

Comhairle Chontae Atha Cliath Theas

PR/0650/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0091 **Application Date:** 31-Mar-2022
Submission Type: New Application **Registration Date:** 31-Mar-2022

Correspondence Name and Address: Gerry Ryan 2, Clancy Road, East Finglas, Dublin 11
Proposed Development: New SDCC maintenance-vehicle access gate in the existing fence between the Church of Scientology and Dodder Park, with landscaping & play items in the area of the park between the Dodder River and the existing fence; retention of the existing 2.5 metres high perimeter fence around the Church of Scientology occupied property, to include the omission of a pedestrian gate and fence plinth.

Location: Firhouse Road, Dublin 24
Applicant Name: Church of Scientology & Community Centre Dublin
Application Type: Permission and Retention

(EW)

Description of Site and Surroundings:

Site Visit: 12/05/2022

Site Description:

The site is located on the northern side of the Firhouse Road and to the south of the Dodder Valley Park. The site contains a Church of Scientology and Community Centre building (formerly the Victory Christian Fellowship Church building) with ancillary car parking to either side of the building. A plaza area is provided to the front of the building.

A tributary stream of the River Dodder is located to the east of the site and a 2-storey dwelling known as Kilinenny House adjoins the application site to the south-west. The eastern boundary of the site comprises of metal palisade fencing. A sports pitch is located to the southwest of the structure. A drop off lane runs parallel to the front elevation of the Church, connecting the car parking areas to either side of the building. The remaining lands surrounding the building comprise of landscaped areas, raised grassed mounding and pathways. The site is accessed from the Firhouse Road.

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Proposal:

Permission:

- New SDCC maintenance-vehicle access gate in the existing fence between the Church of Scientology and Dodder Park, with
- landscaping & play items in the area of the park between the Dodder River and the existing fence;

Retention:

- of the existing 2.5 metres high perimeter fence around the Church of Scientology occupied property, to include the omission of a pedestrian gate and fence plinth.

Zoning:

The site is subject to zoning objective HA (DV) - *To protect and enhance the outstanding natural character and amenity of the Dodder Valley.*

Specific Objective

The Dodder Valley proposed Natural Heritage Area is located directly to the north of the site.

Part of the route of the NTA Greater Dublin Cycle Network Plan runs to the north of the site.

Environmental Impact Statement: Not required

Screening for Appropriate Assessment: Not required

Consultations:

Water Services:	No objections subject to conditions
Irish Water:	No objections subject to conditions
Parks and Landscaping:	No objections subject to conditions
Heritage Officer:	No heritage related issues to subject proposal.
Roads Section:	No objections subject to conditions.

SEA Sensitivity Screening – Indicates overlap with the following layers;

- High Amenity- Dodder Valley
- Sites of Geological Interest- Dodder Terraces
- Proposed Natural Heritage Area

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Submissions/Observations /Representations

Several letters of objection were received. Concerns relate to the following;

- Concerns regarding the legality of the applicant's status as a religion and comments generally on the applicant's private organisation
- Concern regarding a private registered company running a playground facility in a public park. Private organisations should not be allowed to use public land for private development
- Concern regarding the rationale for SDCC to provide a playground to a private company when they should remain neutral.
- Concern relating to the applicant's organisation encroaching on public spaces under their control.

The above concerns are noted within the assessment of the planning application.

Relevant Planning History

SD18A/0010 – Permission **Granted** for:

- Infill extension to form a new internal lobby area to the rear of the existing building,
- Erection of timber clad fence and compound around proposed bin store,
- Erection of playground equipment with perimeter fence and hedging,
- Erection of 2 cctv camera poles at a height of 4.5m,
- Associated site landscaping works, new footpath and zebra crossing internally within the site and sundry seating areas.

Conditions 3 states the following:

- The applicant, owner or developer, or any other person with an interest in the land to which development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997 lodge with the Planning Authority:
 - (i) Details to comply with Condition 8 of SD05A/1055 which states:
Prior to the commencement of any development on the site, the applicant shall agree with the Parks Department and submit to the Planning Authority, a revised boundary treatment in respect of the boundary between the development site and the area of land to be ceded to South Dublin County Council for the purpose of continuing the development of the

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Dodder Valley Linear Park. This boundary treatment to comprise a plinth wall and railing and to include a detailed design and specification for the proposed pedestrian entrance to the future parklands.

REASON: In the interests of amenity and the proper planning and sustainable development of the area.

SD17A/0290 & PL06S.300150 Permission **Refused** by SDCC and granted by An Bord Pleanála for the erection of six lighting poles supporting sports pitch LED lighting at a height of 15 metres from the existing pitch levels, connected to an existing subterranean ducted electrical supply. Associated site landscaping works comprise of supplementary tree and hedgerow planting to the existing site boundary to the north of the site, adjacent to the Dodder Valley Greenway. Site signage to be erected on the Firhouse Road and on the Dodder Valley Greenway.

Reasons for refusal were as follows:

1. The proposed development would materially contravene:
 - (a) the land use zoning objective for the area which is: To protect and enhance the outstanding natural character and amenity of the Dodder Valley,
 - (b) the intention of the proposed natural heritage area.
 - (c) policies HCL10, HCL10, Objective 1, HCL13 Objective 1 and HCL13 Objective 2 HCL15 Objective 1, G2 Objective 3, G4 Objective 4, of the South Dublin County Development Plan 2016-2022.

Thus, the proposed development would be contrary to the proper planning and sustainable development of the area.

2. The importance of the Dodder Valley for 7 of the 9 species of Irish bats known to occur in Ireland is well recognised. These species are listed in Annex II of the EU Habitats Directive. Significant efforts have been made by South Dublin County Council in the course of other projects and developments along the river to minimize lighting impacts on bats. Whilst a lighting design, timing of use and landscaping proposals have been offered by the applicant as mitigation, the impact on bats of these measures would be negligible in an area which is currently managed as a darkened area suitable for bats. The addition of a significant block of high intensity lighting in an extremely sensitive ecological area would have significant adverse impacts on these Annex II protected species. Thus, the proposed development would seriously injure the amenities of property in the vicinity and be contrary to the proper planning and sustainable development of the area.

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SD17A/0248- Retention of 1 sign (c.10.17)

Retention permission granted.

SD10A/0176 Split Decision by SDCC Permission granted to the Victory Christian Fellowship for Amendments to previously approved planning permission Reg. Ref. SD09A/0255, SD07A/0553 and SD05A/1055 and An Bord Pleanála Reference No. PL06S.209775 which comprised of the following;

- New pedestrian gate to Firhouse Road with stone clad side walls, steps, signage, landscaping and lighting.

Permission refused for:

- An extension to the existing car park with landscaping to the north of the site to match the existing car park design and to provide for an additional 75 cars

Reasons for refusal:

1. (i) The proposed additional 75 car spaces, approximating to an increase of 50% in total car parking, would be significant increase in car parking spaces and car borne usage on the site. The 75 car spaces, with resultant access road-surfacing, would further intensify the scale and extent of development on the site. Thus the proposed development would materially contravene the zoning objective of the site which seeks 'To protect and improve High amenity areas' as set out in the South Dublin County Development Plan 2004-2010.
(ii) The proposed additional 75 car parking spaces would facilitate and encourage significant extra car usage at this location. Given the location of the site immediately adjacent to a Quality Bus Corridor and a bus stop and a dedicated cycle track along the Firhouse Road, the proposed car parking would materially contravene the principles of sustainable development as detailed in Section 1.2.5 of the South Dublin County Development Plan 2004-2010 which seek to:

'promote the use of public transport, cycling and walking and reduce reliance on private car usage'.

The proposed development would also materially contravene the Department of transport guideline Travel- A sustainable Travel future: A New Transport Policy for Ireland 2009-2012' which seek to reduce overall travel demand and commuting distance travelled by private cars.

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(iii) The site is adjacent to a tributary of the river Dodder and adjacent to the proposed Natural Heritage Area (Dodder Valley proposed NHA, Site Code 000991). The River Dodder flows into Dublin Bay which supports a number of Natura 2000 sites. Natura 2000 sites are protected habitats for flora and fauna of European importance. They comprise Special Areas of Conservation, designated under the Habitats Directive and Special Protection Areas, designated under the Birds Directive.

The applicant has not demonstrated that the proposed development will not impact on the Dodder River, thereby adversely impacting on protected species and natural habitats both in the River Dodder and downstream in Dublin Bay.

In the absence of evidence from the applicant to the contrary, the proposed development would contravene materially a development objective indicated in the Development Plan for the conservation and preservation of a European site insofar as the proposed development would adversely affect one or more natural habitat types in the Habitats Directive or species of bird or their habitat or other habitat in the Birds Directive.

2. The proposed additional 75 car spaces, approximating to an increase of some 50% in total car parking, would be a significant increase in car parking spaces and car borne usage on the site. The 75 car spaces, with resultant access road-surfacing, would further intensify the scale and extent of development on the site. Thus the proposed development would materially contravene the zoning objective of the site which seeks 'To protect and improve High Amenity Areas' as set out in the South Dublin County Development Plan 2004 – 2010.

3. The proposed additional 75 car parking spaces would facilitate and encourage significant extra car usage at this location. Given the location of the site immediately adjacent to a Quality Bus Corridor and bus stop and a dedicated cycle track along the Firhouse Road, the proposed car parking would materially contravene the principles of sustainable development as detailed in Section 1.2.5 of the South Dublin County Development Plan 2004 – 2010 which seek to:
'promote the use of public transport, cycling and walking and reduce reliance on private car usage'.

The proposed development would also materially contravene the Department of Transport Guidelines 'Smarter Travel – A Sustainable Travel Future: A New Transport Policy for Ireland 2009 – 2012' which seek to reduce overall travel demand and commuting distances travelled by private cars.

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SD09A/0255 Permission granted to the Victory Christian Fellowship for Amendments to previously approved planning permission Reg. Ref. SD07A/0553 and SD05A/1055 and An Bord Pleanála Reference No. PL06S.209775 which comprised of the following:

- provision of landscaped gardens at the south-eastern and north-western corners of the Church at basement level and the provision of paths along the eastern and western side of the Church at basement level,
- revisions to the landscape design of the terraces to the south-western and south-eastern front corners of the Church at ground level,
- provision of a plaza area to the front of the entrance at ground level,
- revised water feature within the plaza,
- provision of paths within the landscaped areas to the front of the church,
- revisions to the materials used for the entrance walkway at ground level,
- omission of a footpath linking the church with an entrance to the Dodder Valley Park.
- Provision of raised grassed mounding parallel to the northern perimeter of the access driveway and to the front (south) of the Church.
- Provision of a drop off lane running parallel to the front elevation of the Church and connecting with the approved car parking area to the north-eastern side of the Church,
- Reduction in the height of garden walls.
- Alterations to the basement floor plan which consist of change of use of part of the basement plant space into accommodation to provide a games room (138sq.m.), office (59 sq.m.) and 2 no. storage rooms (total 56sq.m.).
- Provision a hospitality room (83sq.m.) and store room (17sq.m) at the north-eastern corner of the church over an existing void space.
- Alterations to the elevations of the Church.

SD07A/0553 Permission granted to the Victory Christian Fellowship for amendments to previously approved planning permission Reg. Ref. SD05A/1055 and An Bord Pleanála Reference no. PL06S. 209775 which comprises the following : (a) extension to the previously approved rear pastors offices, toilets and choir room at the ground floor and basement; (b) amendments to the previously approved substation and bin store locations to the rear service yard to include an enclosed switch room, generator and boiler room; (c) amendments to the

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landscaping including the widening of the basement light wells to improve the quality of light to the basement accommodation to the east and west sides behind the courtyard walls and the provision of new emergency fire escape stairs from the basement; (d) extension of the basement to include a plant room and furniture equipment storage area (giving a total GFA of 5,226sq.m including previously approved) all on a site of 2.7874 hectares.

SD05A/1055 Permission granted to the Victory Christian Fellowship for amendments to planning permission from An Bord Pleanála Reference No. PL 06S.209775; for the following;

- The construction of a basement floor area comprising a crèche, kitchen, storage, youth auditorium, games room, toilets, men and women's choir, boiler room, cold water storage, plant room and service void;
- Change to and lowering of the roof profile;
- Amendments to elevation treatments;
- Landscaping including garden walls, new garden and tree grove;
- Amendments to car-parking and drop-off configuration;
- Construction of a new substation; and
- A new pedestrian access from Firhouse Road and a new pedestrian access from Firhouse Road and a new pedestrian access to the public park to west.

Condition 8 of this permission states:

*Prior to the commencement of any development on the site, the applicant shall agree with the Parks Department and submit to the Planning Authority, a revised boundary treatment in respect of the boundary between the development site and the area of land to be ceded to South Dublin County Council for the purpose of continuing the development of the Dodder Valley Linear Park. This boundary treatment to comprise a plinth wall and railing and to include a **detailed design and specification for the proposed pedestrian entrance to the future parklands.***

REASON: In the interests of amenity and the proper planning and sustainable development of the area.

SD04A/0666 Permission refused by SDCC and granted on appeal to Bord Pleanála to the Victory Christian Fellowship for the following; (1) Construction of Christian Church building (circa 2,932 M²) to be used as a place of worship and associated community activity, the height of this building measures 9.675m from ground level. (2) The provision of 121 car park spaces in total, and 24 bike park spaces. (3) Construction of new gated vehicular and pedestrian entrance off the Firhouse Road. (4) Construction of refuse collection area to rear of proposed church building. (5) On site stormwater attenuation tanks and outfall structure, discharging to the Dodder River. On site foul collection/pumping station connecting to public sewer on the

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Firhouse Road. (6) Construction of block pillar low level wall with railings around the perimeter of the entire site boundary. (7) Provision of 2.4 metre wide footpath and associated planting to the west of the site for proposed linear park development. (8) Relocation of existing G.A.A. Pitch (9) Site landscaping and planting and all associated site works.

The reasons for refusal were as follows:

1. Having regard to the scale of the proposed uses within the development it is considered that the traffic generated to the site would be significant and that the turning movements at this location from a distributor road and onto this road would constitute a traffic hazard which would endanger public safety.
2. Having regard to the zoning objective which seeks 'to protect and improve high amenity areas' it is considered that the height and scale of development above single storey level would be excessive and would seriously injure the open and natural character and visual amenity of the area. Therefore the proposed development would materially contravene the zoning objective and would thus be contrary to the proper planning and sustainable development of the area.
3. The proposed parking spaces in association with the development are significantly less than the requirements of the South Dublin County Development Plan and may encourage roadside parking which would constitute a traffic hazard on a distributor road.

The Application was appealed to An Bord Pleanala ABP Ref. PL06S 209775. An Bord Pleanala overturned the Planning Authority's decision and decided to grant permission for the proposed development. Thirteen conditions were attached to this grant of permission.

Condition 9: External lighting, including to the car-park, shall be provided in accordance with a scheme, details of which shall be submitted to the planning authority for agreement prior to the commencement of development.

Reason: In the interest of amenity and public safety.

13. Prior to commencement of development, a landscaping scheme shall be submitted to the planning authority for agreement. This scheme shall include details of all existing trees and hedgerows on the site, specifying those proposed for retention, together with measures for their protection during the period in which the development is carried out. The scheme should include screen planting inside the realigned boundary to the north-west of the G.A.A. pitch and between the pitch and the car-park. The site shall be landscaped in accordance with the agreed scheme, which shall also include a timescale for implementation.

Reason: In the interest of visual amenity.

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It is noted that in relation to lighting for the development the Inspectors Report of ABP Ref. PL06S 209775 states; 'The lighting of the car parking area should be such as to minimise its impact on the Dodder valley Linear Park.

Relevant Enforcement History

S8262 - Signage attached to the fencing along Firhouse Road without PP. (Case closed 08-Oct-2019)

Pre-Planning Consultation

None recorded for the subject site

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

Community Infrastructure (C) Policy 12 Open Space

C12 Objective 6:

To improve the provision for children's play across the County, including the provision of appropriate facilities for both young children and older children/teenagers, ensuring that all new facilities are accessible to all children of that age cohort, irrespective of ability, and to include play equipment of features suitable for children with disabilities.

Section 3.9.0 Sports Facilities & Centres

C7 Objective 3:

To support and provide a framework for the improvement, maintenance, upgrade and refurbishment of existing community based facilities, within the County, to meet current and future needs.

Policy HCL13 Objective 2;

To restrict development within a proposed Natural Heritage Area to development that is directly related to the area's amenity potential subject to the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes.

G2 Objective 1:

To reduce fragmentation of the Green Infrastructure network and strengthen ecological links between urban areas, Natura 2000 sites, proposed Natural Heritage Areas, parks and open spaces and the wider regional Green Infrastructure network.

G2 Objective 3:

To restrict development that would fragment or prejudice the Green Infrastructure network.

These objectives seek to protect habitats and species and to avoid impacts (including 'light-sensitive species such as bats') while attempting to achieve a sustainable balance with the

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recreational needs of an area and the development of a Green Infrastructure network through the County.

Objectives relating specifically to pNHA and protecting habitats and species are also included:

HCL13 Objective 1:

To ensure that any proposal for development within or adjacent to a proposed Natural Heritage Area (pNHA) is designed and sited to minimise its impact on the biodiversity, ecological, geological and landscape value of the pNHA particularly plant and animal species listed under the Wildlife Acts and the Habitats and Birds Directive including their habitats.

HCL13 Objective 2:

To restrict development within a proposed Natural Heritage Area to development that is directly related to the area's amenity potential subject to the protection and enhancement of natural heritage and visual amenities including biodiversity and landscapes.

COMMUNITY INFRASTRUCTURE (C) Policy 4 – Places of Worship

It is the policy of the Council to support and facilitate the development of places of worship and multi-faith facilities at suitable locations within the County.

C4 Objective 1

To support and facilitate the development of places of worship and multi-faith facilities at appropriate locations, such as town, village, district and local centres or other suitable locations where they do not adversely impact on existing amenities.

3.6.0 Places of Worship

South Dublin County Council recognises the importance of places of worship and multi-faith centres in meeting the diverse religious and cultural needs of the County's population. Given the potential noise and traffic impacts associated with the use of a building as a place of public worship or religious instruction it is important that places of worship and associated uses are suitably located.

11.3.14 Places of Worship

Development proposals for the habitual use of a building as a place of public worship or religious instruction will be considered in the context of the land use zoning and the need to protect the amenities of established uses from impacts arising from traffic, noise or other disturbance. Planning applications for places of worship should be accompanied by details of the capacity of the facility (e.g. seating capacity), a traffic assessment and intended hours of operation.

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3.2.0 Community Facilities

Community facilities are an essential part of all communities. Facilities such as community centres, sports centres, libraries and ***playgrounds*** can serve as a focal point for the communities they serve, and provide venues for local sporting, cultural, community, education and social events. The Council recognises that the provision of good quality community facilities in existing and developing areas is a key element in the development of sustainable communities across the County.

Assessment

The main issues for consideration are

- zoning and Council policy,
- Ceding of land by Church of Scientology (formerly the Victory Church) to SDCC
- landscaping and boundary treatment,
- traffic and access,
- services/drainage issues
- SEA Sensitivity Screening

Zoning & Council Policy

The site is located in an area zoned HA (DV) - To protect and enhance the outstanding natural character and amenity of the Dodder Valley.

It is considered that the proposed and retained works, including maintenance-vehicle access gate and play items with retaining fences to include the omission of a pedestrian gate and fence plinth, are relatively minor in nature and having regard to the overall scale and design of the works, the proposal would not unduly impact on the visual, recreational, environmental, ecological, geological and amenity value of the Dodder Valley and would be in accordance with the policies and objectives of the SDCC County Development Plan 2016-2022.

With regard to the land use zoning objective of the site, it is considered that the proposed development is ancillary to the existing use of the subject site, however, would be required to coincide with Relevant Policy in South Dublin County Council Development Plan 2016 – 2022.

Ceding of land by Church of Scientology (formerly the Victory Church) to SDCC

Under submitted drawing *No: 001*, titled *Site Plan*, the applicant outlines an area to the southeast (front of the Site) and adjacent to Firhouse Road, displayed as '*Future land transfer from SDCC to client*'.

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Also noted are lands to the northwest adjacent to the Dodder River displayed as '*Future land transfer from client to SDCC*'. The area would form part of the Dodder Valley Linear Park to provide for the development of a safe walkway along the river past a place where the valley is dangerously steep, to link to the adjoining sites of Dodder Estate and the Old Concrete Works site.

It is noted that the amount of land to be ceded to South Dublin County Council was agreed and conditioned by An Bord Pleanála on taking the decision to grant planning permission for the previous development.

The following is noted under **Conditions 3** of previous Planning Application **SD18A/0010**:

The applicant, owner or developer, or any other person with an interest in the land to which development as approved relates shall, prior to the lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997 lodge with the Planning Authority:

(i) Details to comply with Condition 8 of SD05A/1055 which states:

Prior to the commencement of any development on the site, the applicant shall agree with the Parks Department and submit to the Planning Authority, a revised boundary treatment in respect of the boundary between the development site and the area of land to be ceded to South Dublin County Council for the purpose of continuing the development of the Dodder Valley Linear Park. This boundary treatment to comprise a plinth wall and railing and to include a detailed design and specification for the proposed pedestrian entrance to the future parklands.

Having regard to the SDCC Development Department's comments under file ref **SSA 1316**:

'the Victory Church were directed by An Bord Pleanála to cede to the Council as a condition of the planning permission. The Law Agent advised that the Council was to wait until the new owners (Church of Scientology) have carried out 1st registration of these lands before the Council took title. See Drawing LR/19/17 showing open space concerned. The registration of these lands has still not completed, 1st registration can take in the region of 3 to 5 years with the PRA'.

The Development department considered that the above SD18A/0010 – *Conditions 3* is with the Law Agent and registration can take in the region of 3 to 5 years and this is considered acceptable.

Permission: landscaping & play items in the area of the park between the Dodder River and the existing fence;

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The proposed play items contain a large boulder with grass mats and a bespoke wigwam log structure with grass mats located to the northwest of the subject site and close to the existing public footpath along the dodder river. The subject lands are with the SDCC Legal Department regarding the Ceding of land by the Church of Scientology (formerly the Victory Church) to SDCC. The subject play items are approximately 35m from the northern and western boundary of the fenced and public gate of the Church site and approximately 20m - 25m from the Dodder riverbank. The two play items provide visual interest between the subject site and the pathway leading from the existing pedestrian bridge adjoining Dodder Valley Greenway. Regarding the location and distance from the riverbank with the overall design and scale of the proposed playground, it is considered that the ancillary use of the playground development would not have an undue impact on the adjoining Dodder Valley.

Proposed Play Items (Parks Report)

The proposed play items are in principle acceptable to the Public Realm Section; however, the location of the proposed play items is to be agreed on-site with the Public Realm Section and the Council's Heritage Officer. The applicant should consider the use of engineered woodchip as a playground surfacing material for the proposed play items, SDCC do not recommend impact absorbing rubber wet pour surfacing or grass matting.

Retention: of the existing 2.5 metres high perimeter fence.

The retained development is the placement of secure fencing and gates to the site's perimeter. The new fencing would be located along the Northern and Western boundaries of the existing site. As per the applicant's drawings, the height of the proposed fencing would be 2.5 metres high wrought iron fencing. It is considered that the fencing would provide safety from the dodder riverbank and also provide security for the Church site.

The proposed fencing would be a visual acceptable in this context and would not negatively impact the surrounding area. In addition, the proposed fencing is of high quality and incorporates elements of the adjacent landscaping for screening. Therefore, the Planning Authority generally accepts the rationale for the fencing around Church.

Retention: omission of a pedestrian gate and fence plinth and Permission: new SDCC maintenance-vehicle access gate in the existing fence.

The omission of the existing pedestrian gate and fence plinth is supported by the planning authority as access points are established to the Greenway to the east of the subject site.

The proposed maintenance gate is intended to be used for maintenance access by SDCC only and will remain closed outside of its intended purpose. A right of way is illustrated on the site plan to provide for access and egress by large tractor vehicles.

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Landscaping and Boundary Treatment

The applicant has submitted a landscape plan. The Parks Department have no objections subject to the following, the report states:

Landscape Plan

The Landscape proposals as shown on the submitted Landscape Masterplan (Sheet No. 21126_LP_01_D) prepared by Gannon & Associates are in principle acceptable to the Public Realm Section and shall be implemented in full.

Boundary Treatment and Vehicular Access

The proposed boundary treatment and vehicular access gates is in principle acceptable to the Public Realm Section.

Proposed Play Items

The proposed play items are in principle acceptable to the Public Realm Section; however, the location of the proposed play items is to be agreed on site with the Public Realm Section and the Councils Heritage Officer. The applicant should consider the use of engineered woodchip as playground surfacing material for the proposed play items, SDCC do not recommend impact absorbing rubber wet pour surfacing or grass matting.

Proposed Tree Planting

The proposed tree planting is in principle acceptable to the Public Realm Section; however, the location of the proposed tree planting is to be agreed on site with the Public Realm Section and the Councils Heritage Officer.

Tree Protection

The applicant is to submit and agree details of the proposed tree protection measures to be installed on site in accordance with BS 5837:2012 Trees in relation to design, demolition and construction. The large mature tree adjacent to the proposed vehicular access gates shall be enclosed by suitable tree protection fencing.

Open Space Management and Maintenance

The Management and Maintenance of the proposed landscaped area within Dodder Valley Park shown on the submitted Landscape Masterplan (Sheet No. 21126_LP_01_D) to be agreed following a site meeting and consultation with the Public Realm Section and the Councils Heritage Officer. The use of chemical herbicides and pesticides as a form of management for the control of pests and weeds is not permitted by South Dublin County Council.

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The Public Realm Section has assessed the proposed development in accordance with the policies and objectives of the County Development Plan 2016-2022 and with best practice guidelines and recommends the following:

1. Implementation of Landscape Masterplan

- a) The submitted Landscape Masterplan (Sheet No. 21126_LP_01_D) prepared by Gannon & Associates shall be implemented in full.
- b) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Masterplan and associated detailed plans
- c) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
- d) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction - Recommendations".
- e) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
- f) Prior to the commencement of landscape works on site; the location of the proposed tree planting within Dodder Valley Park to be agreed on site with the Public Realm Section and the Councils Heritage Officer.
- g) The Management and Maintenance of the proposed landscaped area within Dodder Valley Park shown on the submitted Landscape Masterplan (Sheet No. 21126_LP_01_D) to be agreed following a site meeting and consultation with the Public Realm Section and the Councils Heritage Officer.
- h) The use of chemical herbicides and pesticides as a form of management for the control of pests and weeds is not permitted by South Dublin County Council
Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

2. Retention of Landscape Architect & Certificate of Effective Completion

The Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish. A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

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Reason: To ensure the provision of a reasonable standard of landscape in accordance with the approved designs.

3. Tree Protection Plan

A tree protection plan for all trees, shrubs and hedgerows specified for retention shall be compiled by a qualified Arborist and shall be submitted to and agreed in writing with the planning authority prior to commencement of any work on site. No development works shall be carried out within any area of protection required by the Tree Protecting Plan. In particular there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of chemicals or lighting of fires within such protection areas.

REASON: To protect the trees, shrubs and hedgerows specified for retention in the interest of amenity.

4. Play Items

Prior to the commencement of Development, the location of the proposed play items within Dodder Valley Park to be agreed on site with the Public Realm Section. The applicant can contact either Oisín Egan oegan@sdublincoco.ie or Laurence Colleran lcolleran@sdublincoco.ie in order to arrange the site meeting. In addition, the following details shall be provided:

- i. Details of play equipment, and safety surfacing, along with specifications and proof that all play equipment conforms to European Standards EN 1176-1-11 and EN 1177
- ii. a specification of the surface treatment within the play areas; and arrangements for ensuring the safety and security of children using the play areas. Engineered woodchip to be used as the surfacing material for the proposed play items
- iii. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement. An indicative Play Map showing type and age groups catered for shall also be submitted.

The above report of the Parks department is agreed and noted and it is considered that these issues can be dealt with by way of **condition** in the event of a grant of permission.

Traffic and Access

The Roads Department have no objections and state the following:

The proposed gate shall only be used for the purpose of allowing access/egress for SDCC Public Realm maintenance vehicles and for reasons of public safety must not be used for pedestrian use. The stipulated gate width of 3.5m which would allow a wide tractor (with dual rear wheel assembly) must not be exceeded. The proposed gate must be closed immediately after maintenance vehicle has passed through it.

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No Roads objections subject to the following conditions:

1. The proposed gate shall only be used for the purpose of allowing access/egress for SDCC Public Realm maintenance vehicles.
2. The proposed gate shall not be used by pedestrians.
3. The proposed gate shall be 3.5m in width.
4. The proposed gate must be closed immediately after any maintenance vehicle has passed through it.

Should the permission be granted, the following conditions are suggested:

1. The vehicular access point shall not exceed a width of 3.5 meters.
2. Any gates shall open inwards and not outwards over the public domain.

The above report of the Roads department is agreed and a reduced 3.5m size access gate is deemed appropriate. and it is considered that these issues can be dealt with by way of **condition** in the event of a grant of permission.

Services and Drainage

Environmental Services and Irish Water have no objections to the proposed development subject to standard conditions. The proposed development is acceptable.

SEA Sensitivity Screening

The Dodder Valley proposed Natural Heritage Area is located directly to the north of the site. Part of the route of the NTA Greater Dublin Cycle Network Plan runs to the north of the site.

SEA Sensitivity Screening – Indicates overlap with the following layers;

- High Amenity- Dodder Valley
- Sites of Geological Interest- Dodder Terraces
- Proposed Natural Heritage Area

Having regard to the overall scale and design of the proposed development it is considered that no impacts would occur.

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Other Considerations

Development Contributions

Permission:

- New SDCC maintenance-vehicle access gate
- landscaping & play items in the area of the park between the Dodder River and the existing fence.

Retention:

- of the existing 2.5 metres high perimeter fence.
- Assessable area is Nil.

Conclusion

Having regard to the zoning objective of the site and the overall nature, scale and design of the proposed and retained development it is considered that subject to the conditions set out below, the proposed and retained development would not significantly detract from the character of the surrounding area, would be in accordance with the current South Dublin County Council Development Plan and relevant national and regional guidance and would be in accordance with the proper planning and sustainable development of the area.

Recommendation

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

FIRST SCHEDULE

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

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SECOND SCHEDULE

Conditions and Reasons

1. Development in accordance with submitted plans and details.
The development shall be carried out completely and retained in its entirety in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Drainage - Irish Water.
(a) The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
(b) There shall be complete separation of the foul and surface water drainage systems.
REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
3. Drainage - Surface Water.
(a) The disposal of surface water, shall fully comply with all of the technical requirements of the Council's Water Services Section.
(b) There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
(c) All drainage works for this development shall comply fully with the Greater Dublin Regional Code of Practice for Drainage Works.
REASON: In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.
4. Permission is hereby granted solely for the development which is set out in Statutory Public Notices and description of development under Section 9 of the planning application form submitted.
REASON: In the interest of clarity, consistency and the proper planning and sustainable development of the area.
5. Roads Department.
 1. The proposed gate shall only be used for the purpose of allowing access/egress for SDCC Public Realm maintenance vehicles.
 2. The proposed gate shall not be used by pedestrians.
 3. The proposed gate shall be 3.5m in width.
 4. The proposed gate must be closed immediately after any maintenance vehicle has passed through it.

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5. Any gates shall open inwards and not outwards over the public domain.

REASON: In the interests of public health, safety, the proper planning and sustainable development of the area .

6. 1. Implementation of Landscape Masterplan
- a) The submitted Landscape Masterplan (Sheet No. 21126_LP_01_D) prepared by Gannon & Associates shall be implemented in full.
 - b) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Masterplan and associated detailed plans
 - c) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).
 - d) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 'Trees in Relation to Design, Demolition and Construction - Recommendations'.
 - e) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted.
 - f) Prior to the commencement of landscape works on site; the location of the proposed tree planting within Dodder Valley Park to be agreed on site with the Public Realm Section and the Councils Heritage Officer.
 - g) The Management and Maintenance of the proposed landscaped area within Dodder Valley Park shown on the submitted Landscape Masterplan (Sheet No. 21126_LP_01_D) to be agreed following a site meeting and consultation with the Public Realm Section and the Councils Heritage Officer.
 - h) The use of chemical herbicides and pesticides as a form of management for the control of pests and weeds is not permitted by South Dublin County Council
- Reason: To ensure the provision, establishment and maintenance of a reasonable standard of landscape in accordance with the approved designs.

2. Retention of Landscape Architect & Certificate of Effective Completion

The Landscape Architect shall be retained by the developer for the duration of the project, to pay periodic site visits to ensure that construction works will not compromise the agreed and approved landscape development, to ensure adequate protection of the existing trees approved for retention and to supervise the implementation of the landscape plans from start to finish. A certificate of effective completion for the agreed and approved landscape scheme shall be submitted to the Planning Authority upon completion of the landscape works, such certificate to be prepared by the qualified Landscape Architect for the project.

Reason: To ensure the provision of a reasonable standard of landscape in accordance with

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the approved designs.

3. Tree Protection Plan

A tree protection plan for all trees, shrubs and hedgerows specified for retention shall be compiled by a qualified Arborist and shall be submitted to and agreed in writing with the planning authority prior to commencement of any work on site. No development works shall be carried out within any area of protection required by the Tree Protecting Plan. In particular there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of chemicals or lighting of fires within such protection areas.

REASON: To protect the trees, shrubs and hedgerows specified for retention in the interest of amenity.

4. Play Items

Prior to the commencement of Development, the location of the proposed play items within Dodder Valley Park to be agreed on site with the Public Realm Section. The applicant can contact either Oisin Egan oegan@sdblincoco.ie or Laurence Colleran lcolleran@sdblincoco.ie in order to arrange the site meeting. In addition, the following details shall be provided:

- i. Details of play equipment, and safety surfacing, along with specifications and proof that all play equipment conforms to European Standards EN 1176-1-11 and EN 1177
- ii. a specification of the surface treatment within the play areas; and arrangements for ensuring the safety and security of children using the play areas. Engineered woodchip to be used as the surfacing material for the proposed play items
- iii. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement. An indicative Play Map showing type and age groups catered for shall also be submitted.

REASON: To ensure that the development makes appropriate provision for play and informal recreation in accordance with relevant policies in the CPD 2016-2022.

7. Minimise Air Blown Dust.

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

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

8. Construction Noise and Hours.

To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery

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(to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.

Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).

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

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

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

9. Operational Noise.

(a) Noise due to the normal operation of the proposed development, expressed as Laeq over 15 minutes at the façade of any noise sensitive location, shall not exceed the daytime background level i.e. 0700 – 1900 by more than 10 dB(A) and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 .

Clearly audible and impulsive tones at noise sensitive locations during evening and night as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be avoided irrespective of the noise level.

(b) Noise levels from the proposed development shall not be so loud, so continuous, so repeated, of such duration or pitch or occurring at such times as to give reasonable cause for annoyance to a person in any residence, adjoining premises or public place in the vicinity.

(c) All mechanical plant and ventilation inlets and outlets should be sound insulated

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and/or fitted with sound attenuators as necessary to ensure that the noise level as expressed as LAeq over 15 minutes at 1 meter from the façade of any noise sensitive location does not exceed the background level by more than 10 dB(A) for daytime and shall not exceed the background level for evening and night time (currently 19:00 – 07:00) as determined in S.I. No. 140/2006 - Environmental Noise Regulations 2006.

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

10. Land Transfer

Within 3 years of the final grant of permission or as otherwise agreed in writing with the Planning Authority, the transfer of land from Client to SDCC as per the Site Plan Dwg 001 shall be completed.

Reason: In the interest of proper planning and sustainable development of the area.

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

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

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REG. REF. SD22A/0091

LOCATION: Firhouse Road, Dublin 24

Colm Harte

**Colm Harte,
Senior Executive Planner**

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

Date:

25/5/22



Eoin Burke, Senior Planner