regulations are an issue primarily dealt with through Building Control, it was proposed to deal with this issue by **condition** in the event of a grant. The implicit risk is that development cannot be delivered that complies with the permission.

The floor plans are acceptable to the Planning Authority on the basis of planning standards. The Board may judge that a grant of permission is not appropriate in these circumstances. The Board did not refer to this in its previous refusal.

Private Amenity Space

All rear gardens meet the minimum standards provided for in the South Dublin County Development Plan 2016 - 2022.

Sunlight, Daylight and Overshadowing

We refer the Board to our previous Stage 3 Opinion Report. No issues arise in relation to sunlight and daylight impact. The Planning Authority did previously raise concerns regarding unit 15 (House Type D) and the potential impact on the rear amenity space of No. 30 Springvale. The applicant has reduced unit 15 to a dormer bungalow with reduced ridge heights, and this issue is considered to be resolved (notwithstanding issues regarding unit 15 mentioned above).

Aspect

The following comments from our previous Stage 3 Opinion Report have not been addressed by the applicant and a **condition** of permission should be applied.

“The vast majority of apartment units are dual aspect (given as 82% by the applicant), and single aspect units are stated as not being north-facing. The Planning Authority is concerned that Unit type F1 (unit nos. 33, 39, 45 and 51) may effectively be a north-facing single aspect unit in its present configuration. This may be remedied by additional window to its eastern elevation, which would improve natural lighting to the main living area. This can be a requirement of a **condition**, if the Board so-determines the unit to be unacceptable in its present configuration.”

Waste Disposal

The comments from our previous Stage 3 Opinion Report remain valid and have not been addressed by the applicant. A **condition** of permission should be applied.

“The applicant has provided an outline Operational Waste Management Plan as part of their Draft Construction Demolition and Waste Management Plan. The OOWMP specifies that the waste facilities in the basement of Blocks F and G is intended to serve Blocks F, G, H, J, as well as E and K, and L. Other duplex blocks and all houses will handle their own waste, with communal areas provided for duplex blocks. Houses will either have access via side passages to rear, or dedicated bin storage areas to the front.

The proposal to service several blocks with bin storage facilities in the basement car park raises an issue of concern, namely whether or not the location of the bin store would be adequate convenient or safe for residents of Blocks E, K and L, and furthermore what the actual access arrangements would be. In each of these instances, the arrangement would entail carrying household waste across a public road, and into another residential building.

In terms of safety, the easiest and most likely pedestrian route to the bin stores from Blocks E and K is via the vehicular ramp to the basement car park. The applicant has stated that the ramp is laid out for pedestrian and vehicular use.

Block H and J, though in closer proximity to the basement car park, also do not have direct access, and would most likely access the basement via the communal open space.

Overall, it is considered inappropriate for residents in Blocks E, K and L to be required to cross public streets to dispose of household waste. The issue of residential waste should be revisited by **condition** with separate facilities provided for Blocks E and K, and Block L. More convenient access or separate facilities are also required for Blocks J and H.”

Shop and Creche Uses

We refer the Board to our Stage 3 Opinion Report on the previous application. No issues arise in relation to the creche or shop unit in the site.

Efficiency, Adaptability and Access

The applicant has provided an Energy Statement with the application. The Statement specifies measures for heating, electricity and electric vehicle charging, in line with council policy and Part L of the Building Regulations. The report has been authored by the applicant, and has been queried on this basis by a third party. The final measures in relation to energy provision can be agreed by **condition**, with a report provided by a suitably qualified specialist.

All houses are capable of being extended to the rear, and rear gardens are large enough that there is no need to restrict exempted development rights.

The multi-storey units are considered adaptable for future use. Taller blocks are provided with elevators. The development is adequately inclusive and accessible.

Public Realm and Ecology

The Public Realm Department previously provided comments on SHD3ABP-308763-20.

The report recommended 11 conditions relating to landscape plan agreement, and landscape and visual assessment, appointment of an arborist, tree protection, biodiversity management, ecological impact mitigation, a bat survey, children’s play, SuDS and a tree bond. The report’s recommendations remain valid subject to the following points under Biodiversity / Ecological Impact.

Biodiversity/Ecological Impact

The Landscape Report also provides for measures throughout the site to protect, improve or repair biodiversity on the site following the works (p15 – 16). These include the use of bat boxes, bird boxes, hedgehog shelters, use of native plants, and provision of wildlife corridors (it is not clear how this will be achieved), an insect hotel, natural swales, a pond in the open space, and wild planting.

The measures outlined in each report shall be implemented, with those measures in the Landscape Report being detailed and agreed by **condition**.

Bats

The Planning Authority had previously sought updated bat surveys. The applicant has provided survey results from 2020, and mitigations measures are suggested in the Ecological Impact Assessment. By condition, those mitigation measures should be implemented. Furthermore, the final Public Lighting Plan should be integrated with the final Landscape Plan and agreed with the Planning Authority (including both the Public Realm Department and the Public Lighting section) prior to commencement of development.

Visual Impact Assessment

As previously noted, the visual impact of the proposed development is considered to be acceptable.

The Planning Authority does not consider the provision of 3-storey duplex units within 35 metres of existing 2-storey units to be a ‘material contravention’ of the South Dublin County Council Development Plan 2016 – 2022, taking into account the totality of objectives and design criteria contained within Policy H9 and section 11.2.7 of the Plan. The daylight impact and potential for overshadowing or overlooking from these duplex and apartment blocks would be of an acceptable magnitude.

Access, Transport and Parking

The full Roads Report is appended to this report. The report recommends 14 conditions in the event of a grant of permission.

The Roads report supports the provision of emergency access at the access to Springvale. This is as per the applicant’s Site Layout Plan, but not their Site Notice (or engineer’s drawings). The Planning Authority consider that the access arrangements to Springvale should be clarified by condition and consider that retractable bollards provide emergency options.

Water

As with the previous application, the Planning Authority has concerns regarding the location of water attenuation in relation to the 600mm pipe through the site. This can be addressed by **condition**.

Detailed Design and Delivery

The following relevant issues of concern are not exhaustive. We refer the Board to our Stage 3 Opinion Report on the previous application.

- All construction traffic should enter and egress to the west of the site via Stocking Lane, where possible. This is as per the applicant’s Construction Management Plan and can be guaranteed by **condition**.
- The applicant has provided a Draft Construction and Demolition Waste Management Plan. This should be further developed and details agreed by **condition**.
- A third party previously raised the issue of construction waste being left close to adjoining residential dwellings; this can be prevented by **condition**.
- The proposals for Taking in Charge are acceptable. Details can be agreed by **condition**.

Environmental Health

The HSE Environmental Health Officer previously recommended an Inward Noise Impact Assessment. The applicant has not provided one.

Given that additional information is not a facility available to the Board at Stage 3 of the SHD process, and given also the residential development in the immediate area, it is considered that permission can be granted without an Inward Noise Impact Assessment. Such an assessment can be required by **condition** in order to assess and provide for alterations to the specification of fenestration in the development.

Screening for Appropriate Assessment

The applicant has provided information for screening for appropriate assessment. A number of observations have alleged that the information provided is inadequate, or would not comply with the requirements of court decisions, in order to dispose of the need for full appropriate assessment. This is an issue for An Bord Pleanála as the competent authority.

Screening for Environmental Impact Assessment

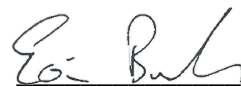
The applicant has not provided an Environmental Impact Assessment Report, and the proposed development does not meet the threshold for a mandatory EIAR. An Bord Pleanála is the competent authority in this regard.

Conclusion

There remain a number of issues with this application, which have each either been raised previously by SDCC, or have arisen in the present application.

Noting national and regional guidance in relation to urban consolidation, and noting also the location of the site, the general layout 2, the Planning Authority recommends that the development can be **granted permission**, subject to the conditions proposed in Appendix 1. Ultimately, the Board should use its discretion to assess whether the above issues do not raise issues of such magnitude as to require a refusal of permission, and can be dealt with by condition.

Jim Johnston,
Senior Executive Planner



Eoin Burke,
Senior Planner

Date: 06 Dec 21



Mick Mulhern,
Director of Land Use, Planning and
Transportation

APPENDIX A – STRATEGIC HOUSING DEVELOPMENT TABLE OF RECOMMENDED CONDITIONS

No	Condition	Reason
1	<p>Effective control on development as approved</p> <p>Development in accordance with submitted plans and details.</p> <p>The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</p>	<p>To ensure that the development shall be in accordance with the permission and that effective control be maintained.</p>
2	<p>Amendments.</p> <p>The applicant, developer or land owner shall submit revised plans (including site plans, floor plans, sections and elevations) as required to specify the below amendments to the scheme, subject to the final agreement of South Dublin County Council prior to commencement of development:</p> <p>(b) One ground floor unit and one duplex unit in Block M shall be omitted in order to provide for communal amenity space to serve Blocks L and M.</p> <p>(c) The applicant shall provide a consistent floor plan, Schedule of Accommodation and House Distribution Plan as required to specify unit 15 as a 1-bed or a 3-bed house.</p> <p>(d) Unit Type F1 shall be amended so as to provide additional east-facing fenestration to the primary living area.</p> <p>(e) First Floor Balconies to Blocks H, J and K shall face away from the existing neighbouring rear gardens on Prospect Avenue and Springvale.</p> <p>(f) All residential units are to comply with Building Regulations in relation to access stairs and circulation areas. In addition to revised drawings, the applicant developer or land owner shall submit a written statement in this regard in relation to the apartment blocks. Any amendments required shall not impinge on the standards laid out in the ‘Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities’ (2020) for unit and room sizes. Any alterations to building envelopes to accommodate such amendments must be acceptable to the Planning Authority in relation to impact on adjoining residential sites, or public/communal open space and streetscapes within the proposed development.</p> <p>(f) Separate domestic waste storage facilities shall be provided for residents in Blocks E and K.</p> <p>(g) Separate domestic waste storage facilities shall be provided for residents in Block L and the creche.</p> <p>(h) Residents in Blocks J and H shall be provided with convenient basement access.</p>	<p>In the interest of a high quality sustainable residential development</p>

	<p>(i) The Springvale pedestrian/ cyclist access shall be provided with retractable bollards.</p> <p>(k) Electric charging points to be provided for at least 10% of surface and basement car parking spaces in accordance with condition 15.</p> <p>(l) Surface Water attenuation systems shall be located a minimum of 5 metres away from the 600mm waterworks overflow pipe traversing the site.</p>	
3	<ol style="list-style-type: none"> 1. A total of 167no. vehicle parking spaces shall be provided at the development. 2. There shall be 288no. bicycle spaces provided within the development. If there are surface bicycle parking spaces these shall be covered spaces to encourage bicycle use. 3. SDCC reserve the right to request the applicant to install additional traffic calming at the applicant's expense at locations to be agreed. In the interests of traffic safety. 4. Any road marking proposed and or to be installed shall comply with most up to date Chapter 7 (ROAD MARKINGS) of the Traffic Signs Manual. 5. Any road sign proposed and or to be installed shall comply with most up to date Chapter 6 (WARNING SIGNS) of the Traffic Signs Manual. 6. Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (REGULATORY SIGNS) of the Traffic Signs Manual. 7. A reversing distance of 6.0m shall be provided for all car parking spaces. 8. Any cycling facilities proposed shall be designed and constructed to comply with the National Transport Authority (NTA), National Cycle Manual standards. 9. The applicant shall provide ducting along the frontage of their site. These ducts shall comply with the following: <ol style="list-style-type: none"> a. 100mm diameter medium/high density smooth internal bore polyethylene, minimum wall thickness 5mm (+/- 0.1mm) coloured orange with the words "Traffic Signals" printed in 9mm high white lettering along the outside at intervals not exceeding 1 metre; b. impact resistant, impervious to water and sufficiently flexible to accommodate undulations in the trench; and c. when installed shall be properly jointed or sleeved to provide a continuous smooth internal bore with the printed words "Traffic Signals" uppermost. 	<p>To ensure effective control of development, and to ensure safe and adequate provision of transport infrastructure in line with national guidelines and local needs.</p>

	<p>d. A single, securely fixed, polypropylene draw wire shall be left in every duct after installation of the cabling.</p> <p>e. Duct chambers shall be Cooper Clarke or agreed equivalent:</p> <ul style="list-style-type: none"> i. spinal chambers shall not be less than 600 by 600mm (nominal); ii. chambers with integral pole foundations shall be 300 by 300mm or 450 by 450mm (nominal); and iii. chambers for loop tails shall be not less than 300 by 300mm (nominal) but loop tails may be run into spinal chambers and chambers with integral pole foundations when appropriate. <p>f. Chamber lids shall be occasional run over unless otherwise required by the County Council.</p> <p>10. The works on the public road (for the two new pedestrian crossing from the site on Stocking Lane as indicated by the red line) will be undertaken by the applicant as part of the development.</p>	
4	<p>Mobility Management Plan. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed in writing with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.</p>	In the interest of sustainable transport.
5	<p>Energy Statement The applicant has provided an Energy Statement with the application. The Statement specifies measures for heating, electricity and electric vehicle charging, in line with council policy and Part L of the Building Regulations. The report has been authored by the applicant, and has been queried on this basis by a third party. The final measures in relation to energy provision can be agreed by condition, with a report provided by a suitably qualified specialist.</p>	To ensure energy efficiency in the development.
6	<p>Conservation and Heritage The applicant shall engage a conservation architect to survey the site and make a report to South Dublin County Council, with proposals for retention and/or re-use of any older stone features on the site, to the agreement of the Planning Authority.</p>	For the public record and to fulfill the requirements of best practice in relation to Architectural Conservation.
7	<p>Council Housing Strategy. The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the</p>	To promote social integration consistent with policies/objectives

	<p>Building Control Regulations 1997:</p> <p>(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and</p> <p>(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.</p>	<p>of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.</p>
8	<p>Owner's Management Company Prior to the commencement of development details of an Owner's Management Company shall be submitted to the Planning Authority for written agreement.</p>	<p>In the interests of proper planning and sustainable development.</p>
9	<p>Landscape Plan The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p> <p>a) The landscaping scheme once agreed shall be carried out within the first planting season following substantial completion of external construction works of each phase of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.</p> <p>b) The developer shall submit level details for the open space, this shall include cross section drawings where applicable. If retaining walls are required, they shall be located outside the open space.</p> <p>c) Additional tree planting is required on streetscapes. The developer shall provide large trees a minimum of 18 to 20cm girth. The developer shall submit cross section details of the tree pits and growing mediums. The tree pits shall include storm water attenuation (sustainable urban drainage system) within the tree pits and clearly outline how this will function.</p> <p>d) All lighting columns shall be located a minimum of five meters away</p>	<p>In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.</p>

	<p>from any tree.</p> <p>e) Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The prospective applicant should include any plans for public open spaces in the wider area, if known, and how such proposals would link in and integrate with the proposed development.</p> <p>f) Details of the proposed kickabout areas including their drainage and future maintenance to be agreed with Public Realm.</p> <p>g) Details of proposed MUGA to be agreed with Public Realm.</p> <p>h) Details of proposed basketball throwing hoop, game and exercise courts to be agreed with Public Realm.</p> <p>i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals. If attenuation tree pits are proposed, their installation shall be supervised by the project landscape architect.</p>	
10	<p>Biodiversity Management Plan</p> <p>The applicant should provide a detailed biodiversity management strategy for the development, details of which shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p>	<p>In the interest of protecting the Environment.</p>
11	<p>Children's Play</p> <p>Details of play proposals to be agreed with Public Realm. Play proposals should include accessible play features. Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing shall be submitted prior to the commencement of development. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement. An Indicative Play Map showing types of play and age groups catered for shall also be submitted.</p>	<p>To uphold the policies of the South Dublin County Development Plan 2016 - 2022 relating to children's play, and to provide for the proper planning and sustainable development of the</p>

		area.
12	<p>Protection of Trees and Hedgerows being Retained</p> <p>(a) To ensure the protection of the existing trees to be retained within the development site, the applicant shall implement the tree protection measures contained within the Arboricultural Report and associated Tree Protection Plan. In addition, prior to the commencement of construction works on site, the appointed arborist/landscape architect is to arrange a site meeting with the Public Realm Section in order to ensure that all tree and hedgerow protection measures as per the Arboricultural Assessment Report have been implemented.</p> <p>(b) Prior to the commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the hedge for its full length, and shall be maintained until the development has been completed.</p> <p>Where it is expected that there will be a high concentration of construction works, the fencing will need to be 2.3m high and constructed in accordance with figure 2 of BS 5837 2012 (see ‘Appendix 1’ fence type 1 for detail). Where there is a lesser intensity of works, a three rail fence structure or chain link wire fence 1.5m high will be sufficient, (see fencing type 2 details within ‘Appendix 1’).</p> <p>No constriction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.</p>	To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.
13	<p>Tree Bond and Arboricultural Agreement</p> <p>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 €74,495.36 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.</p> <p>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</p>	To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.

	<p>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.</p> <p>An Arboricultural Assessment Report and Certificate is to 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.</p>	
14	<p>Three Year Post Completion Tree Survey</p> <p>Prior to the commencement of development, the applicant shall submit written agreement that a tree survey will be conducted post 3 years completion of site works. A suitable tree survey shall be submitted and agreed with SDCC Public Realm Section before any bond is released by SDCC. This shall be agreed with the Public Realm Section post 3 years completion. This is to ensure the protection of trees/hedgerow on and immediately adjacent to the site to make good any damage caused during the construction/post-construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the applicant, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or the appropriate and reasonable replacement of the trees/hedgerows that dies, 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.</p> <p>The survey shall comprise a detailed Tree Survey, Tree Survey Schedule, and Tree Constraints Plan, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by a Professional Member of Arboricultural Association who is an independent, qualified Arborist and be submitted to SDCC</p>	To ensure tree measures have been properly implemented.
15	<p>Car Park Facilities for Charging Electric Vehicles.</p> <p>The proposed development shall make provision for the charging of electric vehicles.</p> <p>(a) In the case of on-curtilage/driveway parking, 100% of spaces must be provided with electrical connections, to allow for the provision of future charging points.</p> <p>(b) In the case of surface car parking spaces and basement car parking</p>	In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and

	<p>spaces, 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points.</p> <p>(c) 10% of basement car parking spaces must be provided with electric vehicle charging points as part of initial development, and these must be operational at initial occupation.</p> <p>(d) 10% of surface car parking spaces must be provided with electric vehicle charging points as part of initial development, and these must be operational at initial occupation.</p> <p>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.</p>	<p>to support the transition to a low carbon future.</p>
16	<p>Taking in Charge The items to be Taken in Charge shall be as per drawing 2183-13-A. Prior to development the applicant shall submit construction details of all items to be taken in charge. No development shall take place until these items have been agreed. Updated SDCC Taking in Charge standards are available for download at the following link: https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards/</p>	<p>To comply with the Councils taking in charge standards.</p>
17	<p>Construction Traffic Management Plan (a) Prior to commencement of development a Construction Traffic Management Plan shall be agreed with the Planning Authority. (b) Construction traffic shall not enter or egress from the site via Springvale.</p>	<p>In the interests of traffic safety and residential amenity.</p>
18	<p>Biodiversity and Public Lighting a) Prior to the commencement of development, the applicant shall agree in writing an integrated public lighting scheme and Landscape Plan with the Planning Authority. 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. b) The Public Lighting scheme and Landscaping Plan shall be integrated and agreed with the Planning Authority prior to commencement of development. c) The mitigation measures proposed in the Ecological Impact Assessment shall be implemented in full.</p>	<p>In the interests of protection of bats, public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.</p>
19	<p>Services to be Underground. All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.</p>	<p>In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with</p>

		the Council's Development Plan.
20	<p>Irish Water</p> <p>The applicant is required to sign connection agreements for water supply and waste water with Irish Water prior to any works commencing and connecting to the network. All development is to be carried out in compliance with Irish Water Standards codes and practices.</p>	To ensure that the development does not endanger public health.
21	<p>Surface Water (SUDS)</p> <p>(a) A detailed SUDS scheme for the proposed development which meets the objectives of South Dublin County Council Development Plan 2016-2022 to be agreed with the Planning Authority. The SUDS should be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement. The SUDS features should include devices such as swales, permeable paving, filter drains, rain gardens, integrated tree pits in hard standing areas and green roofs.</p>	To support the provision of natural sustainable drainage in the County.
22	<p>Surface Water and Flood Risk.</p> <p>(a) The development shall include water butts in all proposed housing units as part of further SuDS (Sustainable Drainage System) measures for the development.</p> <p>(b) The applicant shall relocate the proposed surface water attenuation system for Catchment B such that it is located a minimum of 5m away from the 600mm waterworks overflow pipe traversing the site.</p> <p>(c) The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use.</p> <p>(d) All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.</p> <p>(e) All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.</p>	In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.
23	<p>Inward Noise Impact Assessment</p> <p>Prior to commencement of development, the applicant developer or landowner shall submit an Inward Noise Impact Assessment report to the Planning Authority, which shall contain proposed mitigation measures or alterations to the proposed development as necessary, for the final agreement of the Planning Authority and the Environmental Health Officer prior to commencement of development.</p>	
24	<p>Nature Conservation</p> <p>The clearance of vegetation from the site shall only be carried out in the period September to February inclusive.</p>	To avoid destruction of nests, eggs and nestlings of birds,

		and to conserve bat species, which are afforded a regime of special protection under the Habitats Directive (92/43/EEC)
25	<p>Construction Environmental Management Plan</p> <p>Prior to commencement of development, the applicant shall submit and obtain written agreement of the Planning Authority for a site specific Construction Environmental Management Plan. The CEMP shall identify potential impacts and mitigating measures, and a mechanism for ensuring compliance with environmental legislation, and ensure best construction practices including measures to prevent and control the introduction of pollutants and deleterious matter to surface water and measures to minimise the generation of sediment and silt. Precautions must be taken to ensure there is no entry of solids, during the connection of pipe work, or at any stage to the existing surface water system and the Owendoher River.</p>	To ensure compliance with relevant environmental legislation and standards during construction, and to prevent the entry of pollutants into watercourses.
26	<p>Street Naming and Dwelling Numbering.</p> <p>Prior to the commencement of any works on site the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:</p> <p>(i) A street naming and dwelling/unit numbering scheme, for the development as approved that is in accordance with the Planning Authority's policy and requirements for such schemes, along with associated proposed signage for the scheme.</p> <p>The agreed number shall be placed on each house upon completion so as to be clearly legible from the proposed access road or the public realm, and the agreed street name in both Irish and English, or Irish only shall be erected at the beginning of each street in a manner to be clearly legible, and in accordance with Planning Authority's requirements.</p> <p>The development name should:</p> <ol style="list-style-type: none"> 1. Avoid any duplication within the county of existing names, and 2. Reflect the local and historical context of the approved development, and 3. Comply with; <ol style="list-style-type: none"> (a) Development Plan policy, and (b) The guidelines on naming and numbering of the Department of the Environment, Heritage and Local Government, and (c) Have regard to the Guidelines issued by the Place Names Commission (An Coimisiún Logainmneacha) and (d) Preferably make exclusive use of the Irish language. <p>Proposals for an apartment name and numbering scheme and associated</p>	In the interest of the proper planning and sustainable development of the area and compliance with the South Dublin County Council's Development Plan.

	<p>signage shall be lodged with the Planning Authority prior to the date of any Commencement Notice within the meaning of Part II of the Building Control Regulations 1997 and prior to the commencement of any works on site. The applicant, developer, or owner is advised to consult with Naming and Numbering section of the Planning Authority in advance of lodging the required scheme.</p>	
27	<p>Construction and Demolition Waste Management Plan</p> <p>(a) Prior to commencement of development a developed Construction Demolition and Waste Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.</p> <p>(b) The plan shall detail that construction waste shall not be left in close proximity to neighbouring residential gardens.</p>	<p>In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.</p>
28	<p>Construction Noise and Hours.</p> <p>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.</p> <p>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).</p> <p>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:</p> <ul style="list-style-type: none"> - 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. 	<p>In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council’s amenity policies set out in the South Dublin County Council Development Plan.</p>

29	<p>Minimise Air Blown Dust.</p> <p>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.</p>	<p>In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.</p>
30	<p>Regulation of Institutional Investment in Housing - Mixed unit-type development.</p> <p>(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>	<p>REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.</p>
31	<p>Section 48 Financial Contribution</p> <p>The developer shall pay to the planning authority a financial contribution in a sum to be agreed with the Planning Authority, 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).</p>	<p>The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a</p>

	<p>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.</p>	<p>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.</p>
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APPENDIX B – WATER SERVICES REPORT

Register Reference No.: SHD3ABP-311616-21

Development: 131 residential units including 21 houses (1 three bed, 11 four bed, 9 five bed) of up to two-storey plus roof storey; 2 duplex apartment units (2 two bed) in a three-storey high block; 108 apartment units (29 one bed; 59 two bed; 20 three bed) in ten apartment blocks up to four-storeys; a creche of c. 128sq.m at the ground floor of Block L; a shop of c. 65sq.m at the ground floor of Block G, with associated storage; a total of 167 car parking spaces, of which 88 are at surface level and 79 in the basement under apartment Blocks F and G, 5 are dedicated visitor parking spaces; a total of 288 cycle parking spaces and 5 motorcycle spaces; a new vehicular access onto Stocking Lane; a new pedestrian and cycle access to the Springvale estate to the east; new roads, footpaths and cycle paths and connections within the site; a new pedestrian crossing on Stocking Lane to the north west; the expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west; the development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

Location: Stocking Lane, Ballyboden, Dublin 16

Report Date : 28th October 2021

Surface Water Report:

No objection subject to:

- 1.1 The applicant shall include water butts in all proposed housing units as part of further SuDS (Sustainable Drainage System) measures for the development.
- 1.2 The applicant shall ensure that the proposed surface water attenuation system for Catchment B is located a minimum of 5m away from the 600mm waterworks overflow pipe traversing the site.

Flood Risk Report:

No objection:

- The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use.
- All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.

All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

Signed: _____ Date: _____
Ronan Toft AE

Endorsed: _____ Date: _____
Brian Harkin SEE

APPENDIX C – ROADS REPORT

Register Reference: SHD3ABP-311616-21

Date: 11/10/2021.

Development: 131 residential units including 21 houses (1 three bed, 11 four bed, 9 five bed) of up to two-storey plus roof storey; 2 duplex apartment units (2 two bed) in a three-storey high block; 108 apartment units (29 one bed; 59 two bed; 20 three bed) in ten apartment blocks up to four-storeys; a creche of c. 128sq.m at the ground floor of Block L; a shop of c. 65sq.m at the ground floor of Block G, with associated storage; a total of 167 car parking spaces, of which 88 are at surface level and 79 in the basement under apartment Blocks F and G, 5 are dedicated visitor parking spaces; a total of 288 cycle parking spaces and 5 motorcycle spaces; a new vehicular access onto Stocking Lane; a new pedestrian and cycle access to the Springvale estate to the east; new roads, footpaths and cycle paths and connections within the site; a new pedestrian crossing on Stocking Lane to the north west; the expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west; the development also includes landscaped private and public open space, boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

Location: Stocking Lane, Ballyboden, Dublin 16.

Applicant: MacCabe Durney Barnes Ltd

App. Type: SHD3-Application to ABP

Planning Officer:

Date Recd: 11/10/2021.

Prior to commencement of any works in the public domain, and in order to comply with The Roads Act 1993 Section 13 Paragraph 10, a Road Opening Licence must be secured from South Dublin County Council, Roads Maintenance Department.

Description

The development of 131 residential units including 21 houses (1 three bed, 11 four bed, 9 five bed) of up to two-storey plus roof storey; 2 duplex apartment units (2 two bed) in a three-storey high block; 108 apartment units (29 one bed; 59 two bed; 20 three bed) in ten apartment blocks up to four-storeys; a creche of c. 128sq.m at the ground floor of Block L; a shop of c. 65sq.m at the ground floor of Block G, with associated storage; a total of 167 car parking spaces, of which 88 are at surface level and 79 in the basement under apartment Blocks F and G, 5 are dedicated visitor parking spaces; a total of 288 cycle parking spaces and 5 motorcycle spaces; a new vehicular access onto Stocking Lane; a new pedestrian and cycle access to the Springvale estate to the east; new roads, footpaths and cycle paths and connections within the site; a new pedestrian crossing on Stocking Lane to the north west; the expansion and upgrade of the existing pedestrian crossing on Stocking Lane to the south west; the development also includes landscaped private and public open space,

boundary treatment, lighting, play area, an ESB substation, site drainage works and all ancillary site development works above and below ground.

The proposed development comprises 131no. residential dwellings which include 29 no. one bed apartments, 61no. two bed apartments, 20no. three bed apartments, 1 no. three bedroom house, 11no. four bed houses and 9no. five bed houses. In addition, the scheme includes a separate retail (65 sq. m) and creche (128 sq. m) units.

Junction analysis was carried out on the development access location, considering this is a new junction and has RFC of zero the developments increase of 9% and 5% is insignificant.

Access & Roads Layout:

The main vehicular access/egress to serve the development will be a priority junction with Stocking Lane. An autotrack analysis has been carried out at the site access junction to demonstrate its capability to cater for a refuse lorry and fire tender. The results of the analysis show that the site access junction can accommodate servicing vehicles accessing, manoeuvring, and exiting the site. A layby has been included within the site design to facilitate loading and unloading for the retail unit. A Bin collection route has been identified in the submission. There are several bin storage areas in the podium car park. The methodology for collection including bin lorry set down area must be set out clearly in any application.

New pedestrian crossing from the site on Stocking Lane (at the northern end) and a new 1.8m wide footpath, which connects to the existing footpath along Stocking Lane.

To achieve the new 1.8m footpath, the applicant proposes narrowing the Stocking Lane carriageway from 6.8m to 6m width, whilst 1m has been taken from the existing verge. As previously discussed with Roads and Parks, this approach aims to minimise the impact of the new footpath upon the existing trees along Stocking Lane;

Emergency, Pedestrian and Cycle Access to Springvale. The applicant has designed a 4m wide Shared Surface connecting the site to Springvale and indicated that this would be for Pedestrians, Cyclists and Emergency use only. They have shown a potential 3.5m wide corridor of land beside the 4m Shared Surface, which could be used to widened the Shared Surface in the future by SDCC to accommodate a full road link (assumed 5.5m wide carriageway and 2m wide footpath). However as discussed for the SHD application the applicant wishes to present to ABP a pedestrian, cycle and Emergency access route only.

Permeability:

Footpath and Cycle Lane along Stocking Lane, it is proposed to introduce a new 2m wide footpath and 2m wide cycle lane on the eastern side of Stocking Lane. Pedestrian and Cycle Permeability, it is proposed to introduce a pedestrian and cycle connection from the proposed development into Springvale. Pedestrian Crossing, proposed site layout would include two new crossings along Stocking Lane. This will facilitate pedestrians and cyclists crossing on the western side of Stocking Lane where an existing footpath and cycle lane is located. It is proposed to provide high quality pedestrian and cycle access throughout the site. Pedestrian and cycle access will be available off Stocking Lane (the western boundary) at 3 no. locations.

Car Parking:

There will be 167 car parking spaces, (152 no. residential spaces, 5 no. visitor spaces, 4 no. creche spaces, 5 no. retail spaces and 1 no. car share space). Inclusive of the residential

spaces, provision will be given to 24 no. electric charging points and 6 no. mobility impaired spaces.

Bicycle Parking:

It is proposed to provide 288no. bicycle parking spaces, all out spaces should be protected from the weather and be secure.

Taking in Charge:

A taking in charge map has been included in the submission, detailing all the areas for future public ownership.

Should the permission be granted the Roads Department recommend the following conditions:

1. A total of 167no. vehicle parking spaces shall be provided at the development.
2. There shall be 288no. bicycle spaces provided within the development. If there are surface bicycle parking spaces these shall be covered spaces to encourage bicycle use.
3. 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.
4. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be submitted for the written agreement of the Planning Authority. REASON: In the interest of sustainable transport.
5. 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.
6. SDCC reserve the right to request the applicant to install additional traffic calming at the applicant's expense at locations to be agreed. In the interests of traffic safety.
7. Any road marking proposed and or to be installed shall comply with most up to date Chapter 7 (ROAD MARKINGS) of the Traffic Signs Manual.
8. Any road sign proposed and or to be installed shall comply with most up to date Chapter 6 (WARNING SIGNS) of the Traffic Signs Manual.
9. Any road sign proposed and or to be installed shall comply with most up to date Chapter 5 (REGULATORY SIGNS) of the Traffic Signs Manual.
10. A reversing distance of 6.0m shall be provided for all car parking spaces.
11. Any cycling facilities proposed shall be designed and constructed to comply with the National Transport Authority (NTA), National Cycle Manual standards.

12. Prior to the commencement of development, the applicant shall submit a revised layout showing typical road cross sections of the proposed roads to be offered for taking in charge. The submitted road cross sections shall comply with SDCC's Appendix 6 "Taking in Charge Policy-Standards".
- a. Please refer to: <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards/>
13. The applicant shall provide ducting along the frontage of their site. These ducts shall comply with the following:
- a. 100mm diameter medium/high density smooth internal bore polyethylene, minimum wall thickness 5mm (+/- 0.1mm) coloured orange with the words "Traffic Signals" printed in 9mm high white lettering along the outside at intervals not exceeding 1 metre;
- b. impact resistant, impervious to water and sufficiently flexible to accommodate undulations in the trench; and
- c. when installed shall be properly jointed or sleeved to provide a continuous smooth internal bore with the printed words "Traffic Signals" uppermost.
- d. A single, securely fixed, polypropylene draw wire shall be left in every duct after installation of the cabling.
- e. Duct chambers shall be Cooper Clarke or agreed equivalent:
- i. spinal chambers shall not be less than 600 by 600mm (nominal);
- ii. chambers with integral pole foundations shall be 300 by 300mm or 450 by 450mm (nominal); and
- iii. chambers for loop tails shall be not less than 300 by 300mm (nominal) but loop tails may be run into spinal chambers and chambers with integral pole foundations when appropriate.
- f. Chamber lids shall be occasional run over unless otherwise required by the County Council.
14. The works on the public road (for the two new pedestrian crossing from the site on Stocking Lane as indicated by the red line) will be undertaken by the applicant as part of the overall planning permission. The area of the public road would be included with the application site with a letter of consent from the Council to accompany the application.
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APPENDIX D – PUBLIC REALM DEPARTMENT REPORT (Submitted under SHD3ABP-308763-20)

SOUTH DUBLIN COUNTY COUNCIL



INTERNAL MEMORANDUM

Department: Parks & Landscape Services / Public Realm

Date: 04/01/2021

**Colm Maguire,
Planning Department**

Development: Proposed development on a site c. 2.47ha comprising of 131 residential units including 21 houses, 51 duplex apartment units and 59 apartment units, a creche, a shop, a total of 167 car parking spaces, a total of 288 cycle parking spaces and 5 motor cycle spaces.

Location: Stocking Lane, Ballyboden, Dublin 16

Applicant: MacCabe Durney Barnes Ltd.

Reg. Ref: **SHD3ABP-308763-20**

Main Concerns:

- Tree Loss – It is proposed to remove 45% of existing trees based on condition and impact of the proposed development.

- Additional information/detail required on proposed play items contained within the landscape proposals.
- Additional information/detail required proposed kickabout pitch, proposed MUGA and Basketball throwing hoop/game court and outdoor exercise courts
- Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as, integrated/bio retention tree pits, swales, detention basins, permeable paving, green roofs, rain gardens etc.
- Detailed Planting Plan required for the entire development which clearly details planting sizes and proposed numbers/densities.
- Detailed boundary plan required which provided detail information on the proposed boundary types and associated planting.
- Taking in Charge Drawing Required.
- Biodiversity Management Plan required

Relevant Planning Policies and Objectives

DP 2016-22 Section 8.1.0 Green Infrastructure Network

- **G2 Objective 2;** To protect and enhance the biodiversity value and ecological function of the Green Infrastructure network.
- **G2 Objective 9;** To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County by increasing tree canopy coverage using locally native species and by incorporating them within design proposals and supporting their integration into the Green Infrastructure network.

DP 2016-22 Section 8.3.0 Public Open Space Hierarchy and Landscape Setting

It is the policy of the Council to provide a hierarchy of high quality and multi-functional public parks and open spaces.

- **G4 Objective 1;** To support and facilitate the provision of a network of high quality, well located and multi-functional public parks and open spaces throughout the County and to protect and enhance the environmental capacity and ecological function of these spaces.
- **G4 Objective 2;** To connect parks and areas of open space with ecological and recreational corridors to aid the movement of biodiversity and people and to strengthen the overall Green Infrastructure network.

DP 2016-22 Section 8.4.0 Sustainable Urban Drainage Systems

Sustainable Urban Drainage Systems (SUDS) drain surface water in an environmentally friendly way by replicating natural systems in managed environments. SUDS systems seek to collect, store and clean surface water using natural systems and to release it back into the environment in a slow and controlled way, thereby reducing the risk of fluvial and pluvial flooding. Key features, such as Integrated Constructed Wetlands, permeable surfaces, filter strips, ponds, swales and basins are easy to manage, environmentally friendly and aesthetically attractive

Comments:

In relation to the above proposed development, this section has reviewed the application and has the following comments.

Landscape Proposals

The Public and communal open spaces for the proposed development should be designed to all relevant qualitative standards, in addition public and communal open spaces should be designed to be usable and functional within the overall proposed development.

The applicant should show how public open spaces in the wider area will link in and integrate with the proposed development. Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing housing developments and contiguous lands. Additional provision in landscape proposals should be made for teenagers.

The overall aim of the landscape design should be to create a high-quality attractive environment with amenity facilities for the residents of the proposed residential development.

The subject site contains several mature trees particularly along its boundaries. It should be an integral part of the overall landscape strategy that these green infrastructural assets are retained, protected, and built upon to strengthen green infrastructural links across the site and to the surrounding environment. To mitigate the loss of trees where unavoidable, a replacement native tree and hedgerow planting program should be proposed. Trees to be removed should be replaced with species such as oak, beech, birch, pine, rowan, alder, cherry, and willow.

The following additional information is to be provided and subsequently agreed with the Public Realm Section if planning permission for the scheme is granted:

- All proposed landscaping intended to be taken in charge shall be to a taking in charge standard that ensures ease of maintenance. This included soft landscaping details.
- Appropriate cross sections drawings throughout the development are required to consider ease of maintenance and usability of the open spaces. Any proposed levels changes or existing level changes shall be outlined. Slopes to be no greater than 1:8 on any open spaces to be mown.
- Any houses siding onto open space should have dual aspect in order to have all areas overlooked and avoid hidden areas where anti-social activity predictably occurs.
- Any proposed street trees should have a suitable load bearing tree pit that incorporates SuDS features into the tree pit. SuDS features will reduce excess water going into the drainage outlets. The applicant shall submit detailed cross sections for trees in the hard and soft landscape.
- Details of the kickabout areas including drainage to be agreed with Public Realm.
- Details of proposed MUGA to be agreed with Public Realm.
- Details of proposed basketball throwing hoop, game court and exercise courts to be agreed with Public Realm

Arboricultural Impact

As per the Arboricultural Impact Report prepared by CMK Hort + Arb, A total of 103 trees were identified on the site. As per the report a total of 29 trees have been shown for removal within categories B & C representing 28% of the total trees on the site. All of the category U trees which amount 17% of the total trees on the site are to be removed based on their poor condition.

Tree Removal Categories as per Report:

Category	Number	% of Total
A	0	0
B	10	10
C	19	18
U	17	17

Appointment of Arborist

A Site Arborist shall be appointed prior to the commencement of site construction works and will be responsible for the setting up and monitoring of tree protection, liaising with local authority tree / planning officers and providing feedback and advice to the design construction teams on issues relevant to trees. The Site Arborist shall be retained for the duration of construction works and should be appointed to carry out a post-construction tree survey / assessment.

Protection of Trees to be Retained

All precautions to ensure that any trees which are not required to be taken down under the contract shall remain undisturbed and undamaged must be taken. All works to trees and all operations adjacent to trees should be undertaken in accordance with the Code of Practice. The Applicant/Developer must appoint a qualified arboricultural contractor to undertake all tree works subject to approval by the Consulting Arborist. No works to trees shall be undertaken unless instructed by the Consulting Arborist and approved by the Planning Authority. All works on or within the Construction Exclusion Zone are to be supervised by the site arborist.

Protected Tree Zone/Construction Exclusion Zone

A tree protection zone shall be set out in accordance with the Code of Practice (5) and as per drawing TSTO005 103 Tree Protection Rev A. A notice 'Construction Exclusion Zone' shall be placed on tree protection fencing at regular intervals along the protective fencing. This notice shall include contact details for the Site Arborist. Strictly no access should be permitted to this zone unless instructed by the Site Arborist.

Ecological Impact Statement

The proposed mitigation measures contained within Section 6 (Proposed Mitigation Measures) of Environmental Impact Statement prepared by NM Ecology Ltd shall be implemented in full.

The proposed mitigation measures contained under Section 6 include:

Under Sections 22 and 23 of the *Wildlife Act 1976* (as amended), it is an offence to kill or injure a protected bird or mammal, or to disturb their breeding / resting places. Most birds nest between March and August (inclusive), and the breeding season for most small mammals is similar. Therefore, it is strongly recommended that all tree felling and site clearance works are carried out between September and February (inclusive), i.e. outside the nesting season. If this is not possible, an ecologist will survey the affected areas in advance in order to determine whether any breeding

birds or mammals are present. If any are encountered, vegetation clearance will be delayed until the breeding has been completed, i.e. chicks have fledged and a nest has been abandoned. All retained trees and hedgerows will be protected during construction works, as outlined in the Tree Protection Plan and Arboricultural Implications Assessment.

Bat Assessment

The applicant has not provided a detailed Bat Assessment for the development site. The applicant shall appoint a bat ecologist to carry out a bat survey (between May and September), prior to commencement of development. The bat ecologist shall also review the engineer's lighting plan for the development and make such recommendations for adjustments (e.g. retrofit of cowls, shields or louvers) to the plan as necessary to mitigate light spill on bat feeding habitats.

SUDS & Green Infrastructure

There are concerns as to how the proposed SUDS features will work within the overall drainage layout for the proposed development.

Pursuant to Green Infrastructure Policy G5 -Sustainable Urban Drainage Systems and Objective G5 1 and G5 2 in the Couth Dublin County Council Development Plan and Chapter 7 – Infrastructure and Environmental Planning, the SuDS strategy adopted by South Dublin County Council aims to provide an effective system to mitigate the adverse effects of urban stormwater runoff on the environment by reducing runoff rates, volumes and frequency, reducing pollutant concentrations in stormwater, contributing to amenity, aesthetics and biodiversity enhancement where possible. In addition, SuDS features aim to replicate the natural characteristics of rainfall runoff for any site by providing control of run-off at source.

Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as natural swales, integrated tree pits, bio retention areas, rain gardens, detention basins, filter drains, permeable paving etc. In addition, the applicant should provide the following:

- a) Demonstrate how natural SUDS features will be incorporated and work within the design of the proposed development.
- b) Natural SUDS Features including permeable paving and integrated/bio retention tree pits to be used throughout the site.

Biodiversity Management Plan

Given the numerous policies and objectives regarding Green Infrastructure in the County Development Plan 2106-2022 and given the size and nature of the proposed development. It is requested that an overarching Biodiversity Management Plan be drawn up by the applicant/developer 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 should 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:

- a) The protection of hedgerows
- b) Protections and enhancement measures for bats
- c) Protection and enhancement of breeding birds and their habitats
- d) The use of SUDS and Climate Adaption Measures

Play

Additional details, specifications and images need to be provided in relation to the proposed play items for both development sites. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design. The playground landscape architect can contact SDCC Public Realm Section to discuss the play and fitness equipment proposed, including the inclusion of universally accessible equipment. The applicant should consider the use of engineered woodchip as playground surfacing material.

Accessibility

The appointed Landscape architects for the proposed development should apply universal design principles to create more inclusive spaces within the landscape proposals.

The following conditions are recommended to be applied:

1. Landscape Proposals

The site shall be landscaped in accordance with a comprehensive scheme of landscaping, details of which shall be submitted to, and agreed in writing with the Public Realm Section prior to the commencement of development.

- j) The landscaping scheme once agreed shall be carried out within the first planting season following substantial completion of external construction works of each phase of development. All planting shall be adequately protected from damage until established. Any plants which die, are removed or become seriously damaged or diseased, within a period of five years from the completion of the development or until the development is taken in charge by the local authority, whichever is the sooner, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority.
- k) The developer shall submit level details for the open space, this shall include cross section drawings where applicable. If retaining walls are required, they shall be located outside the open space.
- l) Additional tree planting is required on streetscapes. The developer shall provide large trees a minimum of 18 to 20cm girth. The developer shall submit cross section details of the tree pits and growing mediums. The tree pits shall include storm water attenuation (sustainable urban drainage system) within the tree pits and clearly outline how this will function.
- m) All lighting columns shall be located a minimum of five meters away from any tree.
- n) Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The prospective applicant should include any plans for public open spaces in the wider area, if known, and how such proposals would link in and integrate with the proposed development.
- o) Details of the proposed kickabout areas including their drainage and future maintenance to be agreed with Public Realm.
- p) Details of proposed MUGA to be agreed with Public Realm.
- q) Details of proposed basketball throwing hoop, game and exercise courts to be agreed with Public Realm.
- r) 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. A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals. If attenuation tree pits are proposed, their installation shall be supervised by the project landscape architect.

Reason: In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design

2. Landscape and Visual Assessment

The applicant shall provide a landscape and visual impact assessment to determine the landscape and visual impacts of the proposed development, this assessment should include the following;

- i. Landscape Impacts, including:
 - Direct impacts upon specific landscape elements within and adjacent to the site
 - Effects on the overall pattern of the landscape elements which give rise to the landscape character of the site and its surroundings; and
 - Impacts upon any special interests in and around the site.
- ii. Visual Impacts:
 - Direct impacts of the development upon views in the landscape; and
 - Overall impact on visual amenity

Reason: In the interest of visual amenity and protecting the local landscape.

3. Ecology

The recommendations and mitigation measures contained within the Environmental Impact Statement shall be implemented in full by the applicant.

Reason: In the interest of protecting the Environment.

4. Bat Assessment

The applicant shall provide a Bat Survey Report for the proposed development. The report should be prepared to current guidance and best practice methodologies.

Reason: In the interest of protecting the Environment.

5. Biodiversity Management Plan

The applicant should provide a detailed biodiversity management strategy for the development, details of which shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.

Reason: In the interest of protecting the Environment.

6. Tree Protection

To ensure the protection of the existing trees to be retained within the development site, the applicant shall implement the tree protection measures contained within the Arboricultural Report and associated Tree Protection Plan. In addition, prior to the commencement of construction works

on site, the appointed arborist/landscape architect is to arrange a site meeting with the Public Realm Section in order to ensure that all tree and hedgerow protection measures as per the Arboricultural Assessment Report have been implemented.

Reason: To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development

7. Tree and Hedgerow Protection Measures

Prior to the commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the hedge for its full length, and shall be maintained until the development has been completed.

Where it is expected that there will be a high concentration of construction works, the fencing will need to be 2.3m high and constructed in accordance with figure 2 of BS 5837 2012 (see 'Appendix 1' fence type 1 for detail). Where there is a lesser intensity of works, a three rail fence structure or chain link wire fence 1.5m high will be sufficient, (see fencing type 2 details within 'Appendix 1').

No construction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.

Reason: To protect trees and planting during the construction period in the interest of visual amenity.

8. 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 **€74,495.36** 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* is to 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.

9. Three Year Post Completion Tree Survey

Prior to the commencement of development, the applicant shall submit written agreement that a tree survey will be conducted post 3 years completion of site works. A suitable tree survey shall be submitted and agreed with SDCC Public Realm Section before **any** bond is released by SDCC. This shall be agreed with the Public Realm Section post 3 years completion. This is to ensure the protection of trees/hedgerow on and immediately adjacent to the site to make good any damage caused during the construction/post-construction period. The bond lodgement shall be coupled with *an Arboricultural Agreement*, with the applicant, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or the appropriate and reasonable replacement of the trees/hedgerows that dies, 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.

The survey shall comprise a detailed Tree Survey, Tree Survey Schedule, and Tree Constraints Plan, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by a Professional Member of Arboricultural Association who is an independent, qualified Arborist and be submitted to SDCC

4. Play

Details of play proposals to be agreed with Public Realm. Play proposals should include accessible play features. Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to **European Standards EN 1176-1-11** and **EN 1177 Playground equipment and surfacing** shall be submitted prior to the commencement of development. Post installation certification by the **Royal Society for the Prevention of Accidents** will also be a requirement. An Indicative Play Map showing types of play and age groups catered for shall also be submitted.

Reason: In the interests of residential and visual amenity.

5. SUDS

A detailed SUDS scheme for the proposed development which meets the objectives of South Dublin County Council Development Plan 2016-2022 to be agreed with Public Realm. The SUDS should be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement. The SUDS features should include devices such as swales, permeable paving, filter drains, rain gardens, integrated tree pits in hard standing areas and green roofs.

Reason: In the interest of public health and to ensure a satisfactory standard of development.

Prepared By: Oisín Egan

Executive Parks Superintendent

Endorsed By: Laurence Colleran

Senior Executive Parks Superintendent

APPENDIX E – HOUSING DEPARTMENT REPORT
SOUTH DUBLIN COUNTY COUNCIL



INTERNAL MEMORANDUM

HOUSING DEPARTMENT

25th November 2021

Michael Mulhern
Director of Land Use, Planning and Transportation
Dept. of Development, Economic & Transport Planning

FAO: Colm Maguire / Brian Connolly

RE: Reg. Ref. SHD3ABP-311616-21

Location: Stocking Lane, Ballyboden, D.16
Applicant : MacCabe Durney Barnes Ltd.

Proposal: Construction of 131 residential units and associated all ancillary site development works above and below ground.

I refer to the above application for planning permission, **SHD3ABP-311616-21** and I wish to advise that a Part V condition should be attached to any grant of permission. The Part V percentage liability is dependent on the date the applicant purchased the subject site and the applicant is requested to provide proof of same to the Housing Department.

The stage 3 Part V planning documentation proposes 6 no. 1 bed apartments, 5 no. 2 bed apartments, 1 no. 3 bed apartment & 1 no. 4 bed mid terrace house to fulfil Part V. The Housing Department's preference is for a mix of units in line with the ratio of unit types applied for. Going forward the applicant is encouraged to engage directly with the Housing Department on any part V proposal.

South Dublin County Council's preference in respect of Part V is to acquire units **on site** South Dublin County Council can only agree in respect of the actual permitted development subject to costing approval from the Department of Housing, Local Government & Heritage. These negotiations will continue following a grant of planning permission.

Edel Dempsey
Senior Staff Officer
Part V Housing

APPENDIX F – ENVIRONMENTAL HEALTH OFFICER REPORT (Submitted under SHD3ABP-308763-21)

Location: Stocking Lane, Ballyboden, Dublin 16.

Applicant: MacCabe Durney Barnes Ltd.

Application Type: SHD3-Application to ABP

Planning Officer:

Development Summary: 131 residential units including: 21 houses, 51 duplex apartment units in seven blocks of up to three-storeys, 59 apartment units in three apartment blocks up to four-storeys; A creche of c. 128sq.m at the ground floor of Block L.

The development is in close proximity to the M50 motorway. A site visit was carried out during which traffic noise from the M50 was clearly audible. In addition South Dublin County

Councils Round 3 Noise Maps shows that the site has a day time noise reading ranging from between 55-59dB(A) and 60-64dB(A) and a night time noise reading ranging from between 50-54dB(A) and 55-59dB(A). As such the residential units will need to be protected from environmental noise from the M50.

Decision:

Additional information is required for the Environmental Health Department to adequately access this application. The additional information required is.

1. A noise impact assessment, carried out by appropriately qualified acoustician and competent persons, must be submitted in order to assess the potential impact of environmental noise from traffic on the M50. The study must include proposals to mitigate against environmental noise from road traffic to ensure compliance with BS 8233 Guidelines for Sound Insulation and Noise Reduction for Buildings. South Dublin County Council Environmental Noise Action Plan 2018 – 2023 recommends that the noise impact assessment should demonstrate that all facets of the UK "Professional Practice Guidance on Planning & Noise" (2017) (ProPG) have been followed.

Thomas Mangan
Environmental Health Officer
18th December 2020

Gillian Wynne
Senior Environmental Health Officer
18th December 2020