

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD21A/0290

Application Date: 22-Oct-2021

Submission Type: Additional
Information

Registration Date: 02-Jun-2022

Correspondence Name and Address:

Fitzgerald Kavanagh & Partners 1 Mount Street
Crescent, Dublin 2

Proposed Development:

Demolition of Leabeg, the existing single storey detached dwelling with single storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank; existing the Priory building not affected by this application, as per previously granted planning permission SD15A/0202; demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank; construction of 10 one bedroom, single storey houses in three blocks consisting of Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4. - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8. Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10; demolition of existing boundary fence and entrance walls along Kiltipper road to both properties; establish a new site entrance with new boundary fences, piers and automatic gates; new pedestrian entrance route with a proposed pathway from entrance to the housing units; construct a new boundary with automatic gates to the current Leabeg site entrance; provision for 10 car parking spaces, including 2 disabled car parking spaces and 2 electric car charging ports; new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens and paving areas, covered pergola areas and all ancillary site development works and site services; sites are covered under development plan housing strategy 2022-2028 H1 Objective 3 and housing strategy H1 objective 5 2016-2022.

Location:

Combined sites of 'The Priory' and 'Leabeg',

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Kiltipper Road, Old Bawn, Dublin 24

Applicant Name:

Peter McVerry Trust

Application Type:

Permission

(CM)

Description of Site and Surroundings

The site is located on Kiltipper Road and is made up of 2 residential plots. The existing detached houses are set back from the road significantly, and the rear gardens feature some mature trees and tree groups.

The land is generally flat but slopes down towards the new residential estate at Elder Heath. The site adjoins Kiltipper Road to the south, and open space in the Elder Heath estate to the north.

Site Area: 0.58 Ha.

Site Visit: 15/12/2021

Proposal

- Demolition of Leabeg, the existing single storey detached dwelling with single storey extensions to the rear including the single storey rear ancillary shed, boiler house shelter and removal of septic tank;
- the Priory building not affected by this application, as per previously granted planning permission SD15A/0202;
- demolition of ancillary buildings on the Priory site, including the single storey detached rear building, gas boiler enclosure, boundary palisade/timber fences that connect both sites and the removal of septic tank;
- construction of 10 one bedroom, single storey houses in three blocks consisting of Block A (Gross floor area: 204sq.m), Unit No.1, Unit No.2, Unit No.3, Unit No.4. - Block B (Gross floor area 205sq.m), Unit No.5, Unit No.6, Unit No.7, Unit No.8. Block C (Gross floor area 104sq.m), Unit No.9, Unit No.10;
- demolition of existing boundary fence and entrance walls along Kiltipper Road to both properties;
- establish a new site entrance with new boundary fences, piers and automatic gates;
- new pedestrian entrance route with a proposed pathway from entrance to the housing units;
- construct a new boundary with automatic gates to the current Leabeg site entrance;
- provision for 10 car parking spaces, including 2 disabled car parking spaces and 2 electric car charging ports;

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- new connected driveway layout, new bicycle stands, new enclosed bin stores, new landscaped gardens and paving areas, covered pergola areas and all ancillary site development works and site services.

Consultations

Environmental Services:

- Surface Water Requests Additional Information.
- Flood Risk No objection, subject to conditions.

Irish Water Requests Additional Information.

Housing Not received.

Public Realm No objection, subject to conditions.

Roads Requests Additional Information.

Zoning

The site is split between two zoning objectives:

- The north and east of the site is zoned "RES-N" – "To provide for new residential communities in accordance with approved area plans"
- The west of the site is zoned "RU" – "To protect and improve rural amenity and to provide for the development of agriculture."

Submissions/Observations/Representations

The Kiltipper Kiltalown Residents Association has lodged an objection, stating the following:

- Admiration for the Peter McVerry Trust and the work they do.
- Increased traffic at the development site would make the road more dangerous at this blind bend. Previously permissions have been refused on this basis.
- Road has not been upgraded to take account of Tallaght Town AFC club-house or the new park.
- The single pedestrian path on the park side of the road is not adequate. Residents of the proposed development would have to cross the road on a blind bend to access it.
- Sightlines shown on the application cannot be achieved.
- SDCC Roads Department has previously expressed concern about this stretch of the road.
- SDCC should undertake an up-to-date Traffic Survey to establish how the road can accommodate a greenway, a bus route, and newer developments.
- Recommend access be provided via Elder Heath.

A number of individual objections were received. They note the following:

- Notices do not mention the use of the 'Priory' building as a hostel.
- Is use of the building as a hostel exempted development? No planning permission for it.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- Standards and infrastructure requirements for the site: do they take into account the no. of residents in the hostel?
- Extra traffic is a concern.
- Sightlines cross neighbouring property, where visitors currently park.
- The existing road from Ballymana Lane to the proposed site is congested and narrow. A footpath and lighting would be required and would be very costly.
- Access should be provided from the north, into Elder Heath.
- Alleged misbehaviour of hostel users should be reviewed prior to new building works taking place.
- Development is too dangerous, risky and expensive in this location.
- Trees, fencing and landscaping are proposed within the sightlines of the site access.
- Existing gate to the Priory building is also in the sightlines, shown as removed in the sightlines drawing but not in other drawings.
- Road Safety Audit should be undertaken.
- Access from an alternative location should be looked at.
- No need to demolish a fine bungalow.
- Road is inadequate and unsuitable: there is a blind bend and no pedestrian footpath.
- A very large concentration of sheltered accommodation and social housing already in the area. Other areas of South Dublin County should take a more equitable share.
- Possible increase in anti-social behaviour and threat to security from outsiders using the recreational area.
- Building of 10 houses on such a small site would be extremely unfair to the local farming community, where permission for housing has been denied.
- Draft Development Plan recommends fully rural zoning on this land.

Planning History

No relevant planning history.

Relevant Enforcement History

No results in preliminary search.

Pre-Planning Consultation

A pre-planning meeting was arranged by the SDCC Housing Department with planners in attendance. The meeting was not a formal pre-planning consultation meeting under s.247 of the Planning and Development Act, 2000.

It was noted in the meeting that the site was quite isolated, but nonetheless zoned for residential development. The planners advised that development on the site should reflect the transition between the two zoning objectives.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

The meeting was arranged at relatively short notice and was not attended by representatives of other sections. The advice from the planners present was therefore restricted to those issues they could reasonably give advice on.

Relevant Statutory Policy

South Dublin County Development Plan, 2016 – 2022

Section 1.11.0 Housing Strategy

Section 2.1.0 Housing Strategy

Policy H1 Housing Strategy

Objective 5 – Specific Housing Needs

Objective 6 – Balanced delivery of emergency accommodation throughout the county.

Objective 7 – Delivery of social housing provision through a range of mechanism.

Section 2.4.0 Residential Consolidation

Policy H17 Residential Consolidation

Section 2.5.0 Rural Housing

Chapter 11 Implementation

Schedule 3 – Interim Housing Strategy 2016

Section 6.2 – Homeless Accommodation

National Policy Documents of Relevance

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

Regional Spatial & Economic Strategy 2019-2031, Eastern & Midland Regional Assembly (2019)

Sustainable Urban Housing: Design Standards for New Apartments – Guidelines for Planning Authorities' (2020).

Urban Development and Building Heights – Guidelines for Planning Authorities' (2019)

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).

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

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).

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

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

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

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

Transport Strategy for the Greater Dublin Area 2016 -2035 (NTA)
National Cycle Manual – National Transport Authority (June 2011)

Assessment

The main issues for consideration are as follows:

- Zoning and Council Policy
 - o Draft County Development Plan
- Visual Impact
- Residential Amenity
- Demolition of 'Leabeg' House
- Public Realm
- Ecology
- Access, Transport and Parking
- Water Services and Infrastructure
- Environmental Health
- Scope of Planning Application

Zoning and Council Policy

The site is divided between two zoning objectives, as follows:

- The north and east of the site is zoned "RES-N" – "To provide for new residential communities in accordance with approved area plans"
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Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order



Extract from Design Statement showing site on land use zoning

The proposed development provides for new housing in the part of the site zoned for new development, while retaining the existing house in the part of the site zoned for rural amenity. The subject site is located in a transitional area with open space zoning to the south, developed residential to the north and rural zoning with individual dwellings to the east and west.

Development in transitional areas should reflect the general transition of zoning across the lands and should also respect that transition. Section 11.1.1 (iv) of the County Development Plan states as follows:

Abrupt transitions in scale and use should be avoided adjacent to the boundary of land use zones. Development proposals in transition areas should seek to avoid development that would be detrimental to the amenities of the contiguous zone. For example, regard should be had to the use, scale and density of development proposals in zones abutting residential or rural areas in order to protect residential or rural amenity, as appropriate.

The development of the site for residential purposes should therefore be considered subject to the impact on rural amenity. It is considered that the key factors to be considered in this regard are the visual impact, density and impact on infrastructure and services (including the road network) arising from the development.

Draft South Dublin County Council Development Plan 2022 – 2028

The Draft County Development Plan has been published and submissions have been received on the draft plan. The Draft Plan provided for the re-zoning of the lands to 'RU' zoning across the site (with 'RES-N' zoning north of the site redesignated as 'RES' to reflect the build out of the Elder Heath estate).

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

The applicant has made a submission in relation to the Draft Plan, to seek that the site retains its current zoning so as to allow the applicant to develop the site. The Chief Executive has recommended to the elected members that both plots on the site, and lands immediately to the east, be re-designated as 'RES' to reflect the residential nature of the sites and the change in character of the immediate area.

The Draft County Development Plan is envisaged to be adopted in June 2022. This planning proposal is assessed under the active South Dublin County Council Development Plan 2016-2022.

Visual Impact

The proposed development consists of single storey 1-bed units arranged around the site. The Architect's Design Statement provides a number of CGI images in section 16. These images show the proposed development from inside the site. It would be useful to view similar images of the development as seen downhill from the Elder Heath estate. The removal of mature trees on the site will impact the landscape character at this site, which in a transitional area between urban South Dublin and the Athgoe and Saggart Hills landscape areas. The applicant should provide relevant images and commentary via **additional information**.

Residential Amenity and Layout

Each of the 10 no. 1-bed units exceeds the size standards for 1-bed units contained in the 2007 "Quality Housing for Sustainable Communities" and 2020 "Design Standards for New Apartments" guidelines.

Private and Communal Amenity Space

In terms of amenity space, the applicant has provided 5 sqm of private amenity space as per the 2020 apartment guidelines. The County Development Plan seeks 48sqm of private amenity space as a minimum for each 1-bedroom house.

The applicant has provided a written rationale in their cover letter, as follows:

In discussions with our client and given the proposed occupants of this development it is not desirable to create enclosed garden spaces. The provision of private amenity space has been met in the form of providing a private terrace at the rear of each property which meets the SDCC Development Plan guidelines for 1 bed apartment units.

Ample public amenity space has been provided within this scheme and each individual has use of the entire scheme and the landscaped surrounds. It is proposed that shared covered social spaces be provided to encourage social interaction within the scheme and inclusion.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

It is considered reasonable to reach a compromise regarding amenity standards given the type of housing proposed; however, individual units should at least be provided with defensible privacy strips, either landscaped or fenced amenity spaces, around the outside of the unit on each side. Furthermore, while it is recognised that secure private spaces might not be in the applicant's view the best solution, the provision of low-fenced areas for each block, providing a degree of segregation and a shared amenity space among neighbouring residents, may be a more equitable compromise than to simply provide open and undefined space on all sides of the development. The applicant should consider their approach in this regard and provide a response as **additional information**.

The applicant states that public amenity space is being provided in considerable quantity on the site. The space is communal or semi-private, as members of the public would not have access to it. The applicant is thus not providing 14% public amenity space as sought in the County Development Plan; this is considered acceptable on a site of this configuration and noting the infill nature of the proposal on an isolated remaining undeveloped area of residential zoning. It is noted that Section 11.3.2(i) Infill Sites of the Development Plan outlines that

'Subject to appropriate safeguards to protect residential amenity, reduced open space and car parking standards may be considered for infill development, dwelling sub-division, or where the development is intended for a specific group such as older people or students. Public open space provision will be examined in the context of the quality and quantum of private open space and the proximity of a public park. Courtyard type development for independent living in relation to housing for older people is promoted at appropriate locations. Car parking will be examined in the context of public transport provision and the proximity of services and facilities, such as shops.'

In this context, the proximity of Kiltipper park to the south is noted. A reduction in standards for an infill scheme on the basis of the user being a specific group would require full details of the management and an agreement in relation to restricting the future use and individual sale of the units. It is noted that the applicant is a registered charity and an Approved Housing Body and outlines that units are for social housing. No further details are provided. Additional information required.

Waste

Waste collection has been identified as an issue by the Roads Department (see below). The location of the bin store within the site is considered to be detrimental to the residential amenity of unit No. 9. The applicant should attempt to improve this either by relocation of the bin store, relocation of the access doors to the store, or additional screening, or a combination of these measures. This should be addressed by **additional information**.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Demolition of 'Leabeg' House

Section 11.3.2(i) Infill Sites of the Development Plan outlines that:

'Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.'

The demolition of the existing habitable dwelling has not been justified by the applicant. The retention of the existing building and its subdivision into 1-bed units should be considered. The applicant can respond to this via **additional information**.

Public Realm

The Public Realm Department has provided the following comments:

"Layout and Public Realm

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.

Any proposed pedestrian connections to adjoining lands should be clearly indicated on plans. The applicant should show how public open spaces in the wider area will link in and integrate with the proposed development. The public realm should be integrated into the adjacent development areas, creating continuous green infrastructure connections that form both physical and bio-diversity links.

The proposed development should create positive additions to the open spaces of the area in the form of planting, permeability, and usable open space.

Photomontages and cross sections at appropriate intervals for the proposed development including how the development will interface with existing housing and contiguous lands.

The aim of the landscape design proposals should be to create a distinctive, energetic and a well-functioning landscape as well as public, communal and private open space, which is usable, functional and visually pleasing.

Arboricultural Impact

As per the submitted arboricultural report prepared by Arbor Care Ltd. a total of 53 Trees were surveyed on site. The surveyed trees include a mixture of semi-mature to mature trees. The proposed development will result in the removal of 13 individual trees and 1 tree group. All trees being removed are Classified as C2 (low quality or trees less than 75mm diameter). In summary it is considered that the arboricultural impact of the proposed development will be low as any trees removed will be replaced with compensatory planting."

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

The Public Realm Department proposes conditions in relation to agreement of a final detailed landscape plan, a tree bond and arboricultural agreement, a tree protection method statement and SUDs. Additionally, the report includes comments on bats and a proposed condition on bats – this is dealt with in the below section. The report is acceptable as are the proposed **conditions**.

Bats

The applicant has provided a Bats Survey and Assessment Report. Bats have been observed on the site, but no roosts have been observed. The report does note that there is low to medium roosting potential in some trees and in the existing structures. The proposed impacts on bats are:

- Potential loss of roosts. Provision of bat boxes will overcome this.
- Loss of feeding. With planting in accordance with the All-Ireland pollinator plan, this can be mitigated.
- Light pollution – This can be mitigated with very low light levels at night but is unlikely to be fully mitigated, and there will be a mild long-term negative effect on individual bats.

The recommendations of the report are as follows:

- Install 2 bat boxes with built-in timber panels.
- A Dark Skies area must be created within the plan lands to allow for the feeding and commuting of bats. Caps, cowls, sensor timers and bollard lights can be used to reduce light pollution, and lighting design should be in accordance with “Bats and Lighting – Guidance Notes for Planners, Engineers, Architects and Developers, Bat Conservation Ireland, 2019 –
- Some areas of the site must be managed for wildflowers, and species must be chosen from the All-Ireland Pollinator Plan. The provision of native trees, hedging or the installation of a small pond in the garden would also benefit the bat population.
- Removal of any tree to be preceded by a bat survey in the case that roosts may have been established.

The provision of a dark skies zone and friendly lighting should be illustrated on the plans accompanying the revised application as **additional information**, either in the form of a landscape plan or with public realm lighting specifications. In any event, the final public realm lighting plan shall need to adhere to the recommendations of the Bat Assessment Report, and agreement from SDCC Public Realm shall be required in the event of a grant of permission.

The Public Realm Department also suggests that the above mitigation measures be delivered as part of any development, and this is considered to be an appropriate matter to guarantee by **condition**.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Access, Transport and Parking

The Roads Report recommends additional information and highlights a number of challenges presented by the proposed development in this location. In addition to the report, further engagement with the Roads Department was undertaken to obtain a greater level of detail. The report contains the following comments:

1. Description:

The site is located along the Kiltipper Road, Dublin 24. the north of the site is bound by an existing housing development Elder Heath the east and west bound by private one-off houses and the south by Kiltipper Road, with the SDCC park on the other side of the Road.

2. Access:

The applicant proposed to retain the 2 existing vehicular access at the proposed development and also proposed a third vehicular access from the development onto Kiltipper Road. Existing vehicular access at Leabeg site and the new proposed vehicular access is design as an in and out one-way access system at the site.

Roads department consider 3 no. of vehicular accesses including an emergency access is a proliferation of multiple accesses at the proposed development.

The required visibility splay in both directions of the proposed vehicular access should be 2.4x90m at a height of 1.05 m. TII Publications Rural Road Link Design document requires sightlines of 90m on roads with speed of 60kph. The submitted visibility splays in both directions for the proposed vehicular access are substandard as visibility envelope shown is crossing through neighbours' property plus convex curvature of roadway.

It would not be possible to provide for 2.4m x 90m vision splays at the proposed vehicular access in both directions due to limited road frontage.

The existing frontage boundary to be removed and new boundary set back 3m from the edge of the roadway as shown on lodged plans.

3. Car Parking:

There are 14 off-curtilage car parking spaces proposed, including 2 EV charging parking spaces and 2 mobility impaired parking spaces as part of the development, given the rural nature of the site, the provision is acceptable.

4. Bicycle Parking:

24 secure bicycle parking spaces are proposed, the given provision is acceptable to SDCC Roads Department.

5. Pedestrian Permeability:

The applicant is requested to provide rationale for the proposed pedestrian crossing across Kiltipper Road at the proposed development.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

6. Fire Tender and Bin Collection Access:

SDCC Roads Department recommend the access road should be extended to the back of the site as part of the development for firefighting purposes, including a macadam and reinforced grass road. 1 turning area should be provided for fire tenders, and a swept path analysis should be submitted to demonstrate the turning ability of a fire tender in these areas prior to commencement of development

Roads recommends that additional information be requested from the applicant:

1. The applicant/developer is requested to submit a revised site layout which shows the following:
 - a. A 2.0-metre-wide footpath all along the frontage of the site boundary with Kiltipper Road.
2. The applicant shall submit a revised site layout plan of not less than 1:100 scale, showing the existing front boundary wall, piers and gate onto Kiltipper Road shall be removed, and any new boundary shall be set back three meters from the edge of the roadway.
3. The applicant shall submit a revised site layout plan of not less than 1:100 scale, showing accurate visibility splay with 2.4 meters set back from the edge of the road, at a 1.05-meter height from ground level and 90 meters sight lines in both directions from the entrance shown on a detailed topographical survey which identifies street furniture, services etc. Sightlines should be shown to the near side edge of the road to the right-hand side of entrance and to the centreline of the road to the left-hand side of the entrance (when exiting).
4. The applicant shall submit a revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Auto track or similar) demonstrating that fire tenders and large refuse vehicles can access/egress the site in forward gear.
5. The applicant shall submit a revised layout of not less than 1:100 scale, showing a swept path analysis drawing (i.e., Auto track or similar) demonstrating that fire tenders can access and turn at the back of the proposed development.
6. The applicant is requested to submit rationale for 3 vehicular access onto Kiltipper Road at the proposed development.

It is noted that the speed limit on Kiltipper Road is subject to change, pending a survey process in the county that is due to begin in 2022, the key measure for any change being the number of units fronting onto a stretch of road. This section of Kiltipper Road contains ribbon development

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

on its northern side, a new park to the south (with a under construction car park and vehicular access), and a new housing estate at Elder Heath.

The following issues require consideration, with most being explicitly identified in the Roads Report:

- Number of accesses onto Kiltipper Road;
- The safety of vehicular access on Kiltipper Road and provision of appropriate sightlines;
- Alternative access via Elder Heath;
- Rationale for and safety of pedestrian crossing on Kiltipper Road;
- Pedestrian facilities at the site generally, and pedestrian connections from the site;
- Access and manoeuvrability for fire tenders and refuse vehicles;
- Details relating to the delivery of the pedestrian crossing;

Vehicular Access Arrangements

Regarding vehicular access on Kiltipper Road, it is considered that the applicant should provide alternative proposals for a single access from the site, or retention of only the two existing accesses. The applicant should provide a written rationale for the final proposal regarding vehicular access. The proposal should include sightlines which do not cross neighbouring properties (without legal consent to maintain) or obstructions within the site. The Roads Department has sought the longer sightlines preferred by 'Transport Infrastructure Ireland.' However, noting that the character of this stretch of road is changing, and will soon accommodate buses, the standard of 65m provided in section 4.4.4 of DMURS may be acceptable. The applicant should provide comments by way of **additional information**.

Alternatively, the applicant may wish to consider accessing the site from Elder Heath to the north, and provide revised plans in that regard, including demonstrating impact on the open space provision in that development. This would require also a letter of consent from the owners as that area has not yet been taken in charge.

Pedestrian Facilities and Connectivity

With regard to the provision of pedestrian facilities, it is considered that pedestrian facilities are a necessity where intensification of development is proposed as with the subject application. This stretch of Kiltipper Road does not have footpaths either side of the carriageway. Less than 100 metres to the east, a pedestrian crossing has been provided near the entrance to the Elder Heath estate, and a footpath provided on the southern side of Kiltipper Road, albeit behind an existing hedgerow in the park. This brings pedestrians from Elder Heath into the public park. A number of alternative solutions present themselves:

- A pedestrian crossing to bring residents directly into the public park to connect with the existing footpath;

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- A pedestrian footpath on the site's edge to provide footpath here, which would extend eastwards if adjoining sites were developed;
- Pedestrian access from the rear of the site into Elder Heath; or
- A combination of the above.

The provision of a crossing has implications for traffic safety and, if this is the preferred option, the applicant should demonstrate forward visibility of 65m in each direction of a proposed crossing. It is also recommended that the applicant consult with the SDCC Traffic Department and Development Department about the possibility of including a pedestrian crossing within the planning application. A footpath within the site, as suggested in the Roads Department report, would only serve the intended function if the site to the east were redeveloped in the near future. This is a possibility pending the final zoning arrangements in the next County Development Plan, but it should also be noted that no development proposals on that site have been brought forward. The applicant should address the potential alternatives by way of **additional information**.

Fire and Refuse Vehicle Access

The applicant should comment on this aspect of the proposal, noting that a fire safety certificate will be required in the event of planning permission being granted. The applicant should show consideration of this by way of **additional information** and provide revised plans if necessary. If the applicant is of the view that the layout as proposed would receive a Fire Safety Certificate, no alteration to the plans is necessary.

The applicant should also provide an Operational Waste Management Plan to show where waste will be collected from the site, as **additional information**.

Water Services and Infrastructure

The Irish Water report notes that the following is needed:

- A pre-connection enquiry and letter of confirmation of feasibility (in respect of water supply and foul water);
- Watermain layouts for the site.
- Letter of consent to connect foul sewer through Elder Heath;

These have all been provided with the application, which is acceptable. A connection agreement shall be required as a **condition** of permission.

The Environmental Services Department has sought additional information on the basis of surface water attenuation. It is noted that permeable block paving and a natural swale have been included in the proposals for the development. The Water Services Report states:

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

“1.1 The proposed surface water attenuation of 81m³ is undersized by approximately a factor of 1.6 for a 1 in 30 year storm event and undersized by approximately a factor of 2.3 for a 1 in 100 storm event. Submit a revised report show surface water attenuation calculations for proposed development. The report shall include the site area in hectares and areas of different surface types such as buildings, permeable paving, green areas in m² and their respective run off coefficients. Attenuation should be provided by SuDS (Sustainable Drainage Systems) where possible and where this is insufficient then attenuation can be provided by an arched type system. A concrete tank is not acceptable for attenuation due to maintenance issues. Example of SuDS include and not limited to:

- Green roofs
- Swales
- Permeable paving
- Rain gardens
- Planter boxes
- Grasscrete

Include in report details of site specific rainfall data from Met Eireann, SAAR (Standard Annual Average Rainfall) value, Qbar litres/second/hectare and soil value.

1.2 Submit a drawing showing a revised surface water layout of proposed development. Show the type and size (Capacity in m³) of attenuation systems proposed.

1.3 The applicant shall include Water Butts as a means of SuDs for the proposed development.”

The proposed items of **additional information** (attenuation calculations, surface water layout) are appropriate.

Existing Uses

It is noted that third parties have raised concerns in relation **to** the hostel use in ‘The Priory’ house. The most recent permission at the site does not provide for a change of use from dwelling house to hostel, and there is no record of a Section 5 declaration request as to whether such a change of use would be exempted development or not.

It should be noted that there is no obligation on the applicant to apply for a Section 5 declaration under the 2000 Planning Act regarding exempted development.

The applicant should provide **additional information** to clarify.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Conclusion

The proposed development adheres to the current zoning on the site, but there are concerns with a number of issues such as:

- impact on the character and the road network of the area

Further information should be sought.

Recommendation

Request Further Information

Further Information

Further information sought on 16th December 2021 and received on 2nd June 2022.

Further Consultations

Roads	No objection, subject to conditions.
Environmental Services	No objection, subject to conditions.
Irish Water	Requests Further Information

Further Observations

None.

Assessment of Further Information

Item 1

(a) Regarding vehicular access on Kiltipper Road, it is considered that a proposal for a single access from the site, or retention of only the two existing accesses, would be appropriate. The applicant should provide a written rationale for the final proposal regarding vehicular access. The proposal should include sightlines which do not cross neighbouring properties or obstructions within the site. The Roads Department has sought the longer sightlines preferred by 'Transport Infrastructure Ireland.' However, noting that the character of this stretch of road is

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

changing, and will soon accommodate buses, the standard of 65m provided in section 4.4.4 of DMURS may be acceptable. The applicant is requested to provide comments by way of additional information.

(b) Alternatively, the applicant may wish to consider accessing the site from Elder Heath to the north and provide revised plans in that regard and include consideration of the impact on open space. This would require also a letter of consent from the owners as that area has not yet been taken in charge.

Response

The applicant has met with the Roads Department in the interim and agreed on an alternative sightline standard on the basis of mean speeds achieved by vehicles using the road. The applicant has provided a revised proposal and a traffic survey. The applicant proposes a single vehicular access into the site with sightlines which have been assessed in their traffic survey and by the Roads Department.

In relation to (b), the applicant states that they have engaged with the owners of the adjoining estate (not yet taken in charge) and that it would not be possible to make the connection.

Assessment

The Roads Department states the following:

The Road Traffic Survey commissioned by the applicant concluded that 85% of vehicles on this section of road travel at an average speed of 39.2 km/h. Therefore, the maximum achievable sightline distances of 52.2m (Westwards) and 56.7m (Eastwards) exceed the required SSDs set out in both DMURS and the TII Guidelines for Geometric Design of Junctions.

The Roads Department considers this to be an acceptable relaxation in this case due to the fact that this part of the road is currently being upgraded, including the addition of traffic calming measures.

The proposal is considered to be acceptable on this basis.

Item 2

With regard to the provision of pedestrian facilities, it is considered that pedestrian facilities are a necessity where intensification of development is proposed as with the subject application.

This stretch of Kiltipper Road does not have footpaths either side of the carriageway. Approx. 100m to the east, a pedestrian crossing has been provided near the entrance to the Elder Heath estate, and a footpath provided on the southern side of Kiltipper Road, albeit behind an existing hedgerow. This brings pedestrians from Elder Heath into the public park. A number of alternative solutions present themselves:

- A pedestrian crossing to bring residents directly into the public park to connect with the existing footpath;

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

- A pedestrian footpath inside the site at its southern boundary to provide footpath here, which would extend eastwards if adjoining sites were developed;
- Pedestrian access from the rear of the site into Elder Heath; or
- A combination of the above.

The applicant is requested to address the potential alternatives by way of additional information. The applicant is also requested to consult with the Roads and Economic Development regarding the feasibility of locating a pedestrian crossing here and legal consent to provide same as part of the proposed planning application.

Response

The applicant has proposed to provide a reservation to the front of their site for a public footpath to be built in the future.

Assessment

The Roads Department has made a recommendation in writing, and this has been supplemented by interdepartmental discussions.

The lands immediately to the east have recently been zoned for residential development in the new South Dublin County Development Plan 2022 - 2028, which will be effective from 2nd August 2022 and may come forward for redevelopment in the lifetime of the Plan.

In this context and noting the proximity of an existing crossing, the emerging change in the road and the pedestrian desire lines to the east, it is considered appropriate and in the interest of the proper planning of the area to require the delivery of the footpath to the front and a full footpath connection to the pedestrian crossing east of the site is provided and that this be a **condition** prior to occupation of the site in accordance with the permission. The proposed development is considered to require this pedestrian infrastructure to be in place.

Item 3

The Roads Department has sought design changes to ensure that a fire tender can access the rear of the site. In the event of permission being granted, a Fire Safety Certificate will be required. The applicant is requested to comment on this aspect of the proposal. The applicant should show consideration of this by way of additional information and provide revised plans if necessary. If the applicant is of the view that the layout as proposed would receive a fire safety certificate, no alteration to the plans is necessary.

Response

The applicant has provided swept path analysis showing fire tender access and a grasscrete turning circle to the rear.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Assessment

The Roads Department approves the submission. This is acceptable.

Item 4

(a) The location of the bin store within the site is considered to be detrimental to the residential amenity of unit No. 9. The applicant should attempt to improve this either by relocation of the bin store, relocation of the access doors to the store, or additional screening, or a combination of these measures. This should be addressed by additional information.

(b) The applicant should also show where waste will be collected from the site and the size of bins to be used.

Response

The bin store is now proposed to be provided toward the front of the site in the car park.

Assessment

The proposal is acceptable.

Item 5

(a) The proposed surface water attenuation of 81m³ is undersized by approximately a factor of 1.6 for a 1 in 30 year storm event and undersized by approximately a factor of 2.3 for a 1 in 100 storm event. The applicant is requested to submit a revised report showing surface water attenuation calculations for the proposed development. The report should include the site area in hectares and areas of different surface types such as buildings, permeable paving, green areas in m² and their respective run off coefficients. Attenuation should be provided by SuDS (Sustainable Drainage Systems) where possible and where this is insufficient then attenuation can be provided by an arched type system. A concrete tank is not acceptable for attenuation due to maintenance issues. Example of SuDS include and not limited to:

- Green roofs
- Swales
- Permeable paving
- Rain gardens
- Planter boxes
- Grasscrete

The report should include details of site specific rainfall data from Met Eireann, SAAR (Standard Annual Average Rainfall) value, Qbar litres/second/hectare and soil value.

(b) The applicant is requested to submit a drawing showing a revised surface water layout of proposed development. Show the type and size (Capacity in m³) of attenuation systems proposed.

(c) The Environmental Services Department has also recommended the use of water butts.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Response

The applicant has provided revised engineers drawings and reports, and these have been assessed by the Environmental Services Department.

Assessment

The Environmental Services Department has stated no objection. This is acceptable.

Item 6

The Bat Assessment Report recommends some mitigation measures which may impact on the design of the scheme. The applicant is requested to illustrate or comment on the implications of the 'Dark Skies' area and lighting requirements recommended in the report.

Response

The applicant details some of the measures to be taken in accordance with the bat report:

- Inclusion of 2no 1FF Schwegler bat boxes, in locations noted on the FKP Site Plan P-100-C. Set at a height of 3m above finished ground level minimum.
- Inclusion of lower lantern style lighting with a lux of 0.1lux above 3m. A lower colour temperature will be proposed in the construction in line with recommendations.
- Areas of existing wilding and trees to be retained in the scheme and enhanced with species from the 'All-Ireland Pollinator Plan' list.

Assessment

The above measures as set out in the applicant's response and site layout plan are acceptable and should be **conditioned**.

Item 7

The Architect's Design Statement provides a number of CGI images in section 16. These images show the proposed development from inside the site. It would be useful to view similar images of the development as seen downhill from the Elder Heath estate. The removal of mature trees on the site will impact the landscape character at this site, which in a transitional area between urban South Dublin and the Athgoe and Saggart Hills landscape areas. The applicant is requested to provide relevant images and commentary via additional information.

Response

The applicant has provided some 3D imagery on drawing no. 900.

Assessment

The images provided do not satisfactorily show the full effect of the development, but it is noted that significant tree cover is retained in the area. Response is acceptable.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Item 8

The proposed development includes minimum private amenity space at 5sq.m per unit. It is considered reasonable to reach a compromise regarding amenity standards subject to details in relation to the proposed resident groups and a proposed agreement in relation to restricting the use and future sale. Please note Section 11.3.1 of the County Plan in relation to reduced standards on infill sites for specific groups.

It is considered individual units should at least be provided with defensible privacy strips, either landscaped or fenced amenity spaces, around the outside of the unit on each side. Furthermore, while it is recognised that secure private spaces might not be in the applicant's view the best solution, the provision of low-fenced areas for each block, providing a degree of segregation and a shared amenity space among neighbouring residents, may be a more equitable compromise than to simply provide open and undefined space on all sides of the development. The applicant should consider their approach in this regard and provide a response as additional information.

Response

The applicant has opted to continue with the proposed layout and reclarifies this.

Assessment

It is not considered necessary to alter the development by condition on this point. A condition limiting the use of the units shall be attached in the event of a grant of permission.

Item 9

Section 11.3.2(i) Infill Sites of the Development Plan outlines that:

'Proposals to demolish a dwelling(s) to facilitate infill development will be considered subject to the preservation of the character of the area and taking account of the structure's contribution to the visual setting or built heritage of the area.'

In this context, the demolition of the existing habitable dwelling has not been justified by the applicant. The retention of the existing building and its subdivision into 1-bed units should be considered. The applicant is requested to respond to this via additional information.

Response

The applicant now proposes to retain 'Leabeg' and to locate 2 no. 1-bed units within the house.

Assessment

This is considered to be appropriate. On assessment of the plans, the proposed layout is acceptable.

Item 10

It is noted that third parties have raised concerns in relation to the hostel use in 'The Priory' house. The most recent permission at the site does not provide for a change of use from dwelling house to hostel, and there is no record of a Section 5 declaration request as to whether such a

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

change of use would be exempted development or not. It should be noted that there is no obligation on the applicant to apply for a Section 5 declaration under the 2000 Planning Act regarding exempted development.

The applicant is requested to provide additional information to clarify. The submission should include information on the number of rooms, number of staff, and the capacity of the hostel to aid the assessment of the subject application.

Response

The applicant states that the use of the existing dwellinghouse is in line with Class 14(f) exempted development as set out in the second schedule of the Planning and Development Regulations 2001 as amended. Class 14(f) reads as follows:

(f) from use as a house, to use as a residence for persons with an intellectual or physical disability or mental illness and persons providing care for such persons.

The number of persons with an intellectual or physical disability or a mental illness living in any such residence shall not exceed 6 and the number of resident carers shall not exceed 2.

Assessment

The response is acceptable. This permission does not formalise the change of use (as permission for it has not been sought). The applicant has an option of an Exempted Declaration by way of a separate process.

Screening for Appropriate Assessment

Having regard to the scale and nature of the development, and the distance from Natura sites, it is not considered that the proposed development would be likely to have a significant effect individually or in combination with other plans or projects on a European site, therefore Stage 2 AA is not required.

Screening for Environmental Impact Assessment

Having regard to the modest nature of the proposed development, and the distance of the site from nearby sensitive receptors, there is no real likelihood of significant effects on the environment arising from the proposed development. The need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

Other Considerations

Bonds & Contributions

This is a permission for 10 no. dwelling units as AHB managed independent living accommodation.

SEA Monitoring

Development Type: Residential

Floor Area (Sq.m.): 409 (new build)

Site Type: Greenfield

Site Area (Ha.): 0.58

Conclusion

The applicant has provided satisfactory responses to a number of items listed in the original request for further information. On the issue of pedestrian movement and access, the Planning Authority is not satisfied that the proposed reservation for a pedestrian footpath is acceptable, and prior to occupation of the unit, full pedestrian connection to recently delivered pedestrian facilities to the east are required. Subject to conditions to this effect, the proposed development would not be injurious to the residential amenities of the area 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 for the said development in accordance with the said plans and particulars, subject to the condition(s) specified in the Second Schedule hereto, the reasons for the imposition of the said condition(s) being as set out in the said Second Schedule.

FIRST SCHEDULE

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

SECOND SCHEDULE

Conditions and Reasons

1. Development to be in accordance with submitted plans and details.
The development shall be carried out and completed in its entirety in accordance with the

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

plans, particulars and specifications lodged with the application, and as amended by Further Information received on 2nd June 2022, 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. Pedestrian Footpath.

Prior to commencement of development or as otherwise agreed in writing with the Planning Authority, the applicant shall agree in writing the final layout of a pedestrian footpath (of minimum width 1.8m, unless otherwise agreed in writing) to be provided to the front of the site and continuing to connect to the existing pedestrian crossing to the east of the site. The footpath to the front and connecting to the east shall be delivered prior to occupation of the independent living units.

REASON: In the interest of sustainable movement, traffic safety, pedestrian safety and the proper planning and sustainable development of the area.

3. Independent Living Units.

The independent living units shall not be separately sold and the site shall not be subdivided for private use, nor used for a commercial purpose, subject to any future planning permissions. The units and site shall be managed by a registered Approved Housing Body or another Housing Authority as otherwise agreed in writing with the Planning Authority.

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

4. Public Lighting and Landscape Plan.

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, the footpath design and the Landscaping Plan shall be integrated and agreed with the Planning Authority.

c). The site shall be landscaped in accordance with a comprehensive landscape plan, details of which shall be submitted to, and agreed in writing with, the planning authority prior to the commencement of development. This scheme shall include the following:

A. A Landscape Masterplan to scale of not less than 1:500 showing –

- i. The species, variety, number, size and locations of all proposed planting
- ii. Details of Hard landscape works, specifying surface material and furniture
- iii. Details of natural SuDs features
- iv. Details of proposed play provision
- v. Detailed Sections and Elevations

B. Specifications for mounding, leveling, cultivation and other operation associated with plant and grass establishment

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

C. A timescale for implementation

D. Areas to be taken in Charge

REASON: In the interests of public safety, biodiversity, residential amenity and visual amenity.

5. Bats.

(a) All recommendations and proposed mitigation measures proposed within the submitted Bat Assessment Report shall be implemented by the applicant in full. In addition, where required the developer shall apply for, and obtain, a European Protected Species Licence before work commences. In addition, specific native planting design which can provide habitats which support the invertebrate prey of bats and therefore provide foraging opportunities for bat species shall be provided for within the landscape proposal.

(b) The recommendations of the Bat Survey Report, as restated in the Further Information cover letter and contained in the Further Information Site Layout Plan, shall be implemented in full on the site.

REASON: To ensure the protection of the natural Heritage of the site in accordance with policies IE7 Objective 5, G2 Objective, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022.

6. SUDs.

A comprehensive SUDS Management Plan shall be submitted to demonstrate that the proposed SUDS features have reduced the rate of run off into the existing surface water drainage network. A maintenance plan shall also be included as a demonstration of how the system will function following implementation.

Additional natural SUDS features shall be incorporated into the proposed drainage system for the development such as rain gardens, detention basins, filter drains, swales etc. In addition, the applicant shall provide the following:

- Demonstrate the treatment train, biodiversity value and amenity value of the SUDS proposed
- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development including drainage/attenuation calculations for same.
- Natural SUDS measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- A maintenance schedule for all proposed SUDS features including any attenuation tanks proposed.

REASON: To prevent the increased risk of flooding and to improve and protect water quality, in accordance with policies under Section 8.4.0 Sustainable Urban Drainage Systems of the CDP 2016-22 in particular G5 Objective 1 and G5 Objective 2.

7. Tree Bond and Arboricultural Agreement.

Prior to the commencement of any permitted development or any related construction

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of €50,000 with the Planning Authority.

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 in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

8. Tree Protection and method statement pre-commencement

No operations shall commence on site in connection with the development hereby approved (including demolition works, tree works, fires, soil moving, temporary access construction and / or widening or any operations involving the use of motorised vehicles or construction machinery) until a detailed Arboricultural Method Statement (AMS) in accordance with BS5837:2012 Trees in relation to design, demolition and construction – Recommendations has been submitted to and approved in writing by the Local Planning Authority and the protective fencing is erected as required by the AMS. The AMS shall include full details of the following: a) Timing and phasing of Arboricultural works in relation to the approved development. b) Detailed tree felling and pruning specification in accordance with BS3998:2010 Recommendations for Tree Works. c) Details of a tree protection scheme in accordance with BS5837:2012: which provides for the retention and protection of trees, shrubs and hedges growing on or adjacent to the site which are shown to be retained on the approved plan d) Details of any construction works required within the root protection area as defined by BS5837:2012 or otherwise protected in the approved Tree Protection Scheme e) Details of the location of any underground services and methods of installation which make provision for protection and the long-term retention of the trees. f) Details of any changes in ground level, including existing and proposed spot levels required within the root protection area as defined by BS5837:2012 g) Details of the arrangements for the implementation, supervision and monitoring of

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

works required to comply with the arboricultural method statement.

REASON: To ensure that the trees on site are adequately protected, to safeguard the character and appearance of the area, in accordance with policy G2 Objective 9, G4 Objective 5, G2 Objective 13, G6 Objective 1, HCL15 Objective 3 of the CDP 2016-2022.

9. Street Naming and Dwelling Numbering.

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:

(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.

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.

The development name should:

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;

(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.

Proposals for an apartment name and numbering scheme and associated 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.

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

10. Occupation subject to service connection.

No dwelling unit shall be occupied until all the services (drainage, water supply, electricity and or other energy supply, public lighting and roads) for each dwelling unit have been completed thereto and are operational.

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

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

11. Irish Water Connection Agreement.

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

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

12. Access, Transport and Parking.

(a) Prior to commencement of development a developed Construction & Demolition Waste Management Plan shall be agreed in writing with the Planning Authority.

(b) Prior to commencement of development a Construction Traffic Management Plan shall be agreed in writing with the Planning Authority.

(c) All items and areas for taking in charge shall be undertaken to a taking in charge standard. 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.

REASON: in the interest of traffic and pedestrian safety.

13. 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.

14. Construction Noise and Hours.

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

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

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

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.

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

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

NOTE: A Roads Opening Licence must be obtained from South Dublin County Council prior to the commencement of any works in the public domain in order to comply with the Roads Act 1993, Section 13, paragraph 10. Under this Act, non-compliance constitutes an offence.

NOTE: The applicant/developer is advised that the most up to date South Dublin County Council Taking in Charge Policy and associated documents can be found at the following location <https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards>.

NOTE: Notwithstanding any grant of planning permission; if an applicant requires permission to access local authority land (e.g. public footpaths, public open space or roadways) in order to access utilities, or for any other reason; please apply via <https://maproadroadworkslicensing.ie/MRL/> for a licence from the Local Authority to carry out those works.

Comhairle Chontae Atha Cliath Theas

PR/0826/22

Record of Executive Business and Chief Executive's Order

REG. REF. SD21A/0290

**LOCATION: Combined sites of 'The Priory' and 'Leabeg', Kiltipper Road, Old Bawn,
Dublin 24**



**Sarah Watson
Executive Planner**



Eoin Burke, Senior Planner

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

Date: 29/6/22



**Mick Mulhern, Director of Land
Use, Planning & Transportation**