

**Ref: ABP-313059-22**

## **INTRODUCTION**

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

### **Statutory Requirements of this Report**

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

1. A summary of the points raised in the submissions received by An Bord Pleanála on the application.
2. The Chief Executive's view on the effects of the proposed development on the proper planning and sustainable development of the area and on the environment, having regard to matters specified in Section 34(2) of the Planning and Development Act, 2000 (as amended) and submissions received by An Bord Pleanála on the application.
3. A summary of the views of the relevant elected members on the proposed development as expressed at a meeting of members of the Rathfarnham Area Committee Meeting held on 12/4/2022.
4. The Planning Authority's opinion as to whether the proposed strategic housing development would be consistent with the relevant objectives of the development plan or local area plan, including a statement as to whether the Planning Authority recommends to An Bord Pleanála that permission should be granted or refused, together with the reasons for its recommendation.
5. Conditions of permission  
Where the Planning Authority recommends that permission be granted or refused, the planning conditions and reasons for them that it would recommend if An Bord Pleanála grants permission.

### **Summary of Key Issues Arising**

#### **Connectivity and Accessibility**

The site is subject to Policy H3 SLO1 of the South Dublin County Development Plan 2016 - 2022, which severely limits the prospective residential density of the site pending resolution of the accessibility and connectivity problems. The site is currently accessed only by Whitechurch Road, a rural road with poor capacity and alignment. The applicant has proposed extensive upgrades to Whitechurch Road, College Road, and has also proposed to provide one half of a link road west to the Edmondstown Road. The SDCC Roads Department has deemed these proposals insufficient to service the site at the proposed density of 41 DpH., and as such the development would represent a material contravention of the plan, would be premature pending resolution of the transport network issues, and would cause traffic congestion and traffic hazard. Furthermore, the development would necessarily

be car dependent and would not support national and regional objectives in support of sustainable compact development.

### **Layout**

The site suffers from the disparate nature of the sites (a northern and a southern site), and the lack of a combined masterplan between this site and lands to the west. These are effectively two separate sites. When and if the land in between the two sites becomes available for development, retrofitting connection to the north and south site will be extremely difficult if not impossible due to resistance from residents.

### **SUDs and Green Infrastructure**

Despite being a proposal on a greenfield site, the proposals have been found to be seriously deficient in terms of their provision of natural SUDs, and retention of some green infrastructure in the form of boundary fields and hedgerows to the north of the northern site. However, the proposed riparian corridor to the Whitechurch Stream is welcomed.

### **Proposed Development**

#### **Development Description**

The development will consist of:-

Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon House and outbuildings; the refurbishment and re-use of 2 stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands; **the construction of a mixed-use development comprising neighbourhood centre and 178 residential units** comprising 72 houses, 38 apartments and 68 duplex apartments:

- The 72 houses will comprise 2, 2.5 and 3-storey detached, semi-detached and terraced units to include:-
  - 6 2-bed houses;
  - 45 3-bed houses;
  - 21 4-bed houses;
- The 38 apartments and 68 duplex apartments are located across 7 buildings ranging in height from 3 to 5-storey consisting of 1 Block A/B, 1 Block C, 1 Block E, 1 Block S and 3 Blocks T as follows: -
  - **Block A/B:** 5-storey over basement and podium accommodating 10 1-bed apartments, 16 2-bed duplex apartments and 1 3-bed duplex apartment with associated balconies/terraces;
  - **Block C:** 5-storey over basement accommodating 4 1-bed apartments and 8 2-bed duplex apartments with associated balconies/terraces;
  - **Block E:** 4-storey over basement accommodating 8 1-bed apartments and 16 2-bed duplex apartments with associated balconies/terraces;
  - **Block S:** 3-storey accommodating 2 2-bed duplex apartments and 1 3-bed apartment and 1 3-bed duplex apartments with associated balconies/terraces;
  - **Block T:** 3 3-storey buildings accommodating 6 1-bed apartments, 18 2-bed duplex apartments, 9 3-bed apartments and 6 3-bed duplex apartments, all with associated balconies/terraces;
- Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a 2-level creche (313m<sup>2</sup>) at lower ground and ground floor level, and 3 no. retail/non-retail service/cafe units (470m<sup>2</sup>) at ground level;

- The basement below Block A/B and Block C accommodates 50 car parking spaces, bicycle parking, bin stores, plant and staff service area (80m<sup>2</sup>);
- The basement below Block E accommodates 35 car parking spaces, bicycle parking, bin store and plant;
- A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle;
- A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road;
- Upgrade works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian/cycle Greenway;
- Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road;
- Foul sewer drainage works along Whitechurch Road from the southern lands to the existing junction at Glinbury housing estate;
- All landscaping, surface car parking, boundary treatments, infrastructure works, ESB substation, signage and associated site works and services.

### **Procedural Note and Summary of s.247 Consultations**

#### **Pre-Planning with the Planning Authority: SHD1SPP010/20 and SHD1SPP013/20**

The applicant engaged with SDCC on two occasions, and staff from Dún Laoghaire – Rathdown County Council were also present at these meetings, held on 23<sup>rd</sup> July and 9<sup>th</sup> November 2020 respectively. The main feedback in each meeting was that the density proposed was in excess of the basic allowance in Policy H3 SLO1, and that issues of accessibility would need to be resolved as per the SLO to allow for higher densities. It was specifically noted that Whitechurch Road is substandard, narrow, and not to be relied upon. The minutes of both meetings are appended to this report.

#### **SHD2ABP-308723-20**

The applicant lodged a Stage 2 Pre-Application and a tripartite consultation meeting was held remotely on 3<sup>rd</sup> February 2021. This related to a development of **172** units.

South Dublin County Council’s Opinion Report listed the following key issues:

- Not in accordance with Policy H3 SLO 1.
- Proposed density would be contrary to the SLO in absence of deliverable accessibility improvements.
- Proposed density would be unsustainable owing to car dependency, poor transport links, substandard infrastructure for sustainable modes and poor accessibility.
- Building Heights – concerns with the taller elements of the proposal over five storeys and compliance with SPPR 3 of the Building Height Guidelines
- Urban Design – Concerns with the proposed layouts and location of public open space. There are also concerns with the design approach taken with the taller buildings and their monolithic appearance;
- Master planning – Concerns with the fragmented and piecemeal approach to the planning and delivery of the wider zoned lands;
- Clarification on the proposed tenure is required

- Clarification on childcare demand is required and the number of one-bedroom units proposed.
- Clarification on number of north facing units required.
- Noise from the M50 – surveys should be taken at peak traffic times to give an accurate representation of the potential noise impact on future residents.
- Drainage and Water supply – the issues raised by the Water Services Section should be addressed.
- Parking and Access – the issues raised by the Roads Department should be addressed.
- Landscaping – the issues raised by the Public Realm Section should be addressed.
- Procedural Concern – proposal is across 2 sites and the northern site of 62 units may be outside the parameters of the SHD process

Dún Laoghaire – Rathdown County Council also provided an Opinion Report at Stage 2. As per the ABP Inspector’s Report, its content are summarised as:

- Proposed upgrade works on College Road and the junction of proposed link street with Whitechurch Road and College Road are welcome and in accordance with the broader policies and objectives of the CDP. However, PA has some concerns about the site’s connectivity to the wider area when considering the available width on College Road and the ability to deliver a two-way cycle track. Further detailed required to ensure deliverability.
- Upgrade works on College Road are highly important in order to connect the site to the wider area. Applicant should be required to substantially complete the work on College Road and have it available for use prior to first occupation of proposed residential development

The Board’s Consultation Opinion was released in March 2020 and raised the following issues:

1. Principal of Development  
Documentation submitted should demonstrate that the proposal is not premature pending determination of a road layout/increased accessibility to the area. The applicant should address why the proposed development could not be considered to be **ad hoc, piecemeal, premature development** in the absence of a comprehensive approved to the development of these residentially zoned lands.
2. Height, Density, Car Parking and Layout
3. Design and Materiality

The Board otherwise required that certain plans and particular should be provided and specified those external consultees it would be necessary to notify about the application.

## **DEVELOPMENT CONTEXT**

### **Site Description**

The application sites consist of **two** green field sites that are located west of the Whitechurch Road and north of the M50. There are some existing derelict buildings on site and existing

residential properties to the north of the site. The county boundary with Dún Laoghaire Rathdown is located to the east of the site. Marlay Park (which straddles this boundary) is located to the east of the site. To the west of the site there are fields and the Edmondstown Golf Club. The Whitechurch Road passes under the M50 to the south-east, and there is a spur (College Road) before this underpass which provides access to Marlay Park. Access onto the M50 is not available at this location, with the nearest junctions being junction 12 (Knocklyon/Ballycullen) and junction 13 (Ballinteer), both accessed from this site via roads further north.

It should be noted that part of the application site lies within Dún Laoghaire/Rathdown County Council's administrative area. DLRCC attended both Stage 1 meetings and provided a report at Stage 2.

### **Site Area**

Stated as approx. 6.77 ha. (over two sites).

### **Zoning and Council Policy**

Under the South Dublin County Council Development Plan 2016 – 2022, the sites are subject to zoning objective 'RES' – 'To protect and/or improve residential amenity,' and further subject to Policy H3, SLO 1.

### **Policy H3**

It is the policy of the Council to support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people (independent and semi-independent living) within their communities and at locations that are proximate to services and amenities.

### **H3 SLO 1**

To facilitate the development of lands at Edmondstown (former Kilmashogue House) for the purpose of low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people. All residential development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner. Any future development should have regard to the boundaries with and the protection of the existing amenity and function of Edmondstown Golf Course.

### **SEA Sensitivity Screening**

- Protected Structures Ref Nos. 352 and 354 and located in the vicinity.

The SEA Sensitivity Screening is an internal SDCC tool.

## **CONSULTATIONS**

### **Internal Consultees**

Environmental Services  
Housing  
Public Realm

Provides observations  
No objection, subject to conditions.  
Raises concerns and recommends conditions.



- There is no foul sewer connection at the site.
- Screening for Appropriate Assessment: The Screening report does not recognise the connection between the Whitechurch stream and the Wicklow SAC, despite its use by otters.
- The public notices refer to the Dún Laoghaire – Rathdown County Development Plan 2016 – 2022, but a new County Development Plan has been adopted since the application was made, and this could open the development up to new legal challenges.
- No wayleaves shown on Architect’s drawings, contrary to Planning and Development Regulations (Article 22).
- The proposed development is over two sites and there appears to be two separate land owners.
- Premature development due to lack of coordinated approach or engagement between site owners.
- Development would be piecemeal. Adjoining land owner seeks agreement for a masterplan.
- No engagement between landowners to complete the link to Edmondstown Road.
- Area of site is actually 5.72 Ha (based on land registry figures).
- Creates a ransom strip of the adjoining lands.
- No engagement with adjoining land owner re: moving of electricity lines.
- Wayleave required for 450mm Irish Water pipe.
- This is two separate applications and should not be a single SHD application.
- SDCC comments at pre-planning have not been addressed re: masterplan, roads and accessibility.
- ABP comments at pre-planning have not been addressed re: the principle of development, the SLO, and a requirement to judge the capacity of the lands as part of a masterplanning process.
- Material Contravention is not justified as development does not meet requirements under s.37(2)(b).
- The proposed road and junction upgrades would not be sufficient to safely convey the traffic generated by the development.
- Junction design would not be safe for cyclists, as shown in Road Safety Audit.
- Public Transport at the site is very poor and the development would be car-dependent.
- Additional services to the site can only be facilitated through adjoining site but no consultation has taken place.
  
- Development is premature pending determination of a roads layout / accessibility improvements for the area.
- Development would require extensive works and disturbance on College Road and Whitechurch Road.
- Density is too high.
- Without a masterplan, this is fragmented, piecemeal development.
- Proposed form and character of 5-storey neighbourhood centre / apartment blocks are unsuited to this location.
- The provision of public open space appears to be substandard.
- No public transport to service the development.

## **Elected Representatives**

The proposed development was presented to the Rathfarnham Area Committee on 12<sup>th</sup> April 2022. The comments from councillors at that meeting can be summarised as follows:

Cllr Deirdre O'Donovan

- Concerns regarding density
- Lack of public transport

Cllr Carly Bailey

- Concerns regarding demolition of Kilmashogue and Coill Avon Houses/outbuildings – may be worthy of preservation
- Prematurity regarding new link road
- Lack of public transport
- Concerns regarding creche – may be left idle – creche should be going ahead
- Public open space quality needs to be looked at – need seating and play spaces
- Need clarity on taking in charge
- Is it build to sell or rent?
- EV charging – no information on this – development like this not providing enough
- Aesthetics – big distinction between houses , apartments and duplexes; houses well designed, apartments are bleak looking
- Communal open space would need to be better

Cllr Emma Murphy

- Has there been engagement with Dun Laoghaire regarding the large development at the Athletics Club nearby?
- This is going from an old county lane to increased traffic volumes
- The two sites don't touch – site in between – who owns it, is it used for agriculture?
- Is it an issue building close to Whitechurch stream?
- Whitechurch road is windy and narrow and there is significant development in Dun Laoghaire which is impacting traffic
- Planning enforcement required re creche and retail units and these should be implemented – these amenities should go first
- Part V should be integrated and not confined to apartments
- Bins and refuse – needs to be a proper plan
- Public open space needs to be improved

Cllr Pamela Kearns

- Welcome house
- Don't like look of apartments
- Lack of play spaces for children
- Need adult exercise areas
- Apartment blocks should have laundry facilities
- Transport concerns on narrow road
- Is there adequate bicycle parking – is this road safe for cycling
- Flooding from the stream



Cllr Lynne McCrave

- Whitechurch road very narrow – extra traffic will be an issue – a road count should be considered
- Options for older people and people with disabilities
- Is there a community facility
- Density is substantial
- Would query the 4 storeys
- Apartments are bland and bleak
- Did not see wheelchair spaces
- Public transport is poor in the area

Cllr Ronan McMahon

- Against demolition of buildings without more investigation
- Traffic concerns
- Is it proposed to remove many trees
- Is stream to be left open – it should be open

Cllr Alan Edge

- To what extent have issues raised by Bord Pleanála been met?
- Lack of detail on materials
- Apartments are bland and “Stalinist”
- Balconies have poor detail
- Why is it coming to us late
- Density and adequate infrastructure
- Flood risk from stream
- Archaeology concerns
- Flat featureless public open space

All submissions, observations and representations have been reviewed in full and taken into consideration in the assessment of the proposed development.

## **PLANNING HISTORY**

### **Southern Application Site**

SD06A/0826 and PL06S.221017

Permission refused and refused at appeal for the demolition of 1 dwelling house and associated outbuildings; the construction of 42 dwelling houses; the construction of vehicular access to Whitechurch Road and internal access roads and footpath; the construction of approx. 1,400 linear metres of 80mm foul water rising main along Whitechurch Road to serve the application site and an on-site subterranean pumping station; the realignment of the existing 450mm water main along the southern boundary; the provision of landscaped public open spaces and boundary treatments; and all other site development works above and below ground required to facilitate the proposed development.

### **Northern Application Site**

SD19A/0105

Permission **refused** for Construction of a residential development of 62 units: demolition of the existing house, Coill Avon, and the construction of 28 three bedroom, two storey terraced houses; 3 four bedroom, two storey with dormer end of terrace houses and 3 four bedroom, three storey end of terrace houses, ranging in size from 110sq.m to 178sq.m with in curtilage

car parking and 9 visitor car parking spaces; 16 two bed apartments over four floors (Block A), 7 one bed apartments, 5 two bed apartments over three floors and one community room (Block B) with 30 car parking spaces; bin store; secure bicycle parking; open space in two locations including woodland area of 1,795sq.m and a Green of 708sq.m; new boundary treatment; landscaping and all associated service provision including two substations and alterations to the shared access and vehicular bridge to Coill Avon and Lynbrook on a site of 1.76 hectares (1.6 hectares application site and balance 0.16 hectares includes a section of the public road to facilitate connection to the public foul drainage system).

#### Reasons for Refusal:

1. The site is zoned objective RES- 'To protect and/or improve residential amenity / zoning objective' and subject to Specific Local Objective (SLO) H3 SLO1 under the South Dublin County Council Development Plan 2016 – 2022. Housing Policy H3 SLO 1 states:  
'To facilitate the development of lands at Edmondstown (former Kilmashogue House) for the purpose of low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people. All residential development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner. Any future development should have regard to the boundaries with and the protection of the existing amenity and function of Edmondstown Golf Course.'  
Having regard to H3 SLO1 that applies to the subject lands and those to the south and west of the application site, the proposed scheme does not adequately address the Specific Local Objective attached to the site. The proposed development is significantly at variance with H3 SLO1 as it:
  - (a) proposes a density of 38.8 units per hectare, which would be significantly in excess of the 'low density residential development at a net density of not more than 12 units per hectare' or the 'not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people'
  - (b) has not adequately promoted housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development
  - (c) lacks integration within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities, which is of particular importance to the sustainable provision of housing for older people.The proposed development would, therefore, materially contravene the policies and objectives of the South Dublin County Council Development Plan 2016-2022, specifically Policy H3 SLO1, and be contrary the proper planning and sustainable development of the area.
2. The layout and design of the proposed development would be contrary to best practice urban design principles set out in the Urban Design Manual: A Best Practice Guide (2009) and the South Dublin County Development Plan 2016 - 2022. Site specific characteristics and site constraints have not been adequately addressed as

part of the design solution, and result in a largely 'urban' development which fails to respond to its location at the rural fringe. Having regard to layout and design shortfalls, the proposed development would represent overdevelopment of the subject site which would not support the creation of a sustainable community. This is demonstrated by the following deficiencies:

- The proposed 'village green' public open space is substandard in terms of size and is disconnected from the houses to the west of the site (House types C4 to C9).
- Lack of any surveillance of the play area proposed within the woodland east of the site.
- The design fails to take sufficient account of the existing Green Infrastructure onsite including extensive trees, hedgerows and woodland, a high proportion of which is proposed to be removed.
- The design has failed to adequately incorporate sufficient SUDS features in accordance with the South Dublin County Development Plan 2016-2022 Policy IE2 Objective 5.
- Failure to incorporate a minimum distance of 22m between opposing windows between House types C4 to C9 to the west of the site;
- Seven out of the sixteen apartment units would be predominantly north facing with substandard dual aspect windows proposed at east elevation in Block A and at west elevation in Block B;
- Failure to clearly outline what is private, semi-private and public open space in the vicinity of the apartment blocks;
- The private amenity space / terrace belonging to apartment Unit A2 would directly abut the public footpath, with no privacy strip incorporated into the design layout.
- Unit B1 would have no private amenity space provision which would not accord with the Sustainable Urban Housing: Design Standards for New Apartments (2018)
- Substandard size provision for a community room (at 26sq.m.) for a development of this scale and such location would compromise residential amenity of future occupants;
- House type C6-3B would have a constrained driveway resulting in parking for only 1 no. car. There is no provision for on-street parking owing to the layout of the homezone street layout.
- The location of the community room directly adjacent to apartment Unit B1 is unsuitable owing to potential noise impact during periods of use, adversely impacting upon the residential amenity of any future occupant of Unit B1.
- The external amenity space associated with the community room would traverse directly across the south façade of apartment Unit B1, therefore, adversely impacting on the residential amenity of future occupants of B1, by way of noise and loss of privacy.

Having regard to the above, the proposed development would seriously injure the amenities of property in the vicinity and within the site and would be contrary to the 'RES' zoning objective of the site, 'to protect and/or improve residential amenity, as set out in South Dublin County Council Development Plan 2016-2022 and would therefore, be contrary to the proper planning and sustainable development of the area.

3. (a) The layout of the proposed residential development would necessitate the removal of a significant proportion of hedgerow, trees and area of woodland onsite. The design fails to take sufficient account of the existing Green Infrastructure onsite including extensive trees, hedgerows and woodland, a high proportion of which is proposed to be removed. This would not accord with the policies and objectives of the South

Dublin County Development Plan 2016-2022, specifically G2 Objective 1, G2 Objective 2, G2 Objective 3, G2 Objective 5, G2 Objective 6, G2 Objective 7, G2 Objective 9 and G2 Objective 13. The retention of trees and hedgerows have significant ecological benefits, supporting habitats and forming part of the County's Green Infrastructure network. Furthermore, they provide visual amenity and aid the process of placemaking. The proposed development has failed to demonstrate how existing hedgerows can be integrated into the development which would be contrary to the policies and objectives of the County Development Plan and would therefore not be in accordance with the proper planning and sustainable development of the area.

(b) The applicant has not provided an Ecological Survey and/or a Bat Survey. This is significant as the surrounding boundary of the development has large trees and hedgerows present which bat species typically frequent. Given the number of mature trees and the general undisturbed nature of the site and its surrounding lands, an ecological assessment of the site would be required. In particular, a Bat survey would be required of the entire site to determine the presence or the usage of the site by roosting and foraging/commuting bats. Furthermore, no report on the presence or otherwise of non-native invasive species was included in the information submitted. Having regard to the above, the proposed development would be contrary to the proper planning and sustainable development of the area.

4. (a) Insufficient details have been submitted in terms of the proposed surface water and drainage systems, therefore it has not been demonstrated by the applicant that the proposed development is consistent with the Greater Dublin Regional Code of Practise for Drainage Works.

(b) The lack of information in respect of surface water management onsite fails to demonstrate the protection of the Whitechurch Stream to which the surface water from the site is proposed to be discharged. In the absence of this information, the proposal may adversely impact on the ecological integrity of the Whitechurch Stream, a tributary of the River Dodder which would not comply with the policies and objectives of the South Dublin County Development Plan 2016-2022, specifically IE2 Objective 1, IE2 Objective 5, IE2 Objective 8, G2 Objective 2, and G2 Objective 3. Thus, the proposed development would be contrary to the proper planning and sustainable development of the area and may be prejudicial to public health.

5. The proposed residential development does not comply with the basic standards as identified in the Design Manual for Urban Roads and Streets Guidelines (Department of Environment, Community and Local Government, 2013) in terms of layout and detailed design by reason of the excessive carriageway widths within the homeszones which exceed the minimum standards; and the lack of self-regulating low speed environment along the main internal access road.

Having regard to the above, the proposed development would seriously injure the amenities of property in the vicinity and within the site and would be contrary to the 'RES' zoning objective of the site, 'to protect and/or improve residential amenity, would materially contravene the South Dublin County Council Development Plan 2016-2022 and would also therefore, be contrary to the proper planning and sustainable development of the area.

## Neighbouring Sites

### SD03A/0725 on lands to the West

Permission **granted** for a driving range of 28 covered bays with an adjoining two-storey amenity building comprising of: reception, office, waiting room, w.cs. equipment store, ball dispenser, internal and external viewing areas. A waste water treatment system, car park, a new timber & chain link agricultural fence to northeast of proposed range. Existing vehicular entrance to be reconfigured and existing access road widened and extended to serve existing farmland and proposed driving range

### SD21A/0307 at Lynbrook (site to the north-east)

Additional information sought and response pending, for 2 no. 2 storey dwellings and associated site works on the site of and adjacent to an existing 2 storey dwelling (for clarity the existing dwelling Lynbrook is to remain); proposed dwelling A - 4 bedrooms, 241sq.m; proposed dwelling B - 5 bedrooms, 240sq.m; access is proposed to be by an existing driveway from the Whitechurch Road serving the existing dwelling on site; the existing driveway will be extended to serve the proposed dwellings; 4 car parking spaces; on-site drainage treatment and additional soft and hard landscaping are proposed as part of the development.

### SD22A/0307 at The Muddies, (site to the north)

Permission **refused** for demolition of existing garage and construction of a part single, part two storey 3-bedroom detached dwelling in side garden of existing dwelling; associated rooflights; new vehicular entrance with new pillar and gate; all ancillary site and landscaping works.

#### Reasons for refusal:

1. This proposal provides for additional traffic movements on a substandard private laneway off Whitechurch Road and would set an undesirable precedent for further similar developments in the area. The proposed development would represent an intensification of use of the substandard road network and would endanger public safety by reason of traffic hazard. Due to said endangerment to public safety and traffic hazard, the development would contravene the 'RES' land-use zoning objective for the area under the South Dublin County Development Plan 2016 - 2022, which reads, 'To protect and/or improve residential amenity.' Furthermore, the Planning Authority is not satisfied that the proposed vehicular access is safe, and is likely to give rise to traffic hazard.
2. The subject site is proposed to be serviced by an onsite treatment system. The application does not include information required under article 22 (c) of the Planning and Development Regulations 2001 as amended, on the on-site treatment system proposed and evidence as to the suitability of the site for the system proposed, where it is proposed to dispose of wastewater other than to a public sewer. In addition, the provision of an individual treatment system at this location is contrary to Section 11.6.1 which outlines that new developments will be required to utilise and connect to the public wastewater infrastructure, where practicable. There is therefore a risk of water pollution arising from the disposal of waste water on the site, and a grant of permission at this time would be prejudicial to public health, contrary to the Development Plan and the proper planning and sustainable of the area.
3. The application does not include information on the proposed layout of watermains on the site and as such, the proposed development is contrary to proper planning and sustainable development of the area.

## **Relevant Recent Enforcement History**

None.

## **RELEVANT POLICY AND GUIDELINES**

### **Relevant Government Policy**

#### **National Planning Framework**

National Strategic Outcome 1 of the NPF refers to and, stresses the importance, of ‘*Compact Growth*’. The NPF states,

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

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

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

and National Policy Objective 3a, which states,

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

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

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

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

### **Regional Spatial & Economic Strategy 2019-2031**

Dublin City and suburbs is considered in the context of the MASP and is dealt with in greater detail in Chapter 5 Dublin Metropolitan Area Strategic Plan (MASP). A number of key Regional Policy Objectives are considered relevant:

RPO 5.3: Future development in the Dublin Metropolitan Area shall be planned and designed in a manner that facilitates sustainable travel patterns, with a particular focus on increasing the share of active modes (walking and cycling) and public transport use and creating a safe attractive street environment for pedestrians and cyclists.

RPO 5.4: Future development of strategic residential development areas within the Dublin Metropolitan area shall provide for higher densities and qualitative standards as set out in the ‘Sustainable Residential Development in Urban Areas’, ‘Sustainable Urban Housing: Design Standards for New Apartments’ Guidelines and ‘Urban Development and Building Heights Guidelines for Planning Authorities’.

RPO 5.5: Future residential development supporting the right housing and tenure mix within the Dublin Metropolitan Area shall follow a clear sequential approach, with a primary focus

on the consolidation of Dublin and suburbs, and the development of Key Metropolitan Towns, as set out in the Metropolitan Area Strategic Plan (MASP) and in line with the overall Settlement Strategy for the RSES. Identification of suitable residential development sites shall be supported by a quality site selection process that addresses environmental concerns.

### **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’ (2018).

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).

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)

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

Policy CS1 Consolidation Areas within the Gateway

Policy H3 Housing for Older People

It is the policy of the Council to support the provision of accommodation for older people in established residential and mixed use areas that offer a choice and mix of accommodation types to older people (independent and semi-independent living) within their communities and at locations that are proximate to services and amenities.

### H3 SLO 1:

To facilitate the development of lands at Edmondstown (former Kilmashogue House) for the purpose of low density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people. All residential development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner. Any future development should have regard to the boundaries with and the protection of the existing amenity and function of Edmondstown Golf Course.

### Policy H4 Student Accommodation

### Policy H6 Sustainable Communities

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

### Policy H7 Urban Design in Residential Developments

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

### Policy H8 Residential Densities

It is the policy of the Council to promote higher residential densities at appropriate locations and to ensure that the density of new residential development is appropriate to its location and surrounding context.

### H8 Objective 3

To encourage the development of institutional lands subject to the retention of their open character and the provision of quality public open space in accordance with the Guidelines for Planning Authorities on Sustainable Residential Development in Urban Areas, DEHLG (2009).

### Policy H10 Mix of Dwelling Types

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

### Section 2.3.0 Quality of Residential Development

#### Policy H11 Residential Design and Layout

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



#### Policy H12 Public Open Space

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

#### Policy H13 Private and Semi-Private Open Space

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

#### Policy H14 Internal Residential Accommodation

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

#### Policy H15 Privacy and Security

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

#### Policy H16 Steep or Varying Topography Sites

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

### Section 3.2.0 Community Facilities

#### Policy C1 Community Centres

It is the policy of the Council to ensure that all communities have access to multifunctional community centres that provide a focal point for community activities.

### Section 3.13.0 Open Space Management & Use

#### Policy C12 Open Space

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

### Section 6.3.0 Walking and Cycling

#### Policy TM3 Walking and Cycling

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

### Section 6.4.3 Road and Street Design

#### Policy H12

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

### Section 6.4.4 Car Parking

#### Policy TM7 Car Parking

## Section 7.1.0 Water Supply & Wastewater

### Policy IE1 Water & Wastewater

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

## Section 7.2.0 Surface Water & Groundwater

### Policy IE2 Surface Water & Groundwater

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

## Section 7.3.0 Flood Risk Management

### Policy IE3 Flood Risk

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

## Section 8.0 Green Infrastructure

### Policy G1 Overarching

### Policy G1 Green Infrastructure Network

### Policy G3 Watercourses Network

### Policy G4 Public Open Space and Landscape Setting

### Policy G5 Sustainable Urban Drainage Systems

### Policy G6 New Development in Urban Areas

## Section 9.3.1 Natura 2000 Sites

### Policy HCL12 Natura 2000 Sites

## Section 10.0 Energy

### Policy E4 Energy Performance in New Buildings

## Section 11.2.0 Place Making and Urban Design

### Section 11.2.1 Design Statements

### Section 11.2.2 Masterplans

### Table 11.17: Masterplan Considerations

### Section 11.2.7 Building Height

### Section 11.3.1 Residential

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

### Table 11.20: Minimum Space Standards for Houses

### Table 11.21: Minimum Space Standards for Apartments

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

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

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

Section 11.6.1 (i) Flood Risk Assessment  
Section 11.6.1 (ii) Surface Water  
Section 11.6.1 (iii) Sustainable Urban Drainage System (SUDS)  
Section 11.6.1 (iv) Groundwater  
Section 11.6.1 (v) Rainwater Harvesting  
Section 11.6.1 (vi) Water Services

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

### **Draft South Dublin County Council Development Plan 2022 – 2028**

It is expected that this plan will be adopted in August/September 2022.

The following SLO would apply to the site under the Draft Plan, under Policy SM4

#### **Policy Sustainable Movement (SM) 4**

Improve and, where necessary, expand the County-wide strategic road network to support economic development and provide access to new communities and new development areas.

#### **SLO 1:**

To ensure that development on these lands at Whitechurch/Edmondstown only occurs where it can be delivered in tandem with the necessary transport infrastructure, including provision for walking and cycling, to facilitate such development.

This is subject to a material alteration proposal, which would see the SLO reworded as follows:

#### **SLO 1:**

To ensure that development on these lands at Whitechurch/Edmondstown is facilitated through a comprehensive transport needs assessment, to identify all necessary transport infrastructure, its preferred location, and the appropriate delivery mechanisms in consultation with relevant stakeholders. The transport needs assessment shall have regard to existing environmental sensitivities in the area.

## **ASSESSMENT OF PROPOSED DEVELOPMENT**

### **Principle of Development**

#### **Zoning and Council Policy**

The site of the proposed development is located within lands which are subject to zoning objective 'RES' – 'To protect and/or improve residential amenity'. The proposal consists of a mix of uses including residential, childcare, café and three commercial units. Under the 'RES' zoning objective a residential use is permitted in principle. A childcare use, restaurant/café and the 'shop' units, which based on their internal floor areas, would fall under a shop-neighbourhood use as per Schedule 5 of the CDP, would be open for consideration. The Planning Authority is generally supportive of local retail and restaurant/café units for the benefit of local residents.

In terms of Council policy, the site and wider area are subject to H3 SLO 1 of the CDP which states the following:

To facilitate the development of lands at Edmonstown (former Kilmashogue House) for the purpose of low-density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people. All residential development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner. Any future development should have regard to the boundaries with and the protection of the existing amenity and function of Edmondstown Golf Course.

As per the SLO, any increase in density above 12 dwellings per hectare, or 20 DpH in the case of independent and semi-independent housing for older people, can only comply with the County Development Plan where issues of accessibility have been fully resolved.

The proposed density is 41 DpH., and the applicant has supplied a Material Contravention Statement. This is considered in the next section.

See the 'Access, Transport and Parking' section of this report for consideration of the applicant's proposals regarding a new east-west link road (to be partially delivered), upgrades to Whitechurch Road, and the prospect of linkages to the Luas via cycle paths through Marlay Park. In summary, the SDCC Roads Department concludes that the proposals do not represent such an improvement that the site could be considered to have a direct connection to any public transport. The Roads Department also notes the weight limit on Whitechurch Road and concludes that a bus service could not serve this site and consequently car dependency and congestion on substandard roads are anticipated.

## **Land-use and Transport**

As per section 7.1.2 of the Transport Strategy for the Greater Dublin Area 2016 – 2035, the primary goals of land use and transport integration may be summarised, in order, as follows:

1. Reducing the need to travel;
2. Reducing the distance travelled;
3. Reducing the time taken to travel;
4. Promoting walking and cycling; and
5. Promoting public transport use.

The application of Policy H3 SLO 1 on the site is imperative to support point 1 of the above list, as the site with current accessibility issues would require that residents travel by car for most employment, retail and leisure needs. The SLO provides for points 3, 4 and 5 to potentially be resolved at a later date, unlocking a higher density of development on the site. For development above the densities described in H3 SLO1, the connectivity/accessibility issues on the site must be resolved.

As noted per the SDCC Roads Department report, accessibility and connectivity issues have not been adequately provided for on the site.

### **Material Contravention: Density, Connectivity and Accessibility**

The applicant has supplied a Material Contravention Statement in which they conclude that the density proposal at the site is a material contravention of the County Development Plan. SDCC concurs that the proposed development would represent a material contravention. At 41 DpH, the proposed development provides for a density in excess of 300% of the proposed density for the site of 12 DpH, and does not provide for housing or nursing home services for older people. As noted under the ‘Access, Transport and Parking’ section, and the full SDCC Roads Report (appended), the proposed transport links do not fulfil the requirements of H3 SLO 1.

The applicant asserts that a material contravention is justified on the following grounds, and these are considered below.

#### Peripheral and/or Less Accessible Urban Location

The site is in a ‘peripheral and/or less accessible urban location’ as defined by the ‘Sustainable Urban Housing: Design Standards for New Apartments’ (2020) and therefore the County Development Plan objective does not comply with the s.28 ministerial guidelines, which promote compact sustainable development.

#### Consideration

The application sites are not located in an urban area. The Whitechurch Road is a rural road with little capacity, and is the sole road serving the site. There are no public transport links, a few amenities in the immediate area. The sites are not located within the built-up fabric of the city and are not on the periphery of the built-up fabric of the city. The sites do not match any of the three urban classifications introduced in the 2018 guidelines and retained in the 2020 guidelines.

The restriction of density at such a site is not at variance with the guidelines, as ‘peripheral and/or less accessible urban locations’ are described as being suitable for development of less than 45 dwellings per hectare, and no minimum density is stated.

The density guidelines in the 2020 guidelines do not form part of an SPPR and do not therefore provide a reasonable basis for a direct material contravention of an objective in a County Development Plan.

#### Recent National and Regional Strategies

The policies “Housing for All”, the National Planning Framework, and the Eastern & Midlands RSES, each provide for the ramping up of housing supply and in a sustainable compact form.

#### Consideration

As above, it is not considered that development on the site represents compact, sustainable, development.

#### Strategic Importance

The development is of strategic or national importance as it is an SHD.

#### Consideration

The development of 178 units at this site would not comply with the Transport Strategy for the Greater Dublin Area 2016, or the draft Transport Strategy; as such it would militate against the gains to be made from integration of land-use and transport planning as set out in those documents (particular the Draft Strategy which was published in January).

#### Housing Capacity Site

There is a conflict between Policy H3 SLO1 and the Core Strategy, which identifies Rathfarnham as a Consolidation Area and Map 1.3, which identifies the site as a ‘Housing Capacity Site’, and policy CS1 Objective 1, “To promote and support high quality infill development’. Variation 4 of the County Development Plan, and Map 1.3, identifies the site as a ‘housing capacity site’.

#### Consideration

The sites are subject to a specific SLO which is intended for particular development at this site, which is an outlier among zoned lands in the county, due to its lack of connections, accessibility, or proximity to amenities or public transport. The SLO appropriately augments and develops national, regional and local strategy and applies it appropriately based on the specific context of the area.

#### 2009 Guidelines

The Sustainable Residential Development in Urban Areas (2009) guidelines promote densities of 35-50 DpH on greenfield sites that are on the urban periphery and which require the provision of additional services and facilities including roads, sewers, social and commercial facilities, schools, shops, employment and community facilities. The guidelines discourage densities below 30 DpH.

#### Consideration

The SLO allows for appropriate densities for a peripheral or rural greenfield site once issues of accessibility and connectivity have been adequately resolved. The SLO thus complies with the 2009 guidelines, which emphasise the requirement for additional services and facilities to enable development on such lands.

### Recent Precedent

The Board recently granted permission under SHD3ABP-309836-21 for 241 apartments at Stocking Avenue, Woodstown, Dublin 16.

### Considerations

SDCC recommended refusal on the above application and did not consider the densities to be sustainable in a peri-urban development. The subject site of that application was served directly by a bus route and had more direct connections to the urban area.

### **Note on Draft County Development Plan**

The proposed lands are to remain zoned 'RES' under the Draft County Development Plan, but the SLO applying to the site will not be carried over in its entirety. The new SLO (as drafted) proposes that the site should not be developed unless transport links to the site are made.

A proposed material alteration would provide that development at the site is facilitated through a transport needs assessment.

The Board should have regard to the County Development Plan which has effect at the time of its decision.

### Conclusion

There is limited justification for a **material contravention** of the South Dublin County Development Plan 2016 – 2022 in national, regional or local strategic policies. The SLO at the site supports the sustainable use of lands which are not well-connected, in line with national policies in support of sustainable development, and strategic transport policy in support of integrated land-use and transport. Permission is recommended to be **refused** on the basis of a material contravention to the County Development Plan, which would undermine the 'RES' zoning objective, undermine Policy H3 of the Plan, undermine the Greater Dublin transport strategy and the Regional Settlement Strategy, both of which favour compact growth at accessible locations, and would therefore be significantly contrary to the proper planning and sustainable development of the county.

### **Visual Impact and Residential Amenity**

#### **Building Height**

The applicant has reduced the height of the proposed apartment buildings to a maximum height of 5 storeys. As previously noted, some of these buildings could appear/read as 6-storey buildings given the relative level of the ground floor above basement. The applicant has provided a number of CGI drawings and a Visual Impact Assessment.

The potential visual impact of the development is considered to be improved by the reduction in height.

#### **Internal Residential Layout**

The Schedule of Accommodation provided with the application appears to show that all units meet the minimum requirements under the 2007 Quality Housing guidelines and the 'Sustainable Urban Housing: Design Standards for New Apartments' (2020), as appropriate. On inspecting the floor plans, it is notable that many units include rooms in excess of 3.5m<sup>2</sup> which are described as stores. The provision of storage in these units could more closely comply with the intentions of the guidelines and this can be a **condition of permission**.

### **Private Amenity Space**

The schedule of accommodation appears to show that all units are provided with adequate private amenity space.

### **Communal Amenity Space**

Communal amenity space is not laid out in the schedule of accommodation. It would appear from the plans that adequate space is provided for on the northern site, but it is not clear that adequate, quality communal space has been provided for to serve apartments above the neighbourhood centre. The parking-dominated courtyard at this site could be reimagined as a more useful communal amenity space. See also comments below regarding the layout and orientation of these blocks.

### **Noise**

The Acoustic Design Statement shows that noise surveys of the site reveal roughly half of the southern site to be ‘high risk’ or in the upper reaches of ‘medium risk’ of adverse impacts. ‘Zone A’ facades include the southern, western and eastern facades of all buildings to the south of the southern site, where daytime noise will exceed 70 LAeq, and night-time noise will exceed 65 LAeq. All other facades are noted to be medium risk, where daytime noise will exceed 65 LAeq, and night-time noise will exceed 60 LAeq.

It is noted that a number of mitigation measures are proposed to combat the noise in outside areas due to proximity to the M50. This is another aspect of the development that could be better overcome by way of consolidating the lands in this area for planning and development purposes.

Mitigation measures identified include requirements to keep windows closed on southern, eastern and western elevations of the ‘T’ duplex blocks.

The Noise Impact Assessment concludes that the development is satisfactory considering the mitigation measures proposed. It is the opinion of SDCC that such measures could be avoided by placing more of the public open space to the south by development of a larger consolidated site, and this feeds into a **reason for refusal** relating to overall layout and development approach.

### **Privacy and Overlooking**

Windows and balconies are provided at first and second level on the rear elevation of ‘T’ duplex blocks. It would appear from the site layout plans that such features would lead to overlooking of rear private amenity spaces and, in some cases, habitable rooms. The direct overlooking of private amenity spaces is not acceptable, and feeds into a **reason for refusal** relating to overall layout and development approach.

### **Unit Mix and Tenure**

The proposed development is not stated as build-to-rent and so it is assumed to be for owner occupation. The proposed unit mix is as follows:

1-Beds – 28 (16%)

2-beds (4 persons) – 66 (37%)

3-beds – 62 (35%)

4-beds – 21 (12%)

The mix is considered to be acceptable.



## **Urban Design, Layout and Character**

The general design of the houses is considered to be acceptable in terms of the finishes and materials. It is noted that the apartment designs have been considered to be bulky, boring or “Stalinist” in their approach (quoting Cllr Edge). The buildings proposed are not of such a size that they should appear overtly bulky or have oppressive elevational treatments; this can and should be amended prior to commencement of development. The material and elevational treatment of the apartment blocks/neighbourhood centre should be the subject of a **condition of permission**.

The proposed development seeks to maintain a typology in which houses and duplexes are dominant, provided in traditional back-to-back configurations, while maximising the possible density from this approach. While individual units appear to be well provided for in quantitative terms of residential amenity, there are a number of failings in relation to streetscape enclosure, dominance of surface level parking, and the cramped nature of development on the southern site.

### **Blocks A, B and C**

The main public open space on the southern site is poorly overlooked, and bleeds into the rear courtyard of Blocks A, B and C. A strong edge with commercial facilities facing into the development would be a preferable arrangement here and would foster a sense of community. At present, commercial facilities appear to be aimed at passing motorists, as per a service station, and the primary façade of the block acts as an advert for the development, but the building effectively turns its back to the development itself. The general arrangement of Blocks A and C does not provide for a neighbourhood centre that addresses its service population, or can be said to be designed to encourage pedestrian use of the services there. Surface level car parking should be minimised further as there is a basement provision, with the exception of drop-off areas and accessible spaces, and pedestrian access should be prioritised from the direction of the residential development; likewise, the architectural arrangement should present the primary façade and entrance to the residential development, and should directly overlook the public open space, accessible primarily by pedestrian routes.

The orientation, siting, and surface courtyard of Blocks A, B and C should be reappraised and should therefore be the subject of a **condition of permission**.

### **Cramped development on Southern site**

The general arrangement of the southern site provides for 3 blocks of units served by local perimeter streets. The arrangement is extremely inefficient and reflects the piecemeal nature of development on a site-by-site basis. The perimeter streets provide for potential links to future developments but inevitably will not provide for residential development to directly address these streets from adjoining sites. There is therefore likely to be a duplication of carriageways between the sites. The southernmost block has inadequate separation distances between units, which the design addresses by providing for no rear windows above ground level.

### **Streetscapes**

The car dependent nature of the development is evident in the street layouts. While the parking is in compliance with the council’s quantitative standards, the streetscapes themselves will not have the feel of a pedestrian/cyclist dominant local area. The actual space given over to pedestrians is a small fraction of the public realm, and tell-tale right-angled

diversions around bin stores and parking banks show that the pedestrian is the secondary focus of the streetscape design. It is unlikely that the pathways and restricted crossing points will conform to desire lines and it is unlikely that children in the development will be able to move confidently and independently around it.

Back-to-back distances of 5.5m are shown between parking spaces which are perpendicular to the carriageway; it is likely in such cases that the pedestrian/verge would be squeezed further to provide for a 6-metre setback at detailed design phase.

### **Housing (Part V)**

The Housing Department has submitted a report (appended to this report) which specifies that the Planning Authority would seek to acquire units on site in the event of a grant of permission, in order to resolve the requirements of s.96 of the Planning and Development Act 2000 as amended.

### **Public Realm and Ecology**

The Public Realm Department has raised concerns as follows (full report is appended to this report):

- Extent of Tree and Hedgerow Loss in order to accommodate the proposed development.
- Additional information/detail required on proposed play items contained within the landscape proposals. There seems to be insufficient play items proposed within the overall development.
- Lacks a comprehensive and detailed SUDS strategy for the entire development which details the implementation, maintenance and of future management of the proposed SUDS Strategy. Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as, integrated/bio retention tree pits, swales, detention basins, permeable paving, green roofs, rain gardens etc.
- Detailed Planting Plan required for the entire development which clearly details planting sizes and proposed numbers/densities.
- Taking in Charge Drawing Required.
- Impact of proposed development on existing green infrastructure and on local biodiversity.
- Ecological Impact – impact of development on bat foraging routes due to removal of boundary trees.

Given that this is a greenfield site, and given SDCC policy on green infrastructure and surface water, it is a reasonable expectation that natural SUDs features would form the basis of the design and be visible and accounted for in the Landscape and Drainage plans. The site should be capable of retaining most surface water above ground and utilising it in the open spaces, with minimal or no underground attenuation, and without providing for excess surface water run-off. The proposed plans provide for attenuation tanks under public open space, and the Public Realm Department has rejected this approach due to the impact on landscaping in the future. Lack of a sufficient SUDs strategy in contrary to County Development Plan policy and can be the basis for a **reason for refusal**.

The applicant has provided an Ecological Impact Assessment and Aboricultural Impact Assessment with the application. Though field boundaries on the northern site are noted to be of high local importance, a significant portion of the vegetation / trees on the northern site are

to be removed. Inadequate retention of green infrastructure features on a greenfield site can also contribute to a **reason for refusal**.

The Public Realm Department has otherwise recommended in the event of a grant of permission, that **conditions** are attached for the following:

- Landscape Plan
- Open Space (and attenuation tanks)
- Appointment of project Arborist
- Arboricultural Method Statement
- Tree and Hedgerow Protection measures
- Tree bond/arboricultural agreement.
- Play provision.
- SUDs.
- Biodiversity Management Plan
- SUDs
- Watercourse Protection Strategy
- Bats

These should be attached as **conditions of permission** in the event of a grant.

### **Ecology**

On the northern site, older field boundary hedging and trees remain in place and are of high local importance. The trees on the northern site have potential for roosting bats.

On the southern site, the lands are recently grazed and boundary treatments are relatively new and of low importance. The site is not very attractive to bats due to the light spill from the M50.

The report includes a number of recommendations for mitigation. It concludes that a derogation licence is not required at this site, despite also mentioning some evidence (audio) that roosts are in place. The applicant has also submitted Bat reports from 2020 and 2019 which each record no roosts being found.

The mitigation measures included in the Ecological Impact Assessment and the two bat reports are as follows:

- Re-examination of all buildings and mature trees prior to demolition / felling.
- Planting of new native vegetation with an emphasis on oak.
- Lighting to provide for:
  - o Dark corridors;
  - o LED luminaires, and no UV elements.
  - o A warm white spectrum to be adopted.
  - o Luminaires shall feature peak wavelengths higher than 550nm;
  - o Tree crowns to remain unilluminated.
  - o Planting to provide areas of darkness suitable for bats to feed and commute.

The latest report is dated March 2022.

The mitigation measures are welcomed and should be implemented by way of a **condition of permission**. It is noted however that the Public Lighting Plan and Landscape Plans submitted with the application do not provide for a dark corridor or bat-friendly lighting. Both Landscape and Lighting proposals shall have to be agreed by way of **condition of permission**, with the requirement that the mitigation measures provided for in the Ecological Impact Assessment and Bat Survey reports are prioritised.

### **Nature Conservation**

The sites abut the Whitechurch Stream to the east, beside Whitechurch Road. The development provides for a riparian buffer, which is welcome. The Department of Housing's Nature Conservation unit has proposed four **conditions** which relate to:

- CEMP to be agreed;
- Bat report recommendations to be implemented.
- Swift bricks to be included in the apartment buildings as per Ecological Impact Assessment recommendations.
- Clearance of woody vegetation from the site to be allowed only in the period from September to February.

It is reasonable to attach such conditions in the event of a grant of permission.

### **Access, Transport and Parking**

The SDCC Roads Department has provided detailed observations of the proposal relative to the points raised in An Bord Pleanála's Opinion Report from Stage 2. The summary observations are below (the full report is appended to this report):

1. Masterplan lacks detail, the street hierarchy does not follow future development, i.e. homezone could become link streets or higher in the future. To serve any additional phases.
2. SDCC believe Whitechurch Road is not suitable as a bus route. Due to its narrow width and a 3-tonne weight restriction.
3. SDCC recognise the section of the Slang Greenway has night-time security risks due to lack of passive surveillance through Marley Park.  
i.e. adequate lighting, passive security access year-round.
4. SDCC question whether the LUAS is a viable means of transport from the proposed development.
5. SDCC are convinced that the proposed development will lead to congestion and increased accidents on the Whitechurch Road.  
The Whitechurch road narrowness and confined nature is not a valid method of speed control making the road DMURS complainant.
6. There needs to be written confirmation from DLRCC that College Road can accommodate increased traffic and has sufficient width for 2-way cycle provision.
7. The applicant has failed to demonstrate that the vehicular/cycle/pedestrian extension of the south road (road Number 10) to the Edmondstown Road is possible. Due to the difference in level and surrounding land ownership.
8. The proposed advisory cycle lanes on the Whitechurch Road are not acceptable and creates a safety hazard as stated in the applicant's traffic safety audit.

Taken in combination, the above points clearly identify a number of deficiencies with the development proposal, any one of which are justification for a refusal of permission:

- The development would be premature by reference the existing and prospective deficiency of Whitechurch Road, and the width and alignment that road, and weight restrictions, all of which render it unable to carry the increased road traffic likely to result from the development.
- The development would be premature by reference to the prospective deficiency of other upgraded or new link roads proposed in the development, due to:
  - o Night-time security risks associated with travel through Marley Park;
  - o Questionable feasibility of connection to Edmondstown Road;
 and therefore the questionable connections to public transport or sustainable transport options in the area.
- The development would be premature by reference to the prospective deficiency in the road network serving the area of the proposed development, which would arise because of the increased road traffic likely to result from the development.
- The development would be premature pending the determination by the planning authority of an adequate road layout for the area.
- The proposed development would endanger public safety by reason of traffic hazard.
- The proposed development would create serious traffic congestion.

### Public Transport

The applicant's agent has argued that the provision of public transport should not be a determinant factor in a planning application; that the demand for public transport will arise from development and attract new transport services for residents.

The Greater Dublin Transport Strategy 2016 states the following regarding integration of transport and land-use:

“3.3.1 Over the next 20 years, transport infrastructure and services must deal with a historical legacy which saw significant levels of growth and migration of land uses to suburban and peri-urban fringe locations, typically at lower densities and unconnected to existing and planned public transport services and facilities...

[7.1.1] the Authority anticipates that the settlement hierarchy – and associated population distribution, and the economic strategy – with its associated employment distribution, proposed in the RSES up to 2028 and beyond will reflect the nature, scale and location of large-scale transport investment proposed in the strategy...

[7.1.2] In meeting the need to travel, the primary goals of land use and transport integration may be summarised, in order, as follows:

- o Reducing the need to travel;
- o Reducing the distance travelled;
- o Reducing the time taken to travel;
- o Promoting walking and cycling; and
- o Promoting public transport use.

The following land use principles should, therefore, guide development in the GDA...”

The subject site is zoned for residential development but subject to a special local objective which would limit the density of the development unless the transport network is improved to the point of rendering higher density development at the site sustainable. The SDCC Roads

Department has confirmed a number of problems with the proposed transport plans, but the most notable is that of the limitations on the Whitechurch Road which would suggest that public transport would not and could not serve a major development at the site. Furthermore, the provision of a bus route, or cycle routes, to the site would not mitigate against the fundamental issues of need to travel, distance to travel and time taken to travel. By each of these latter measures, the site is an outlier within the county owing to its poor connections, poor proximity from employment, leisure and retail centres, and the limited capacity of existing and proposed routes from and to the site.

### Permeability

As noted, the piecemeal proposals for development of the lands west of Whitechurch Road present a difficulty by virtue of their separate nature. The consolidation of these lands for planning purposes would solve potential worries about future connections, viability of routes through the sites, feasibility of those routes, the promotion of active means of travel, and the safety and comfort of pedestrians and cyclists within the schemes.

In this instance, permeable links to the adjoining lands are proposed and this is, at least, better than if they were not proposed. No masterplan has been proposed, however, which would show a coherent movement strategy for the site and the adjoining lands. In this context, the Roads Department has queried whether the layout and hierarchy of streets within the development would be appropriate, given the potential for future connections. In this context, it should be a **condition of permission** that only filtered permeability should be provided for between this and adjoining sites.

### Parking

The SDCC Roads Report notes that car parking is as per the maximum standards in the SDCC County Development Plan. The plans and schedules note that bicycle parking is provided as per 90% of the apartment guidelines requirements, and this has been accepted by the Roads Department. Notwithstanding the streetscape design issues with the level of parking proposed (as mentioned above), it is also noted that cycle parking is assumed to be provided by own-door householders within their own properties. This is quite an assumption given the number of mid-terrace units and the general lack of front gardens. More bicycle parking should be provided close to the residential units, and this should be a **condition of permission**.

### **Transport Infrastructure**

TII has stated the following:

- The proposed development shall be undertaken strictly in accordance with the recommendations of the Transport (Traffic Impact) Assessment. Any recommendations arising should be incorporated as Conditions on the Permission, if granted. The developer should be advised that any additional works required as a result of the Assessment should be funded by the developer.
- The Authority will entertain no future claims in respect of impacts (e.g. noise and visual) on the proposed development, if approved, due to the presence of the existing road or any new road scheme which is currently in planning.

This is noted.

## **Refuse Storage**

The Roads Department notes that refuse management procedures should be clarified. This can be required by **condition**.

## **Taking in Charge**

The applicant has provided a taking in charge drawing with the application. This drawing shows the carriageways and some adjoining paths being taken in charge, but most public open space areas being retained by the applicant. Final details of lands to be taken in charge should be agreed with South Dublin County Council by **condition**. The Roads Department has sought a revised drawing with further details.

## **Water**

The Environmental Services Department has provided a report with the following comments. The full report is appended to this report.

- 1.1 There is insufficient SuDS proposed for the development. The proposed volume of attenuation provided in attenuation calculations is acceptable in principal but the method of attenuation is an issue because concrete tanks and arched type systems should not be used only in exceptional circumstances.
- 1.2 The use of traditional pipes, gullies should be minimised and the use of SuDS (Sustainable Drainage Systems) should be maximised to attenuate surface water. Additional SuDS features should be used.
- 1.3 Submit a revised drawing showing all SuDS elements proposed and show what surface water attenuation capacity in m<sup>3</sup> is provided by each SuDS element. Show on the drawing a treatment train connecting each SuDS system. Show flow controls at the exist of each SuDS element/feature.

Examples of SuDS include:

- Green Roofs, Blue Roofs
- Permeable Paving
- Swales
- Detention basins, ponds
- Tree pits
- Filter drains
- Channell Rills
- Rain Gardens
- Other such SuDS

Consider use of soakaways in private back gardens where appropriate with percolation tests submitted as per BRE Digest 365 standards.

The provision of SUDs should form part of the initial design of residential development on a greenfield site. As per the Public Realm section of this report, it is considered that the poor quality of SUDs / surface water management in the proposed development warrants a **reason for refusal**, albeit this is an issue that could be resolved by way of a **condition of permission**.

### Archaeology

The Department of Housing, Planning and Local Government has proposed **conditions** relating to archaeological investigations. These should be attached to the permission in the event of a **grant of permission**.

### Screening for Appropriate Assessment

The Board is the competent authority and will screen the development for appropriate assessment. The applicant has provided a Screening report.

### Screening for Environmental Impact Assessment

The Board is the competent authority and will screen the development for EIA. The applicant has provided a Screening Report.

### Conclusion

The principal concern relating to development of these lands is the appropriate density given the access and connectivity problems at the site. The County Development Plan sets out a robust housing policy for the county and augments and develops this in relation to the subject site. The proposed development conflicts with the County Development Plan due to:

- The proposed residential density;
- That it would be car-dependent development outside the urban area;
- The lack of natural SUDs.

The proposed layout suffers from the break up of the sites and the attempt to develop sites on the zoned lands in a piecemeal fashion. This has implications for noise, as a larger development could concentrate public open space to the south and maintain residential development outside the areas identified in the Acoustic Design Statement to be 'high risk'.

The development would further be in contravention of the National Planning Framework, the Regional Spatial and Economic Strategy, and the Transport Strategy for the Greater Dublin Area 2016 – 2035, which between them provide for sustainable residential development on serviced sites, which minimise the need for travel and distances of travel required for potential residents.

### Recommendation

**Refuse permission**, for the reasons set out below. In the event of a grant of permission, **conditions of permission** are set out in Appendix 1.

1. The proposed development represents a disparate approach to land-use and transport, and would tend to prevent efficient consolidation of residential development within the built-up area of the city. The development would, due to the provision of housing at the density proposed, outside of the existing footprint of the city, provide for a new population in an area not served by public transport or active travel routes, and would require and encourage use of the private car over long distances. The development would therefore be contrary to key national policy objectives contained in the National Planning Framework, and would undermine the environmental and transport objectives contained in that Framework. The development would also, for the reasons stated, be contrary to the Transport Strategy for the Greater Dublin Area 2016 – 2035,



and the draft Transport Strategy for the Greater Dublin Area 2022 – 2042, and therefore the proper planning and sustainable development of the area.

2. The proposed development would materially contravene Policy H3 SLO 1 of the County Development Plan which states:

To facilitate the development of lands at Edmonstown (former Kilmashogue House) for the purpose of low-density residential development at a net density of not more than 12 dwellings per hectare, and to promote housing for older people (nursing home, independent and semi-independent) as a fully integrated part of such development with an increased density of not more than 20 dwellings per hectare to apply to independent and semi-independent housing for older people. All residential development, including housing for older people, shall be integrated within a sustainable residential neighbourhood that is served by shared public open space, community and local facilities. Permissible densities may be increased in accordance with the relevant ministerial guidelines where issues of accessibility have been fully resolved in an appropriate manner. Any future development should have regard to the boundaries with and the protection of the existing amenity and function of Edmondstown Golf Course.

It is considered that the proposed development does not resolve the accessibility issues in an appropriate manner and as such, the proposed density is contrary to the SLO.

Given that this is a section of a larger undeveloped residential zoned area to which Policy H3 SLO1 applies, the proposed development would, by the precedent and pattern of development which the grant of permission for it would set for other relevant development:

- adversely affect the use of the surrounding road network by way of the congestion to be created; and
- undermine policies on sustainable travel (TM1, TM2 and TM3), mobility and sustainable residential densities (H1, H3 SLO 1), as set out in the South Dublin County Development Plan 2016 – 2022, and would therefore severely undermine the proper planning and sustainable development of the county.

3. The development would, due to the disparate nature of the two application sites, the cramped and restrictive configuration of those sites, and the lack of a cohesive masterplan between these sites and adjoining zoned lands, be premature pending the agreement and/or adoption of a masterplan on the overall zoned lands at this location. The proposed layout has a number of deficiencies which would be better addressed by way of a consolidation of the lands for planning and development purposes. Without the benefit of such a plan, the proposed development represents piecemeal, disconnected development, which would be seriously injurious to the residential amenity of the prospective residents, and would be contrary to the proper planning and sustainable development of the county.

A masterplan and/or future proposals for development should address:

- Noise levels in close proximity to the M50 Motorway, and the potential for houses to be located outside the areas worst affected, in favour of open space or non-residential buildings.
- Efficient use of the lands and a layout which would avoid duplication of road carriageways.
- An integrated and natural SUDs network;
- Enhancement of the green infrastructure network;

- An internal movement strategy that prioritises active local travel (walking and cycling) within the lands by way of measures such as pedestrian/green ways, filtered permeability, or underground parking.
  - Ensure that overlooking of private amenity spaces is avoided.
4. The development would be premature by reference the existing and prospective deficiency of Whitechurch Road, and the width and alignment that road, and weight restrictions, all of which render it unable to carry the increased road traffic likely to result from the development.
  5. The development would be premature by reference to the prospective deficiency of other upgraded or new link roads proposed in the development, due to:
    - a. Night-time security risks associated with travel through Marley Park;
    - b. Feasibility of connection to Edmondstown Road;
    - c. and therefore the questionable connections to public transport or sustainable transport options in the area.
  6. The development would be premature by reference to the prospective deficiency in the road network serving the area of the proposed development, which would arise because of the increased road traffic likely to result from the development, and the necessary weight limitations and likely limitation on use of the Whitechurch Road by public transport vehicles.
  7. The proposed development would endanger public safety by reason of traffic hazard arising from the increase in vehicular traffic using Whitechurch Road, the proposed upgrades to which do not sufficiently correct the alignment or capacity of the road, nor the provision of safe space for vulnerable road users.
  8. The proposed development would, due to lack of a natural SUDs strategy, and the provision of underground attenuation tanks under the public open spaces, restrict the potential for landscaping in public open spaces, and would be contrary to policies IE2, in particular IE2 Objective 5, and Policy GI5 of the South Dublin County Council Development Plan 2016 – 2022, and would undermine water quality and the efficient provision of surface water drainage services in the county.
  9. The proposed removal of boundary trees and vegetation on the northern site is not in keeping with policies GI1, GI2 and GI5 of the South Dublin County Council Development Plan 2016 – 2022.

*johnston*  
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**Jim Johnston,**  
**Senior Executive Planner**

*Eoin Burke*  
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**Eoin Burke,**  
**Senior Planner**

Date: 16/5/22

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

Appendix 1: Conditions of Permission

No	Condition	Reason
1	<p><b>Effective control on development as approved</b>                      Development in accordance with submitted plans and details.                      The development shall be carried out and completed in its entirety fully in accordance with the plans, particulars and specifications lodged with the application, save as may be required by the other conditions attached hereto.</p>	<p>To ensure that the development shall be in accordance with the permission and that effective control be maintained.</p>
2	<p><b>Amendments.</b>                      (a) The configuration of Blocks A, B and C to the south-east of the southern site, shall be subject to final agreement with the Planning Authority. The revised layout design shall provide for strong frontage to the public open space.</p>	<p>In the interest of a high quality sustainable residential development</p>
3	<p><b>Roads</b>                      The applicant shall agree a final layout and specifications for the external roads to the development.</p>	<p>To ensure effective control of development, and to ensure safe and adequate provision of transport infrastructure in line with national guidelines and local needs.</p>
4	<p><b>Mobility Management Plan.</b>                      A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed in writing with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.</p>	<p>In the interest of sustainable transport.</p>
5	<p><b>Energy Statement</b>                      The applicant has provided an Energy Statement with the application. The Statement specifies measures for heating, electricity and electric vehicle charging, in line with council policy and Part L of the Building Regulations. The report has been authored by the applicant, and has been queried on this basis by a third party. The final measures in relation to energy provision can be agreed by <b>condition</b>, with a report provided by a suitably qualified specialist.</p>	<p>To ensure energy efficiency in the development.</p>
6	<p><b>Archaeology</b>                      As per Dept. of Housing report.</p>	
7	<p><b>Council Housing Strategy.</b>                      The applicant, owner or developer, or any other person with an interest in the land to which the development as approved relates shall, prior to the</p>	<p>To promote social integration consistent with</p>

	<p>lodgement of a commencement notice within the meaning of Part II of the Building Control Regulations 1997:</p> <p>(i) enter into an agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 (as amended) as referred to in the South Dublin County Council Development Plan 2016-2022, providing, in accordance with that section, for the matters referred to in paragraph (a) or (b) of subsection (3) of section 96, and</p> <p>(ii) when the agreement with the Housing Authority for compliance with the Part V of the Planning and Development Act 2000 is finalised to the satisfaction of the Housing Authority, a certified copy of the agreement shall be lodged with the Planning Authority.</p>	<p>policies/objectives of the Councils Housing Strategy as contained in the South Dublin County Council Development Plan 2016-2022.</p>
8	<p><b>Owner’s Management Company</b> Prior to the commencement of development details of an Owner’s Management Company shall be submitted to the Planning Authority for written agreement.</p>	<p>In the interests of proper planning and sustainable development.</p>
9	<p><b>Landscape Plan</b> <b>(a) <u>Landscape Design Proposals</u></b> A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following: (a) details in relation to the interface of site services and trees to be retained; (b) details in relation to public furniture/benches; (c) details in relation to layout and design of play facilities and equipment; (d) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures; (e) phasing plan for replacement planting of trees; (f) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall</p>	<p><b>REASON:</b> In the interest of amenity, and sustainable development <b>and To assimilate the development into its surroundings, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting and policies HCL7 Objective 1 and HCL7 Objective 2</b></p>

	<p>be carried out in accordance with the agreed scheme.</p> <p>(b) The Landscape Plan should include justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems under public open space, as part of SuDS solution.</p> <p>As per SDCC Landscape Report.</p>	<p><b>of the CDP 2016-2022.</b></p>
10	<p><b>Biodiversity Management Plan</b></p> <p>The applicant should provide a detailed biodiversity management strategy for the development, details of which shall be submitted to, and agreed in writing with the Planning Authority prior to the commencement of development.</p>	<p>In the interest of protecting the Environment.</p>
11	<p><b>Children's Play</b></p> <p>Details of play proposals to be agreed with Public Realm. Play proposals should include accessible play features. Details of all play equipment, and safety surface, along with specifications and proof that all equipment conforms to European Standards EN 1176-1-11 and EN 1177 Playground equipment and surfacing shall be submitted prior to the commencement of development. Post installation certification by the Royal Society for the Prevention of Accidents will also be a requirement. An Indicative Play Map showing types of play and age groups catered for shall also be submitted.</p>	<p>To uphold the policies of the South Dublin County Development Plan 2016 - 2022 relating to children's play, and to provide for the proper planning and sustainable development of the area.</p>
12	<p><b>Protection of Trees and Hedgerows being Retained</b></p> <p>(a) To ensure the protection of the existing trees to be retained within the development site, the applicant shall implement the tree protection measures contained within the Arboricultural Report and associated Tree Protection Plan. In addition, prior to the commencement of construction works on site, the appointed arborist/landscape architect is to arrange a site meeting with the Public Realm Section in order to ensure that all tree and hedgerow protection measures as per the Arboricultural Assessment Report have been implemented.</p> <p>(b) Prior to the commencement of development, all trees, groups of trees, hedging and shrubs which are to be retained shall be enclosed within stout fences not less than 1.5 metres in height. This protective fencing shall enclose an area covered by the crown spread of the branches, or at a minimum a radius of two meters on each side of the hedge for its full length,</p>	<p>To ensure and give practical effect to the retention, protection and sustainability of trees during and after construction of the permitted development.</p>

	<p>and shall be maintained until the development has been completed.</p> <p>Where it is expected that there will be a high concentration of construction works, the fencing will need to be 2.3m high and constructed in accordance with figure 2 of BS 5837 2012 (see ‘Appendix 1’ fence type 1 for detail).</p> <p>Where there is a lesser intensity of works, a three rail fence structure or chain link wire fence 1.5m high will be sufficient, (see fencing type 2 details within ‘Appendix 1’).</p> <p>No constriction equipment, machinery or material shall be brought onto the site for the purpose of the development until all the trees which are to be retained have been protected by this fencing. No work shall be carried out within the area enclosed by this fencing, and in particular, there shall be no parking of vehicles, placing of site huts, storage compounds or topsoil heaps, storage of oil, chemicals or other substances, and no lighting of fires, over the root spread of any tree/hedge to be retained.</p>	
13	<p><b>Trees.</b></p> <p>(a) Appointment of Project Arborist</p> <p>Prior to the commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of the consultant prior to commencement of development. The consultant shall visit the site at minimum on a fortnightly basis to ensure the implementation of all of the recommendations in the tree reports and plans. The arborist shall include secondary tree protection fencing around all root protection areas of trees to be retained. All works within these areas shall be supervised at all times by the project arborist and the fencing can only be temporarily removed to undertake works under the supervision of the arborist. The arborist shall agree the exact location and detail of the secondary fencing in writing with the planning authority prior to the commencement of any permitted development.</p> <p>The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st September and the end of February inclusive) or as stipulated under the Wildlife Acts, 1976 and 2000. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the Tree Report. The certificate shall be submitted to South Dublin County Council’s Public Realm Section for written agreement upon completion of the works.</p> <p>(b) Method Statement</p> <p>The applicant shall submit a detailed Arboricultural Method Statement (AMS). The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be</p>	<p><b>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</b></p> <p><b>Objective 9, G4</b></p> <p><b>Objective 5, G2</b></p> <p><b>Objective 13, G6</b></p> <p><b>Objective 1,</b></p> <p><b>HCL15 Objective 3 of the CDP 2016-2022.</b></p>

	<p>required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.</p>	
14	<p><b>Tree and Hedgerow Bond.</b></p> <p>Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of <u>€194,658.16</u> with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.</p> <p>The bond lodgement shall be coupled with <i>an Arboricultural Agreement</i>, 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.</p> <p><i>An Arboricultural Assessment Report and Certificate</i> is to be signed off by a qualified Arborist after the period of 3 years of completion of the works. Any remedial tree surgery, tree felling works recommended in that Report and Certificate shall be undertaken by the developer, under the supervision of the Arborist. The bond will only be refunded upon receipt by SDCC Public Realm Section of a satisfactory post-construction arboricultural assessment, carried out by a qualified arborist and provided that the hedges/trees proposed for retention are alive, in good condition with a useful life expectancy.</p>	<p>To ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.</p>
15	<p><b>Three Year Post Completion Tree Survey</b></p> <p>Prior to the commencement of development, the applicant shall submit written agreement that a tree survey will be conducted post 3 years</p>	<p>To ensure tree measures have been properly implemented.</p>



	<p>completion of site works. A suitable tree survey shall be submitted and agreed with SDCC Public Realm Section before any bond is released by SDCC. This shall be agreed with the Public Realm Section post 3 years completion. This is to ensure the protection of trees/hedgerow on and immediately adjacent to the site to make good any damage caused during the construction/post-construction period. The bond lodgement shall be coupled with an Arboricultural Agreement, with the applicant, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of the tree immediately adjoining the site, or the appropriate and reasonable replacement of the trees/hedgerows that dies, removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.</p> <p>The survey shall comprise a detailed Tree Survey, Tree Survey Schedule, and Tree Constraints Plan, all in accordance with, BS 5837: 2012 Trees in relation to design, demolition and construction – recommendations. The report shall be carried out by a Professional Member of Arboricultural Association who is an independent, qualified Arborist and be submitted to SDCC</p>	
16	<p><b>Car Park Facilities for Charging Electric Vehicles.</b></p> <p>The proposed development shall make provision for the charging of electric vehicles.</p> <p>(a) In the case of on-curtilage/driveway parking, 100% of spaces must be provided with electrical connections, to allow for the provision of future charging points.</p> <p>(b) In the case of surface car parking spaces and basement car parking spaces, 100% of spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points.</p> <p>(c) 10% of basement car parking spaces must be provided with electric vehicle charging points as part of initial development, and these must be operational at initial occupation.</p> <p>(d) 10% of surface car parking spaces must be provided with electric vehicle charging points as part of initial development, and these must be operational at initial occupation.</p> <p>Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning authority prior to commencement of development.</p>	<p>In the interests of the proper planning and sustainable development of the area, to provide for improved urban air quality, reduced noise pollution and to support the transition to a low carbon future.</p>
17	<p><b>Taking in Charge</b></p> <p>Prior to commencement of development, the applicant shall submit and obtain agreement of the Planning Authority (following consultation as necessary with the SDCC Public Realm Department and the SDCC Roads</p>	<p>To comply with the Councils taking in charge standards.</p>

	<p>Department) to a taking-in-charge plan.  All areas to be taken in charge shall be completed as per the council's standard details, which can be found at:  <a href="https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards/">https://www.sdcc.ie/en/services/planning/commencement-and-completion/completion/taking-in-charge-policy-standards/</a></p>	
18	<p><b>Construction Traffic Management Plan</b>  Prior to commencement of development a Construction Traffic Management Plan shall be agreed with the Planning Authority.</p>	In the interests of traffic safety and residential amenity.
19	<p><b>Biodiversity and Public Lighting</b>  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, after consultation with the SDCC Public Realm Department, the SDCC Heritage Officer, and the SDCC Public Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.  b) The Public Lighting scheme and Landscaping Plan shall be integrated and agreed with the Planning Authority prior to commencement of development.  c) The mitigation measures proposed in the Ecological Impact Assessment and Bat Reports shall be implemented in full.</p>	In the interests of protection of bats, public safety and amenity, to prevent light pollution and in the interests of the proper planning and sustainable development of the area.
20	<p><b>Services to be Underground.</b>  All public services to the proposed development, including electrical, information and communications technology (ICT) telephone and street lighting cables and equipment shall be located underground throughout the entire site. There shall also be provision for broadband throughout the site in accordance with the Planning Authority's policy and requirements.</p>	In the interests of the visual amenities of the area, the proper planning and sustainable development of the area and compliance with the Council's Development Plan.
21	<p><b>Irish Water</b>  The applicant is required to sign connection agreements for water supply and waste water with Irish Water prior to any works commencing and connecting to the network. All development is to be carried out in compliance with Irish Water Standards codes and practices.</p>	To ensure that the development does not endanger public health.
22	<p><b>Surface Water (SUDS)</b>  A detailed SUDS scheme for the proposed development which meets the objectives of South Dublin County Council Development Plan 2016-2022 to be agreed with the Planning Authority. The SUDS should be an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and biodiversity enhancement. The SUDS features should include devices such as swales, permeable paving, filter drains, rain gardens, integrated tree pits in hard standing areas and green roofs.</p>	To support the provision of natural sustainable drainage in the County.

23	<p><b>Flood Risk</b></p> <p>The applicant shall submit a Final Flood Risk Assessment for the agreement of the Planning Authority, after consultation with the Environmental Services Department, prior to commencement of development.</p>	<p>In the interests of public health, safety, the proper planning and sustainable development of the area and in order to ensure adequate and appropriate surface water drainage provision.</p>
24	<p><b>Ecology, Bats and Watercourse Protection</b></p> <p><b><u>(a) Ecology</u></b></p> <p>The recommendations and mitigation measures contained within the Environmental Impact Statement shall be implemented in full by the applicant. In addition, the applicant should consider the installation of bird boxes throughout the development.</p> <p><b><u>(b) Water Course Protection Strategy</u></b></p> <p>The applicant should provide a detailed watercourse protection strategy for the development in particular the area adjacent to the Whitechurch Stream, details of which shall be submitted to, and agreed in writing with the Public Realm Section prior to the commencement of development.</p> <p><b><u>(c) Bats</u></b></p> <p>The recommendations and mitigation measures contained within the Bat Assessment Report shall be implemented in full by the applicant. Bat boxes shall be erected as proposed in the EIA supporting this application and trees to be felled will be surveyed for bats before their removal, and that the destruction of interference with any building containing a bat roost or of any tree identified as a bat roost shall only to be carried out on receipt from the NPWS of a licence to derogate from the Habitats Directive and destroy the roost.</p>	<p><b>REASON: To protect and enhance areas of biodiversity, in accordance with policies IE7 Objective 5, G3 Objective 2, G4 Objective 2, HCL15 Objective 3, and other policies relating to Biodiversity within the CDP 2016-2022, and in the interest of protecting the natural, historical and amenity value of the County's watercourses.</b></p>
25	<p><b>Nature Conservation</b></p> <p>The clearance of vegetation from the site shall only be carried out in the period September to February inclusive.</p>	<p>To avoid destruction of nests, eggs and</p>

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

	<p>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.</p>	
28	<p><b>Construction and Demolition Waste Management Plan</b>  (a) Prior to commencement of development a developed Construction Demolition and Waste Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.  (b) The plan shall detail that construction waste shall not be left in close proximity to neighbouring residential gardens.</p>	<p>In the interests of public safety, compliance with Development Plan Policy and sustainable waste management.</p>
29	<p><b>Construction Noise and Hours.</b>  To control, limit and prevent the generation of unacceptable levels of Environmental Noise Pollution from occurring during construction activity, no Equipment or Machinery (to include pneumatic drills, on-site construction vehicles, generators, etc.) that could give rise to unacceptable levels of noise pollution as set out generally for evening and night-time in S.I. No. 140/2006 - Environmental Noise Regulations 2006 shall be operated on the site before 7.00 hours on weekdays and 9.00 hours on Saturdays nor after 19.00 hours on weekdays and 13.00 hours on Saturdays, nor at any time on Sundays, Bank Holidays or Public Holidays.  Any construction work outside these hours that could give rise to unacceptable levels of noise pollution shall only be permitted following a written request to the Planning Authority and the subsequent receipt of the written consent of the Planning Authority, having regard to the reasonable justification and circumstances and a commitment to minimise as far as practicable any unacceptable noise outside the hours stated above. In this respect, the applicant or developer shall also comply with BS 5228:2009 Noise and Vibration Control on Construction and Open Sites, and have regard to the World Health Organisation (WHO) – Guidelines for Community Noise (1999).  The applicant or developer shall also endeavour to engage in local consultation in respect of any noise sensitive location within 30 metres of the development as approved prior to construction activity commencing on site. Such noise sensitive locations should be provided with the following:  - Schedule of works to include approximate timeframes  - Name and contact details of contractor responsible for managing noise complaints  - Hours of operation- including any scheduled times for the use of equipment</p>	<p>In the interest of public health by the prevention of unacceptable levels of noise pollution which could interfere with normal sleep and rest patterns and/or when people could reasonably expect a level of quietness, the proper planning and sustainable development of the area and to uphold the Council’s amenity policies set out in the South Dublin County Council Development Plan.</p>

	likely to be the source of significant noise.	
30	<p><b>Minimise Air Blown Dust.</b></p> <p>During the construction and or demolition phase of the development, Best Practicable Means shall be employed to minimise air blown dust being emitted from the site. This shall include covering skips and slack-heaps, netting of scaffolding, daily washing down of pavements or other public areas, and any other precautions necessary to prevent dust nuisances. The applicant/developer shall comply with British Standard B.S. 5228 Noise Control on Construction and Open sites and British Standard B.S. 6187 Code of Practice for demolition.</p>	In the interest of public health and to uphold the Council's policies set out in the South Dublin County Council Development Plan.
31	<p><b>Regulation of Institutional Investment in Housing - Mixed unit-type development.</b></p> <p>(a) Prior to the commencement of any house or duplex unit in the development as permitted, the applicant or any person with an interest in the land shall enter into an agreement with the planning authority (such agreement must specify the number and location of each house or duplex unit), pursuant to Section 47 of the Planning and Development Act 2000 (as amended), that restricts all houses and duplex units permitted, to first occupation by individual purchasers i.e. those not being a corporate entity, and/or by those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(b) An agreement pursuant to Section 47 shall be applicable for the period of duration of the planning permission, except where after not less than two years from the date of completion of each specified housing unit, it is demonstrated to the satisfaction of the planning authority that it has not been possible to transact each specified house or duplex unit for use by individual purchasers and/or to those eligible for the occupation of social and/or affordable housing, including cost rental housing.</p> <p>(c) The determination of the planning authority as required in (b) shall be subject to receipt by the planning and housing authority of satisfactory documentary evidence from the applicant or any person with an interest in the land regarding the sales and marketing of the specified housing units, in which case the planning authority shall confirm in writing to the applicant or any person with an interest in the land that the Section 47 agreement has been terminated and that the requirement of this planning condition has been discharged in respect of each specified housing unit.</p>	REASON: To restrict new housing development to use by persons of a particular class or description in order to ensure an adequate choice and supply of housing, including affordable housing, in the common good.
32	<p><b>Section 48 Financial Contribution</b></p> <p>The developer shall pay to the planning authority a financial contribution in a sum to be agreed with the Planning Authority, in respect of public infrastructure and facilities benefiting development within the area of the planning authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).</p> <p>The contribution shall be paid prior to commencement of development, or in such phased payments as the planning authority may facilitate. Contributions shall be payable at the rate pertaining to the year in which implementation of</p>	The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public

	<p>the planning permission is commenced as outlined in the South Dublin County Council Development Contribution Scheme 2021 - 2025.</p>	<p>infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.</p>
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**SOUTH DUBLIN COUNTY COUNCIL**



**INTERNAL MEMORANDUM**

**HOUSING DEPARTMENT**

**1<sup>st</sup> April 2022**

***Michael Mulhern***

***Director of Land Use, Planning and Transportation***

***Dept. of Development, Economic & Transport Planning***

**FAO:** Colm Maguire

**Re: Reg Ref: SHD3ABP-313059-22**

**Location:** Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16

**Applicant:** BCDK Holdings Limited and Coill Avon Limited

**Proposal:** *Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon House and outbuildings; The refurbishment and re-use of 2 stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands; The construction of a mixed-use development comprising neighbourhood centre and 178 residential units comprising 72 houses, 38 apartments and 68 duplex apartments; The 72 houses will comprise 2, 2.5 and 3-storey detached, semi-detached and terraced units to include, 6 two bed houses, 45 three bed houses, 21 four bed houses, The 38 apartments and 68 duplex apartments are located across 7 buildings ranging in height from 3 to 5-storey consisting of 1 Block A/B, 1 Block C, 1 Block E, 1 Block S and 3 Blocks T as follows, Block A/B: 5-storey over basement and podium accommodating 10 one bed apartments, 16 two bed duplex apartments and 1 three bed duplex apartment with associated balconies/terraces; Block C: 5-storey over basement accommodating 4 one bed apartments and 8 two bed duplex apartments with associated balconies/terraces; Block E: 4-storey over basement accommodating 8 one bed apartments and 16 two bed duplex apartments with associated balconies/terraces; Block S: 3-storey accommodating 2 two bed duplex apartments and 1 three bed apartment and 1 three bed duplex apartments with associated balconies/terraces; Block T: 3 three storey buildings accommodating 6 one bed apartments, 18 two bed duplex apartments, 9 three bed apartments and 6 three bed duplex apartments, all with associated balconies/terraces; Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a 2-level creche (313sq.m) at lower ground and ground floor level, and 3 retail/non-retail service/cafe units (470sq.m) at ground level; The basement below Block A/B and Block C accommodates 50 car parking spaces, bicycle parking, bin stores, plant and staff service area (80sq.m); The basement below Block E accommodates 35 car parking spaces, bicycle parking, bin store and plant; A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle; A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road; Upgrade works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide*



*connectivity to the Slang River pedestrian/cycle Greenway; Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road; Foul sewer drainage works along Whitechurch Road from the southern lands to the existing junction at Glinbury housing estate; All landscaping, surface car parking, boundary treatments, infrastructure works, ESB substation, signage and associated site works and services; The site extends to 6.77ha and includes the derelict Kilmashogue House (southern lands) and Coill Avon House (northern lands) and the adjacent Whitechurch Road and College Road, roads in the administrative areas of South Dublin County Council and Dun Laoghaire Rathdown County Council. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022 and the Dun Laoghaire Rathdown County Development Plan 2016-2022; The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.*

I refer to the above application for planning permission, SHD3ABP-313059-22 and I wish to advise that a Part V condition should be attached to any grant of permission for this application.

The Part V submission lodged with this planning application is noted, the developer proposes to fulfil its Part V obligation by providing 18 Units 4 x 2 Bed Houses, 3 x 2 Bed Duplex Apartment, 10 x 1 Bed Apartment and 2 x 2 Bed Simplex Apartment. The Housing Department will seek a revised proposal to include a better mix of unit types available in the overall development in line with the schedule of accommodation. The inclusion of a universal type unit to accommodate persons with medical needs will also be sought. It is South Dublin County Councils preference to **acquire units on site**. The Applicant is encouraged to contact the Housing Department directly with the revised proposal for approval in principle to be negotiated.

The Part V percentage liability is dependent on the date the applicant purchased the subject site and the applicant is required to provide proof of same to the Housing Department.

South Dublin County Council can only agree Part V in respect of the permitted development subject to costing approval from the Department of Housing, Local Government & Heritage. Please note that the Council would require a fully completed Part V submission prior to commenting on costs.

Yours Sincerely,

**Edel Dempsey**  
**Senior Staff Officer**  
**Housing Procurement Section**  
**Subject To Contract/Contact Denied**

## **SOUTH DUBLIN COUNTY COUNCIL**



### **INTERNAL MEMORANDUM PUBLIC REALM REPORT**

**Development:** Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon House and outbuildings; The refurbishment and re-use of 2 stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands; The construction of a mixed-use development comprising neighbourhood centre and 178 residential units comprising 72 houses, 38 apartments and 68 duplex apartments; The 72 houses will comprise 2, 2.5 and 3-storey detached, semi-detached and terraced units to include, 6 two bed houses, 45 three bed houses, 21 four bed houses, The 38 apartments and 68 duplex apartments are located across 7 buildings ranging in height from 3 to 5-storey consisting of 1 Block A/B, 1 Block C, 1 Block E, 1 Block S and 3 Blocks T as follows, Block A/B: 5-storey over basement and podium accommodating 10 one bed apartments, 16 two bed duplex apartments and 1 three bed duplex apartment with associated balconies/terraces; Block C: 5-storey over basement accommodating 4 one bed apartments and 8 two bed duplex apartments with associated balconies/terraces; Block E: 4-storey over basement accommodating 8 one bed apartments and 16 two bed duplex apartments with associated balconies/terraces; Block S: 3-storey accommodating 2 two bed duplex apartments and 1 three bed apartment and 1 three bed duplex apartments with associated balconies/terraces; Block T: 3 three storey buildings accommodating 6 one bed apartments, 18 two bed duplex apartments, 9 three bed apartments and 6 three bed duplex apartments,

all with associated balconies/terraces; Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a 2-level creche (313sq.m) at lower ground and ground floor level, and 3 retail/non-retail service/cafe units (470sq.m) at ground level; The basement below Block A/B and Block C accommodates 50 car parking spaces, bicycle parking, bin stores, plant and staff service area (80sq.m); The basement below Block E accommodates 35 car parking spaces, bicycle parking, bin store and plant; A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle; A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road; Upgrade works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian/cycle Greenway; Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road; Foul sewer drainage works along Whitechurch Road from the southern lands to the existing junction at Glinbury housing estate; All landscaping, surface car parking, boundary treatments, infrastructure works, ESB substation, signage and associated site works and services; The site extends to 6.77ha and includes the derelict Kilmashogue House (southern lands) and Coill Avon House (northern lands) and the adjacent Whitechurch Road and College Road, roads in the administrative areas of South Dublin County Council and Dun Laoghaire Rathdown County Council. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022 and the Dun Laoghaire Rathdown County Development Plan 2016-2022; The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land

**Location:** Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16

**Applicant:** BCDK Holdings Limited and Coill Avon Limited

**Reg. Ref:** SHD3ABP-313059-22

**Main Concerns:**

- Extent of Tree and Hedgerow Loss in order to accommodate the proposed development.
- Additional information/detail required on proposed play items contained within the landscape proposals. There seems to be insufficient play items proposed within the overall development.
- Lacks a comprehensive and detailed SUDS strategy for the entire development which details the implementation, maintenance and of future management of the proposed SUDS Strategy. Additional natural SUDS features should be incorporated into the proposed drainage system for the development such as, integrated/bio retention tree pits, swales, detention basins, permeable paving, green roofs, rain gardens etc.
- Detailed Planting Plan required for the entire development which clearly details planting sizes and proposed numbers/densities.
- Taking in Charge Drawing Required.
- Impact of proposed development on existing green infrastructure and on local biodiversity.
- Ecological Impact – impact of development on bat foraging routes due to removal of boundary trees.

**Relevant Sections, Policies and Objectives of the SDCC Development Plan 2016-2022:**

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

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

**G4 Objective 1:** To support and facilitate the provision of a network of high quality, well located and multifunctional public parks and open spaces throughout the County and to protect and enhance the environmental capacity and ecological function of these spaces.

**G4 Objective 2:** To connect parks and areas of open space with ecological and recreational corridors to aid the movement of biodiversity and people and to strengthen the overall Green Infrastructure network.

**DP 2016-22 Section 8.1.0 Green Infrastructure Network**

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

**G2 Objective 5:** To integrate Green Infrastructure as an essential component of all new developments.

**G2 Objective 9:** To preserve, protect and augment trees, groups of trees, woodlands and hedgerows within the County by increasing tree canopy coverage using locally native species and by incorporating them within the design proposals and supporting their integration into the Green Infrastructure Network.

**G2 Objective 10:** To promote a network of paths and cycle tracks to enhance accessibility to the Green Infrastructure network, while ensuring that the design and operation of the routes responds to the ecological needs of each site.

**G2 objective 11:** To incorporate appropriate elements of Green Infrastructure e.g. new tree planting etc. into existing areas of hard infrastructure wherever possible.

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

**DP 2016-22 Section 8.5.0 Green Infrastructure within Urban Areas**

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

**G6 Objective 3:** To require multifunctional open space provision within all new developments that includes provision for ecology and sustainable water management

**DP 2016-22 Section 9 Heritage Conservation and Landscapes**

**HCL15 Objective 1:** To ensure that development does not have a significant adverse impact on rare and threatened species, including those protected under the Wildlife Acts 1976 and 2000, the Birds Directive 1979 and the Habitats Directive 1992.

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

**DP 2016-22 Section 8.4.0 Sustainable Urban Drainage Systems**

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

**G5 Objective 1:** To promote and support the development of Sustainable Urban Drainage Systems (SUDS) at a local, district and county level and to maximise the amenity and biodiversity value of these systems

**G5 Objective 2:** To promote the provision of Green Roofs and/or Living Walls in developments where expansive roofs are proposed such as industrial, retail and civic developments

**DP 2016-22 Section 2.3.0 Quality of Residential Development**

**2.3.2 PUBLIC OPEN SPACE**

The provision of public open space that is appropriately designed, properly located and well maintained is a key element of high-quality residential environments. Public open space should have active and passive recreational value and should enhance the identity and amenity of an area.

**H12 Objective 1: H12 Objective 2:**

Policy and objectives seek that new residential development is served by a clear hierarchy and network of high quality public open spaces that provides for active and passive recreation.

**Comments:**

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

**1. Landscape Proposals**

**Public Open Space provided within a residential development should contribute towards the County's green network, provide a local park, provide play space or playgrounds, create new civic space/plaza, or improve the amenity of a streetscape. Green spaces can also help with surface water management through integration with sustainable urban drainage systems. Public open space provided within new residential developments should be genuinely accessible to the general public. Public open space is open space which contributes to the public domain and is accessible to the public for the purposes of active and passive recreation, including relaxation and children's play. Public open space also provides for visual breaks between and within residential areas and facilitates biodiversity and the maintenance of wildlife habitats. All public open spaces shall be of a high quality in terms of design and layout, be located in such a manner as to ensure informal supervision by residents and be visually and functionally accessible to the maximum number of residential units.** The proposed development should create positive additions to the open spaces of the area in the form of planting, permeability, and usable open space. Open space design within developments shall:

- include well-located public spaces that support a wide variety of activities and encourage social interaction, to promote health, well-being, social and civic inclusion;
- have a hierarchy of spaces that range from large and strategic to small and local spaces, including parks, squares, greens and pocket parks;
- have public spaces that feel safe, secure and attractive for all to use; and have trees and other planting within public spaces for people to enjoy, whilst also providing shading, and air quality and climate change mitigation

The applicant shall provide clarification and additional information in relation to the following issues:

- i. The landscape proposals have made little provision for informal kick about areas within the proposed development. A revised open layout shall be provided which includes proposals for informal kickabout areas.
- ii. The applicant has not provided details as to the levels and gradients within the proposed public open space areas. The applicant shall submit level details for the open space areas, this shall include cross section drawings where applicable.
- iii. The applicant has failed to provide a plan which clearly delineates public, communal and private spaces provided, as well as a detailed breakdown of the total area of same. Response should include a plan which clearly delineates public, communal and

private spaces to be provided, as well as a detailed breakdown of the areas provided for.

- iv. 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 biodiversity links.

## **2. Arboricultural Impact**

### **Northern Development Area (Edmondstown North)**

**As per the Arboricultural Report** prepared by CMK Horticulture and Arboriculture Ltd; The total number of trees within categories B & C to be removed to facilitate the proposed development is 10 or 24% of the total trees within the site. In addition, 21 category U trees or 49% of the total number of trees within the site are to be removed due to their poor condition. The Arboricultural Assessment and Impact Report has identified that there will be challenges in terms of the management of trees both during and post construction. The report has identified that the screen planting on the southern and western boundaries in particular will require ongoing monitoring as the site is relatively exposed and management of these trees has been minimal to date. See below copy of Table 1 from relevant report showing Tree Removal categories. The loss of existing trees and hedgerows in order to facilitate the development is significant represents a loss of ecosystem services in the form of habitat reduction, green infrastructure and associated biodiversity.

Table 1 – Tree Removal Categories

Category	Number	% of Total
A	0	0
B	8	19
C	2	5
U	21	49

### **Southern Development Area (Edmondstown South)**

**As per the Arboricultural Assessment Report** prepared by Arborist and Associates, the proposed development will necessitate the removal of the following vegetation. The report has broken down the report in to two areas:



- **Area 1** which forms the subject site area is located at ‘Kilmashogue House’, which forms part of the overall application lands at ‘Kilmashogue House & Coill Avon House’, Whitechurch Road, Rathfarnham, Dublin 16. This part of the site area is bounded to the north by agricultural lands, to the south by the M50 Motorway, to the east by the ‘Whitechurch Stream / Road’ and to the west by agricultural lands.
- **Area 2** consists of the vegetation along ‘College Road’ from the Marlay Park entrance down to the junction with ‘Whitechurch Road’. It consists of two public roads with associated footpaths and roadside margins.

### **Tree Loss in Area 1:**

**In summary**, 31 (70.4%) of the 44No. trees assessed are proposed for removal along with 3 full hedges and c.90m of other hedges. The trees for removal are made up of the following category grades:

- 6 No. of the 7 category ‘U’. trees = 85.7%
- 0 No. of the 3 Category ‘A’ trees = 0%
- 2 No. of the 5 Category ‘B’ trees = 40.0%
- 23 No. of the 29 Category ‘C’ trees = 79.3%

### **Tree Loss Area 2:**

**In summary**, 20 (39.2%) of the 51 No. Trees assessed are proposed for removal. The trees for removal are made up of the following category grades:

- 2 No. of the 2 category ‘U’ Trees = 100%
- 0 No. of the 0 Category ‘A’ Trees = 0%
- 0 No. of the 10 Category ‘B’ Trees = 0 %
- 18 No. of the 37 Category ‘C’ Trees = 46.1%

The loss of existing trees and hedgerows across both areas in order to facilitate the development is significant and represents a loss of ecosystem services in the form of habitat reduction, green infrastructure and associated biodiversity.

### **3. DMURS and Street Trees**

DMURS seeks to put well-designed streets at the heart of sustainable communities and supports boarder government policies on the environment, planning and transportation.

DMURS provides the practical measures to achieve:

- Highly connected street which allow people to walk and cycle to key destinations in a direct and easy-to find manner.

- A safe and comfortable street environment for pedestrians and cyclists of all ages.
- Streets that contribute to the creation of attractive and lively communities.
- Streets that calm traffic via a range of design measures that make drivers more aware of their environment.

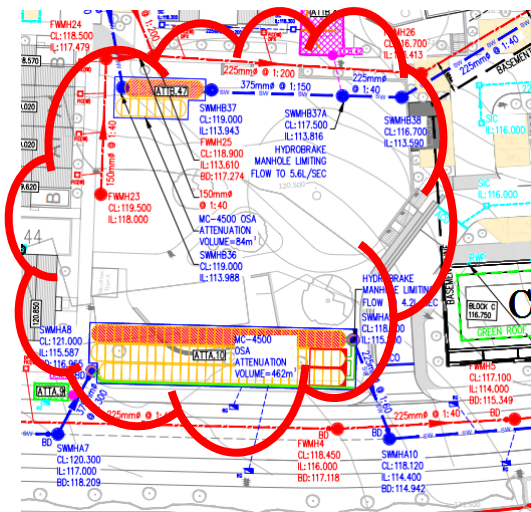
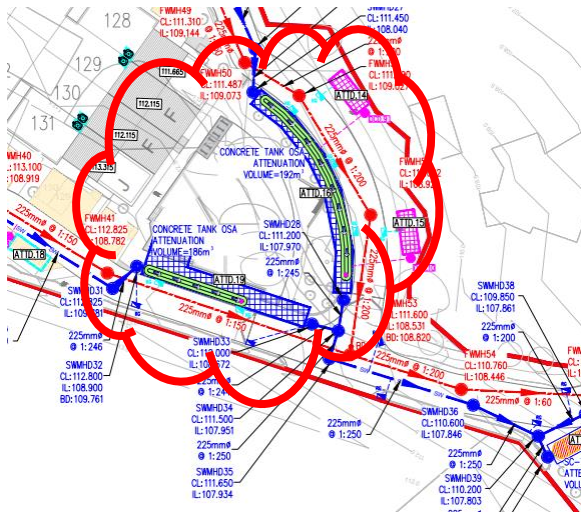
**Section 4.2.2 Street Trees** from the **Design Manual for Urban Roads and Streets 2019 (DMURS)** states that “Street trees are an integral part of street design as they contribute to the sense of enclosure, act as a buffer to traffic noise/ pollution and enhance place. A traffic calming effect can also be achieved, where trees are planted in continuous rows and their canopies overhang, at least in part, the vehicular carriageway. Street trees can also be used to enhance legibility by highlighting the importance of connecting routes and distinguishing one area from another through variations in size and species selection. The planting of trees should be considered as an integral part of street design. In general, the size of the species selected should be proportionate to the width of the street reserve”

Street trees shall be provided fully in Public Areas and not between private or management company driveways. The trees proposed between the car parking spaces (in-curtilage carparking) are not considered to be street trees and are not suitable for taking in charge. There seems to be a lack of street tree planting proposed within Edmondstown South, additional street tree planting should be provided by the applicant in this regard. Street Tree Planting where possible should be located within the Public Realm and include SUDS features.

#### **4. Attenuation and Public Open Space**

There appears to be a disparity between the proposed SUDs and attenuation tanks layout proposed as part the surface water drawings and the surface water and SUDS layout proposed with the Engineers Services Report.

See below tanks located within public open spaces areas as identified in the submitted drainage layout drawings;



Engineering Services Report prepared by CS Consulting states that “Due to the topography of the site and constraints owing to existing trees to be retained, the storage has been provided by means of Stormtech attenuation systems, Aquacell crates below permeable paving, tree pits and bio retention areas, Aquacell crates in open areas that will not be offered for taking in charge and an RC tank below basement level for catchment C”

The issue of surface water attenuation is a significant concern for the Public Realm Section. Attenuation tanks are proposed under areas identified as public open space and a large portion of the public open space areas are underlain by these tanks. This approach is not considered acceptable to the Public Realm Section. The proposal places severe limitations on the potential use and landscaping of the open space into the future. The Engineering Services Report prepared by CS Consulting states that “Due to the topography of the site and constraints owing to existing trees to be retained, the storage has been provided by means of

Stormtech attenuation systems, Aquacell crates below permeable paving, tree pits and bio retention areas, Aquacell crates in open areas that will not be offered for taking in charge and an RC tank below basement level for catchment C” The location of these tanks on the open space reduces both the amenity and usability of the open space provided. Revised proposals with regard to the proposed location of the attenuation tanks within the open space areas, these tanks to be re-located so these are not located under public open space and consideration given to reducing the size and the necessity for these tanks through the provision of additional natural SUDS measures to be provided by the applicant. Response should include revised layout and drawings.

## **5. SUDS & Green Infrastructure**

The Landscape proposals shall include site-specific enhancements to achieve biodiversity net gains. Green corridors can be used to extend and enhance existing ecosystems. Biodiversity net gain delivers measurable improvements for biodiversity by creating or enhancing habitats in association with development. The development proposals shall include a network of multifunctional green space, which is capable of delivering a wide range of environmental and quality of life benefits for local communities.

A SuDS strategy should be developed for the proposed development which takes account of quantity, quality, and amenity issues. The SuDS features proposed should provide intrinsically attractive features and focal points within the landscape and have added ecological value; by incorporating these features into open public spaces members of the public can enjoy a variety of diverse ecological features. The design of SuDS features is required to be of high quality to achieve a multifunctional space for amenity, biodiversity and surface water management. The proposed SuDS features should aid the maintenance of the existing greenfield runoff rates or potentially reduce the amount of surface water entering the piped surface water system. The applicant should have cognizance of the broader green/blue infrastructure network within the local area and how the landscape proposals for this development will interconnect with the wider existing green/blue infrastructure network.

The current proposed drainage system needs to be developed further in order to sustainably manage surface water through a natural hydrological regime or SUDS scheme within the development. The philosophy of SUDS is an integrated multi-disciplinary approach which locally addresses water quality, water quantity, and provides for amenity and habitat/biodiversity enhancement. Additional SuDS that should be considered for the SHD development include:

- Bio retention systems
- Infiltration systems
- Tree pits
- Channel rills
- Green area detention basins
- Additional swales

Were possible in addition to the SUDS features proposed the applicant should provide the following:

- Demonstrate how the proposed natural SUDS features will be incorporated and work within the drainage design for the proposed development.

Revised proposals to be provided by the applicant in this regard. Response should include revised layout and drawings.

## **6. Biodiversity Management Plan**

Given the numerous policies and objectives regarding Green Infrastructure in the County Development Plan 2106-2022 and given the size and nature of the proposed development. It is requested that an overarching Biodiversity Management Plan be drawn up by the applicant/developer to oversee the various biodiversity issues on the site including bats, birds, amphibians, invertebrates, mammals etc. and the provision of a range of appropriate habitat types to mitigate against potential biodiversity impacts.

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

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

## **7. Water Course Protection Strategy**

As per **DP 2016-22 Section 8.2.0 Watercourses Network** - It is the policy of the Council to promote the natural, historical and amenity value of the County's watercourses; to address the

long term management and protection of these corridors and to strengthen links at a regional level.

**G3 Objective 2 states:**

“To maintain a biodiversity protection zone of not less than 10 metres from the top of the bank of all watercourses in the County, with the full extent of the protection zone to be determined on a case by case basis by the Planning Authority, based on site specific characteristics and sensitivities. “

In addition, as per Guidelines Developed by Inland Fisheries titled “A Guide to the Protection of Watercourses through the use of Buffer Zones, Sustainable Drainage Systems, Instream Rehabilitation, Climate / Flood Risk and Recreational Planning”

Protection of the riparian zone doesn't preclude amenity use, and this guide strongly advocates the incorporation of amenity uses (walks, angling etc) into the (middle or outer) Riparian Buffer Zone, so long as it is done sensitively and with minimal impact on the water and riparian environment. The outer zone can be linked to a network of linear parks, picnic areas and other amenity areas where appropriate. These can provide greater space for flood protection and Sustainable Urban Drainage Solutions.

As per the guidelines, the four major steps in a suitable protection strategy are:

**Step 1** - Protect the streamside riparian zone.

**Step 2** - Create a middle riparian zone – can include amenity infrastructure, eg. footpaths.

**Step 3** - Create an outer zone to incorporate sustainable urban drainage systems.

**Step 4** - Rehabilitate the river itself to recreate diversity of instream features found in natural channel

**8. Planting Proposals**

Planting should be predominantly native and pollinator friendly where possible, street trees to be minimum 18-20cm girth and open space trees to be 20-25cm girth, specimen/feature trees should ideally be 30-35cm girth. Street trees where possible should contain SUDS features and be planted within the public realm. The applicant should have suitable tree pits that attenuate water within hard surface areas. The applicant should clearly outline how SuDS features within the tree pits will function. Details of constructed/bio retention tree pits to be

used to be provided. The applicant is requested to submit a fully detailed Planting Plan to accompany the landscape proposals for the entire development. The applicant should propose native species where possible to encourage biodiversity and support pollinators within the landscape. Planting material where possible should be Irish Grown Nursey Stock and the importation of foreign planting material should be avoided within the proposed planting schemes. Response should include revised layout and drawings.

## **9. Play Provision**

There is a lack of detail in terms of the play provision being proposed within the development. Additional details, specifications and images need to be provided in relation to the proposed playgrounds and play spaces for the development. All play equipment should be of predominantly natural materials with unstructured play included in the proposed design. The playground designer/landscape architect can contact SDCC public realm section to discuss the proposed playground, including the inclusion of additional universally accessible equipment. Detailed information on the number and types of play items being delivered to be provided by the applicant in this regard.

## **10. Ecological Impact Statement**

The proposed mitigation measures contained within section 7 of Environmental Impact Statement compiled by OPENFIELD Ecological Services the Mitigation Measures contained shall be implemented in full.

## **11. Bat Assessment**

The proposed mitigation measures contained in the Bat Assessment report prepared by Brian Keeley shall be implemented in full.

**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. Landscape Design Proposals**

A comprehensive boundary treatment and landscaping scheme shall be submitted to and agreed in writing with the planning authority, prior to commencement of development. This scheme shall include the following:

- (a) details in relation to the interface of site services and trees to be retained;
- (b) details in relation to public furniture/benches;
- (c) details in relation to layout and design of play facilities and equipment;
- (d) proposed locations of trees at appropriate intervals and other landscape planting in the development, including details of the size, species and location of all vegetation, including biodiversity enhancement measures;
- (e) phasing plan for replacement planting of trees;
- (f) details of a Landscape Management and Maintenance Plan of both communal residential and publicly accessible areas to be implemented during operation of the development. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or diseased in the first 5 years of planting, shall be replaced within the next planting season with others of similar size and species, unless otherwise agreed in writing with the planning authority. The boundary treatment and landscaping shall be carried out in accordance with the agreed scheme.

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

## **2. Open Space Provision**

Justification of hierarchy and quantum of open space provision, both communal and public open space (POS). Clarity with regard to compliance with Development Plan standard and location of underground attenuation tanks and storage systems under public open space, as part of SuDS solution.

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

## **3. Appointment of Project Arborist**

Prior to the commencement of development, the developer shall engage the services of a qualified arborist as an arboricultural consultant for the entire period of construction activity. The developer shall inform the planning authority in writing of the appointment and name of



the consultant prior to commencement of development. The consultant shall visit the site at minimum on a fortnightly basis to ensure the implementation of all of the recommendations in the tree reports and plans. The arborist shall include secondary tree protection fencing around all root protection areas of trees to be retained. All works within these areas shall be supervised at all times by the project arborist and the fencing can only be temporarily removed to undertake works under the supervision of the arborist. The arborist shall agree the exact location and detail of the secondary fencing in writing with the planning authority prior to the commencement of any permitted development.

The clearance of any vegetation including trees and scrub shall be carried out outside the bird-breeding season (1st September and the end of February inclusive) or as stipulated under the Wildlife Acts, 1976 and 2000. The arborist shall carry out a post construction tree survey on the condition of the retained trees. A completion certificate shall be signed off by the arborist when all permitted development works are completed and in line with the recommendations of the Tree Report. The certificate shall be submitted to South Dublin County Council's Public Realm Section for written agreement upon completion of the works.

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

#### **4. Arboricultural Method Statement**

The applicant shall submit a detailed Arboricultural Method Statement (AMS). The AMS shall include justification and mitigation for any tree removal proposed and details of how trees will be protected at all stages of the development. Recommendations for tree surgery works and details of any tree surgery works necessary to implement the permission will be required as will the method and location of tree protection measures, the phasing of protection methods where demolition or construction activities are essential within root protection areas and design solutions for all problems encountered that could adversely impact trees (e.g. hand digging or thrust-boring trenches, porous hard surfaces, use of geotextiles, location of site compounds, office, parking, site access, storage etc.). All works shall be carried out in accordance with the agreed AMS.

**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.**

## **5. Tree and Hedgerow Protection Measures**

The applicant shall submit details of the tree and hedgerow protection measures to be employed during construction of the trees on the site, in accordance with BS 5837:2012 - Trees in relation to construction - Recommendations, for the approval of the Planning Authority. The tree and hedgerow protection measures shall show the extent of root protection areas and details of ground protection measures and fencing to be erected around the trees, including the type and position of these. The protective measures shall be implemented prior to the commencement of any development, site works or clearance in accordance with the approved details and shall be maintained and retained until the development is completed. Within the root protection areas the existing ground level shall be neither raised nor lowered and no materials, temporary buildings, plant, machinery or surplus soil shall be placed or stored thereon. If any trenches for services are required within the fenced areas they shall be excavated and backfilled by hand and any tree roots encountered with a diameter of 25mm or more shall be left unsevered.

**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.**

## **6. Tree Bond and Arboricultural Agreement**

Prior to the commencement of any permitted development or any related construction activity or tree felling on the site, the applicant shall lodge a Tree and Hedgerow Bond to the value of **€194,658.16** with the Planning Authority. This is to ensure the protection of trees on and immediately adjacent to the site to make good any damage caused during the construction period.

The bond lodgement shall be coupled with *an Arboricultural Agreement*, with the developer, empowering the planning authority to apply such security, or part thereof, to the satisfactory protection of any tree/hedgerow or trees/hedgerows on or immediately adjoining the site, or the appropriate and reasonable replacement of any such trees/hedgerows which die, are removed or become seriously damaged or diseased within a period of three years from the substantial completion of the development. Any replacement planting shall use large semi-mature tree size(s) and species or similar as may be stipulated by the planning authority.

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

**REASON: to ensure the protection, safety, prudent retention and long-term viability of trees to be retained on and immediately adjacent to the site.**

## **7. Play Provision**

Clarification shall be provided as to the total number and location of play opportunities; the age range they are appropriate for and whether they are universally accessible. An emphasis shall be on active, accessible play throughout the development. The applicant shall provide fully detailed play proposals as part of the landscape scheme for the proposed development. The applicant shall consider the provision of additional universally accessible equipment within the play proposals for the development. Additional details, specifications and images need to be provided in relation to the proposed playgrounds and play spaces for the development. All play equipment shall be of predominantly natural materials with unstructured play included in the proposed design. The applicant shall consider the use of engineered woodchip as playground surfacing material. **CONDITION**

**REASON: To uphold the policies of the South Dublin County Council Development Plan 2016-2022 relating to Children's play, and to provide for the proper planning and sustainable development of the area.**

## **8. 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 proposals for the catchment in the residential areas.
- 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.
- The applicant shall show further proposed SuDS features for the development such as green roofs, grass areas, tree pits, channel rills, swales, permeable paving and other such SuDS and show what attenuation capacity is provided by such SuDS. Bio retention tree pits should be designed so that they enable tree pits to both support healthy tree growth while at the same time to help treat and attenuate water coming from hard landscaping areas.
- Natural Suds measures should be detailed to remove/ reduce the requirement for underground attenuation tanks in line with the development plan objectives.
- Tree Pits to incorporate SuDS bioretention features and sufficient growing medium. SuDS details need to show how the water drains from the road/pavement hard surface into the SUDS tree pit, clearly outlining how SuDS features within the tree pits will function. The applicant is requested to refer to the recently published ‘SDCC Sustainable Drainage Explanatory, Design and Evaluation Guide 2022’ for acceptable SUDS tree pit details.
- The applicant is referred to the recently published SDCC SuDS Design Guide for further information and guidance.

**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.

## **9. Biodiversity Management Plan**

The Biodiversity Management Plan contained within the Ecological Impact Statement shall be implemented in full by the applicant. Measures to be implemented included:

- Participation in the all-Ireland Pollinator Plan. While the planting species chosen for the landscaping scheme have had regard to the ‘Pollinating-friendly Planting Code’ published at [www.pollinators.ie](http://www.pollinators.ie) the on-going maintenance of communal areas include a commitment to avoid the use of any herbicides, pesticides, slug pellets etc. Areas

which have been assigned as ‘native wildflower areas’ are to be mowed once in April and again in September.

- The garden partitions have been designed to include a 13cm x 13cm gap to allow the free movement of Hedgehogs (this aperture is recommended by the British Hedgehog Preservation Society).
- Invasive and undesirable non-native species are to be controlled along the riparian margin areas within the control of the development. This will particularly include the eradication of Cherry Laurel (*Prunus laurocerasus*).
- The wetland area to the south is to be allowed to rewild as far as practical with minimal intervention and so creating a broad wildlife margin along the stream in this location.
- Swift boxes are to be installed on the eaves of apartment blocks following instructions from <https://www.swiftconservation.ie/>. This will include playing tape recordings to attract Swifts during the first years of operation. Whitechurch Road Ecological Impact Statement 24
- Enhancement measures will include the installation of 10 bat boxes as per the recommendation of the bat ecologist. These will be installed by a suitably qualified ecologist as part of the landscaping phase.

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

#### **10. Ecology**

The recommendations and mitigation measures contained within the Environmental Impact Statement shall be implemented in full by the applicant. In addition, the applicant should consider the installation of bird boxes throughout the development.

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

#### **11. Water Course Protection Strategy**

The applicant should provide a detailed watercourse protection strategy for the development in particular the area adjacent to the Whitechurch Stream, details of which shall be submitted

to, and agreed in writing with the Public Realm Section prior to the commencement of development.

**REASON: In the interest of protecting the natural, historical and amenity value of the County's watercourses.**

## **12. Bats**

The recommendations and mitigation measures contained within the Bat Assessment Report shall be implemented in full by the applicant. Bat boxes shall be erected as proposed in the EIA supporting this application and trees to be felled will be surveyed for bats before their removal, and that the destruction of interference with any building containing a bat roost or of any tree identified as a bat roost shall only to be carried out on receipt from the NPWS of a licence to derogate from the Habitats Directive and destroy the roost.

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

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**Prepared By: Oisín Egan**  
**Executive Parks Superintendent**

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**Endorsed By: Laurence Colleran**  
**Senior Executive Parks Superintendent**

## Appendix 4: Environmental Services Report

**Register Reference No.:** *SHD3ABP-312501-22*

**Development:** Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon House and outbuildings; The refurbishment and re-use of 2 stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands; The construction of a mixed-use development comprising neighbourhood centre and 178 residential units comprising 72 houses, 38 apartments and 68 duplex apartments; The 72 houses will comprise 2, 2.5 and 3-storey detached, semi-detached and terraced units to include, 6 two bed houses, 45 three bed houses, 21 four bed houses, The 38 apartments and 68 duplex apartments are located across 7 buildings ranging in height from 3 to 5-storey consisting of 1 Block A/B, 1 Block C, 1 Block E, 1 Block S and 3 Blocks T as follows, Block A/B: 5-storey over basement and podium accommodating 10 one bed apartments, 16 two bed duplex apartments and 1 three bed duplex apartment with associated balconies/terraces; Block C: 5-storey over basement accommodating 4 one bed apartments and 8 two bed duplex apartments with associated balconies/terraces; Block E: 4-storey over basement accommodating 8 one bed apartments and 16 two bed duplex apartments with associated balconies/terraces; Block S: 3-storey accommodating 2 two bed duplex apartments and 1 three bed apartment and 1 three bed duplex apartments with associated balconies/terraces; Block T: 3 three storey buildings accommodating 6 one bed apartments, 18 two bed duplex apartments, 9 three bed apartments and 6 three bed duplex apartments, all with associated balconies/terraces; Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a 2-level creche (313sq.m) at lower ground and ground floor level, and 3 retail/non-retail service/cafe units (470sq.m) at ground level; The basement below Block A/B and Block C accommodates 50 car parking spaces, bicycle parking, bin stores, plant and staff service area (80sq.m); The basement below Block E accommodates 35 car parking spaces, bicycle parking, bin store and plant; A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle; A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road; Upgrade

works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian/cycle Greenway; Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road; Foul sewer drainage works along Whitechurch Road from the southern lands to the existing junction at Glinbury housing estate; All landscaping, surface car parking, boundary treatments, infrastructure works, ESB substation, signage and associated site works and services; The site extends to 6.77ha and includes the derelict Kilmashogue House (southern lands) and Coill Avon House (northern lands) and the adjacent Whitechurch Road and College Road, roads in the administrative areas of South Dublin County Council and Dun Laoghaire Rathdown County Council. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022 and the Dun Laoghaire Rathdown County Development Plan 2016-2022; The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.

Location: Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16

Report Date : 11<sup>th</sup> April 2022

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**Surface Water Report:**

**Observations:**

- 1.4 There is insufficient SuDS proposed for the development. The proposed volume of attenuation provided in attenuation calculations is acceptable in principal but the method of attenuation is an issue because concrete tanks and arched type systems should not be used only in exceptional circumstances.
- 1.5 The use of traditional pipes, gullies should be minimised and the use of SuDS (Sustainable Drainage Systems) should be maximised to attenuate surface water. Additional SuDS features should be used.
- 1.6 Submit a revised drawing showing all SuDS elements proposed and show what surface water attenuation capacity in m<sup>3</sup> is provided by each SuDS element. Show on the drawing a treatment train connecting each SuDS system. Show flow controls at the exist of each SuDS element/feature.



Examples of SuDS include:

- Green Roofs, Blue Roofs
- Permeable Paving
- Swales
- Detention basins, ponds
- Tree pits
- Filter drains
- Channell Rills
- Rain Gardens
- Other such SuDS

Consider use of soakaways in private back gardens where appropriate with percolation tests submitted as per BRE Digest 365 standards.

**Flood Risk Report:**

**No Objection:**

**2.1** The flood risk report shall state the professional opinion of Consulting Engineer CS Consulting Group or consultants carrying as to the flood risk of proposed development.

- The Developer shall ensure that there is complete separation of the foul and surface water drainage systems within the site, both in respect of installation and use.
- All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
- All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.

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Signed: \_\_\_\_\_  
          Brian Harkin SEE

Date: \_\_\_\_\_

**DEVELOPMENT: Development: Demolition of Kilmashogue House and outbuildings and demolition of Coill Avon House and outbuildings; The refurbishment and re-use of 2 stone outbuildings for community use, to be incorporated into an area of public open space on the southern lands; The construction of a mixed-use development comprising neighbourhood centre and 178 residential units comprising 72 houses, 38 apartments and 68 duplex apartments; The 72 houses will comprise 2, 2.5 and 3-storey detached, semi-detached and terraced units to include, 6 two bed houses, 45 three bed houses, 21 four bed houses, The 38 apartments and 68 duplex apartments are located across 7 buildings ranging in height from 3 to 5-storey consisting of 1 Block A/B, 1 Block C, 1 Block E, 1 Block S and 3 Blocks T as follows, Block A/B: 5-storey over basement and podium accommodating 10 one bed apartments, 16 two bed duplex apartments and 1 three bed duplex apartment with associated balconies/terraces; Block C: 5-storey over basement accommodating 4 one bed apartments and 8 two bed duplex apartments with associated balconies/terraces; Block E: 4-storey over basement accommodating 8 one bed apartments and 16 two bed duplex apartments with associated balconies/terraces; Block S: 3-storey accommodating 2 two bed duplex apartments and 1 three bed apartment and 1 three bed duplex apartments with associated balconies/terraces; Block T: 3 three storey buildings accommodating 6 one bed apartments, 18 two bed duplex apartments, 9 three bed apartments and 6 three bed duplex apartments, all with associated balconies/terraces; Block A/B and Block C are arranged around a landscaped podium. The neighbourhood centre is located below this podium and accommodates a 2-level creche (313sq.m) at lower ground and ground floor level, and 3 retail/non-retail service/cafe units (470sq.m) at ground level; The basement below Block A/B and Block C accommodates 50 car parking spaces, bicycle parking, bin stores, plant and staff service area (80sq.m); The basement below Block E accommodates 35 car parking spaces, bicycle parking, bin store and plant; A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle; A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road; Upgrade works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian/cycle Greenway; Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road; Foul sewer drainage works along Whitechurch Road from the southern lands to the existing junction at Glinbury housing estate; All landscaping, surface car parking, boundary treatments, infrastructure works, ESB substation,**

**signage and associated site works and services; The site extends to 6.77ha and includes the derelict Kilmashogue House (southern lands) and Coill Avon House (northern lands) and the adjacent Whitechurch Road and College Road, roads in the administrative areas of South Dublin County Council and Dun Laoghaire Rathdown County Council. The application contains a statement setting out how the proposal will be consistent with the objectives of the South Dublin County Development Plan 2016-2022 and the Dun Laoghaire Rathdown County Development Plan 2016-2022; The application contains a statement indicating why permission should be granted for the proposed development, having regard to a consideration specified in section 37(2)(b) of the Planning and Development Act, 2000, as amended, notwithstanding that the proposed development materially contravenes a relevant development plan or local area plan other than in relation to the zoning of the land.**

**Site: Lands at Kilmashogue House and Coill Avon House, Whitechurch Road, Rathfarnham, Dublin 16**

**Applicant: BCDK Holdings Limited and Coill Avon Limited**

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

### **Description**

The construction of a mixed-use development comprising neighbourhood centre and 178 residential units comprising 72 houses, 38 apartments and 68 duplex apartments. The basement below Block A/B and Block C accommodates 50 car parking spaces, bicycle parking, bin stores, plant and staff service area (80sq.m); The basement below Block E accommodates 35 car parking spaces, bicycle parking, bin store and plant; A section of link street with footpath and cycle path (approx. 438 linear metres) extending from the junction of Whitechurch Road and College Road on an alignment parallel to the M50, to provide access to the southern development lands and incorporating a bus turning circle.

A new signalised crossroads junction to connect the proposed link street with Whitechurch Road and College Road; Upgrade works to College Road including a new two-way cycle track and relocated footpath from the Whitechurch Road junction to provide connectivity to the Slang River pedestrian/cycle Greenway; Upgrades to the existing vehicular access and bridge at the entrance to Coill Avon House on Whitechurch Road.

This is stage 3 of the SHD submission. The Inspector's Report on Recommended Opinion of 308723-20 identifies four points concerning roads issues.

The applicant was requested to clarify the following.

***"4. A site layout plan showing which, if any, areas are to be taken in charge by the planning authority"***

The applicant has submitted a plan identifying the areas to be taken in charge by the local authority. There are also details of the road construction and specification. Prior to commencement the applicant shall submit Road's construction detail drawing to taking in charge standards as per SDCC TIC standards Appendix 6.

***"5. Construction and Demolition Waste Management Plan"***

The applicant has submitted an outline waste and construction management plan for the proposed development. Prior to commencement of development the applicant shall submit a developed Waste and Construction Management Plan. Specific haul routes and the daily volumes of materials will have to be agreed with SDCC. A Visual Condition Survey (VCS) shall be carried out of all surrounding roads prior to any site works commencing. The contractor shall liaise with SDCC Roads & Traffic Department to agree any changes construction access routes for the site. Mud spillages on roads and footpaths outside the site shall be cleaned regularly and shall not be allowed to accumulate. Wheel wash facilities shall be provided for vehicles exiting the site. A detailed project specific traffic management plan shall be developed by the contractor and agreed with South Dublin County Council prior to works commencing on site. This plan shall be updated as required throughout the project.

***"6. Waste management details"***

An operational waste management plan has been submitted. The details of refuse vehicle and fire tender access have also been provided.

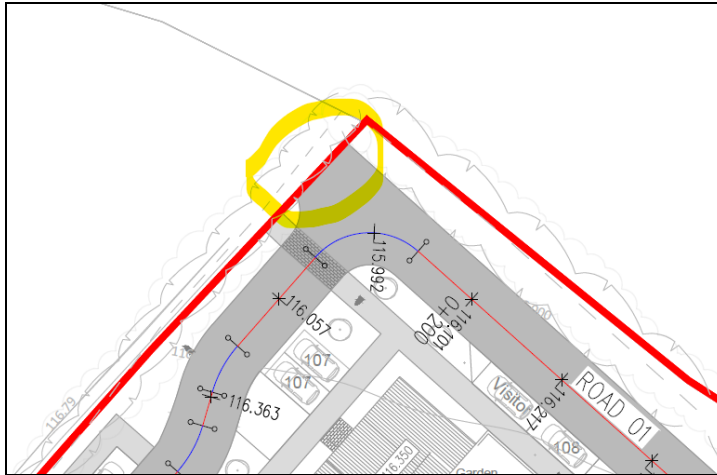
***"10. Additional details in relation to transportation matters, having regard to the requirements of the Roads Department Planning Report as indicated in Appendix 1 of the Planning Authority's Opinion"***

Appendix 1 of the planning Authority opinion referred to the road department report. The Roads Department report dated 15/12/2020 made the following Observations:

***"14. At the preplanning meeting, the applicant was asked to produce a Masterplan of the entire zoned lands. This is required to assess the required road hierarchy not only to serve the lands in this application but to connect the neighbouring Masterplan lands in a coherent block plan. The applicant has submitted an indicative masterplan of road layouts with no block plans. It is impossible to assess if the proposed roads to serve the current two plots are positioned and aligned appropriately to link to the blocks of later phases of the***

**Masterplan. A reasonably detailed block design of the remaining phases is required to ensure the road layout and hierarchy is optimal for the entire Masterplan.”**

The applicant has submitted an indicative roads layout masterplan of the surrounding zoned lands. The layout identifies links to other future developments, and pedestrian/cycle routes within the development. The detail of this proposal is limited and does not fully convey the overall development proposal.



*Figure 1 Road's layout identifying possible links to other developments.*

A street hierarchy drawing has been submitted drawing number 18.132.PD4023. it details the different road types across the development. The roads are set out in three categories, home zones, local roads, and link streets. Without an overall masterplan the road hierarchy fails to describe a correct layout, as local roads may become link roads depending on potential development. This could result in minor home zones being used as heavier traffic link routes in the future.



*Figure 2 Road Hierarchy drawing.*

**“15. The applicant was requested to propose a road link along the northern boundary of the M50 from the Whitechurch Road to the Edmonstown Road. (Similar to the existing**

*College Road in Dún Laoghaire Rathdown LA area.) This road link is essential as the Whitechurch road is a substandard road with significant architectural and ecological protections. Therefore, any upgrades such as widening may be prohibited. Representatives from DLR Local Authority also raised concerns about increases in traffic along College Road and towards significant traffic congestion black spots on their road network. The road link offers another traffic route onto the Edmondstown road which currently is better standard of road and has more potential for upgrade.”*

The applicant has submitted details of a link road (number 10) **Error! Reference source not found.** along the northern boundary of the M50. The road links to collage road and whitechurch road but does not link to the Edmondstown Road. A turning circle has been provided indicating that the road is to be extended in the future. The transport assessment document (TA) states that this link street will be a continuation of Collage Road and provide a link to the Edmundstown road but does not provide details of how this link will be completed, considering the topographical constraints at the Edmundstown side.



*Figure 3 plan of Link Road number 10.*

On the link road number 10 it is proposed to have a bus dedicated turning/ set down area for public buses. The applicant has not demonstrated if Dublin Bus or the TII have confirmed continuation of bus services from Whitechurch Green to this development. ***The submitted TA confirms a 3-tonne weight restriction on the Whitechurch Road and identifies road widths of 5.2m - 5.3m this would restrict public bus options and fire tender/refuse collection vehicles too.*** The TA also states that “the current NTA plans do not show any new bus services passing the sites on Whitechurch road”. The walking distance to the existing bus service is 2km around 17-19min walk. Although the TA notes that this distance is acceptable for commuters, it does not substantiate this comment.

***16. The completion of the road link also will facilitate the completion of the cycling link westwards, which is a key route in the NTA cycling plan.***

The applicant has stated they will provide proposals for very significant enhancement and connection to the GDA cycle network locally. The submitted TA states the development is accessible to the LUAS by cycle route along the Slang River Greenway at approx. 5.0km distance. The green route will be linked to the development by proposed cycle facilities along Collage Road. The applicant is required to consult with DLRCC on the proposals. Although the green route is being utilised for commuting the applicant has not made it clear if it will be always accessible, or if the route will be secure due to lack of passive surveillance.

The applicant is proposing to provide cycle only partial cycle link to the Edmondstown Road. This road will have cycle provision. **The submitted road safety audit for the development identifies problems with the cycle tracks along the proposed new link road drawings. It recommends that raised cycle tracks be provided and be segregated from the carriageway as there is a greater risk of collisions between general traffic and cyclists.** This contradicts the short to medium term proposal of providing advisory cycle lanes along Whitechurch Road, although allowable in the current National Cycle manual this will be amended and using them is to be avoided.

The applicant has stated they have demonstrated the development has multi modal accessibility to local schools, employment destinations and services. By providing a cycle link along Collage Road to a greenway through Marley Park. An existing pedestrian route on one side of the Whitechurch Road that represents a 17-19min walk to one directional bus service at Whitechurch Green. the only vehicle route to the development is along Whitechurch road, that has substandard widths. The applicants TA contends this creates a naturally traffic-calmed environment, which is reflected in the lack of traffic accidents, SDCC contend it is the reduced traffic on this road that has resulted in few accidents and this proposal to increase traffic on the road

***17. The proposed car parking ratios are in line with expected provision for this location.***

The applicant has noted that this development will be promoted as a sustainable “Reduced-Car-Dependency” scheme. Although there is proposals for 1.5 car parking spaces for residential houses and 1 car parking space per residential apartment/duplex resulting in a scheme that is very car dependant, considering the alternatives for public transport and the location of shopping/ public amenities this development could not be considered reduced car dependant.

***18. The distance behind perpendicular parking spaces shall be a minimum of 6.0m wide to aide access and egress from parking spaces.***

Layout plans of the basement detail 6.0m spaces behind parking bays.

***19. Where there is a footpath behind the perpendicular parking spaces a wheel stop shall be installed to prevent overhang of vehicles onto the footpath.***

No information on wheel stops provided.

***20. The proposed development shall make provision for the charging of electric vehicles. A total of 100% of the apartment car parking spaces must be provided with electrical ducting and termination points to allow for the provision of future charging points, and 10% of the apartment car parking spaces must be provided with electric vehicle charging points initially. Details of how it is proposed to comply with these requirements including details of the design of, and signage for, the electric charging points (where they are not in areas to be taken in charge) shall be submitted to, and agreed in writing with, the planning***

*authority prior to commencement of development. REASON: In the interest of sustainable transport.*

The applicant has noted the requirement for 10% of car parking spaces for EV charging. They also note that for residential elements it is considered appropriate to facilitate the retro fitting of spaces, based on demand following occupation, rather than a percentage being provided from the outset. Resulting in the EV charging being for off curtilage at the outset.

**21. A total of 5% mobility impaired spaces should be provided at the development.**

Visitor car parking spaces have been identified but the mobility impaired or EV charging spaces have not been shown on the road's layout drawing. A swept path analysis for the basement car parks has been submitted.

**22. The proposed apartment cycling provision is at 90% of the apartment guidelines. This is acceptable provision.**

The residential housing and duplex will have bicycle parking and storage within each individual household. The duplex units will have first and second floor accessed by stairs, secure bicycle storage at the ground floor should be considered for these units.

The apartments will require:

Block A/B: 10 one bed, 16 two bed and 1 three bed	= 35 No. spaces + 13 No. visitor
Block C: 4 one bed and 8 two bed	= 20 No. spaces + 6 No. visitor
Block E: 8 one bed and 16 two bed	= 40 No. spaces + 12 No. visitor
Block S 2 two bed and 1 three bed and 1 three bed	= 10 No. spaces + 2 No. visitor
Block T: 6 one bed, 18 two bed, 15 three bed	= 87 No. spaces + 20 No. visitor

Total required bicycle parking spaces for residential units is **245 No.**

The applicant has submitted a very disjointed layout for the bicycle parking provision.

The northern portion will have 48 No. spaces + 18 No. visitor spaces.

The southern portion will have 67 No. spaces + 8 No. visitor spaces.

Blocks A,B & C will have 138 No. spaces and 24 No. surface level spaces.

A total of **303 No.** bicycle parking across the entire development.

There is also a 2-level creche (313sq.m) at lower ground and ground floor level, and 3 retail/non-retail service/cafe units (470sq.m) at ground level that will require bicycle parking and car parking.



***23. A Mobility Management Plan is to be completed within six months of opening of the proposed development. The Mobility Management Plan shall be agreed with the roads department and the agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.***

The applicant is required to submit Mobility Management Plan.

***24. Prior to the commencement of development, the applicant shall agree in writing a public lighting scheme with South Dublin County Council Lighting Department. Once agreed, the scheme shall be constructed/installed to taking in charge standards at the expense of the developer and to the satisfaction of South Dublin County Council Lighting Department.***

The applicant is required to submit a public lighting scheme.

***25. Prior to commencement of development a developed Construction Demolition and Waste Management Plan shall be agreed with the roads department. The agreed plan, along with the written agreement of the roads department shall be lodged to the planning file. The written commitment of the developer to implement the agreed plan shall also be lodged to the file.***

The applicant is required to submit developed Construction Demolition and Waste Management Plan.

***26. The applicant is to provide a Taking In Charge Map that distinguishes between all areas to be offered to SDCC. On an identical map the applicant is to provide a service map indicating the locations of all underground services and their above ground features (PL Column, Hydrant, Chamber, Manhole, Valve, Stop Tap etc). Where services are to be laid in a residential or other areas where there are no footpaths and the service trench generally lies behind a kerbline, a burden on the title deed or a wayleave in favour of SDCC must be provided. The width of this burden/wayleave must be 2m and the maximum height of planning in this 2m strip must be limited to 300mm at maturation.***

The applicant has submitted a plan identifying the areas to be taken in charge by the local authority. There are also details of the road construction and specification. Prior to commencement the applicant shall submit Road's construction detail drawing to taking in charge standards as per SDCC TIC standards Appendix 6.

**Roads department have the following observations:**

1. Masterplan lacks detail, the street hierarchy does not follow future development, i.e. homezone could become link streets or higher in the future. To serve any additional phases.
2. SDCC believe Whitechurch Road is not suitable as a bus route. Due to its narrow width and a 3-tonne weight restriction.
3. SDCC recognise the section of the Slang Greenway has night-time security risks due to lack of passive surveillance through Marley Park.  
i.e. adequate lighting, passive security access year-round.
4. SDCC question whether the LUAS is a viable means of transport from the proposed development.
5. SDCC are convinced that the proposed development will lead to congestion and increased accidents on the Whitechurch Road.  
The whitechurch road narrowness and confined nature is not a valid method of speed control making the road DMURS complainant.
6. There needs to be written confirmation from DLRDCC that College Road can accommodate increased traffic and has sufficient width for 2-way cycle provision.
7. The applicant has failed to demonstrate that the vehicular/cycle/pedestrian extension of the south road (road Number 10) to the Edmondstown Road is possible. Due to the difference in level and surrounding land ownership.
8. The proposed advisory cycle lanes on the Whitechurch Road are not acceptable and creates a safety hazard as stated in the applicants traffic safety audit.

Appendix 6: s.247 Meeting Minutes

SHD1SPP010/20 on 23/07/20

Strategic Housing Development consisting of 176 dwellings, a Neighbourhood Centre consisting of a 300sqm creche and 880sqm of commercial development. Road improvements to the junction of Whitechurch Road and College Road, a cycle lane along College Road to Marley Park, and a section of a new link road to connect to Edmondstown Road at Lands at Edmondstown (west of Kilmashogue Bridge and Coill Avon), Whitechurch Road, Rathfarnham, Dublin 16.  
Conference call meeting – 23rd July 2020  
Preplanning meeting under S247 of Planning and Development Act 2000 (as amended) –  
without prejudice

**Applicants**

Jane Doyle (Doyle Kent Planning)  
Simon Clear (Clear Planning)  
Eoin Reynolds (NRB)  
Eddie O’Connell (Litchford)  
Nora Shortall (JFOC Architects)  
Luke Meehan (AIT-Place)  
Richard Jolly (AIT-Place)  
Owen Sullivan (CS Consulting)  
Dominic Stevens (architect)

**SDCC**

Eoin Burke (Planning)  
Jim Johnston (Planning)  
Barry Henn (Planning)  
Willie Purcell (Roads)  
John Joe Hegarty (Roads)  
Brian Harkin (Drainage)  
Ronan Toft (Drainage)  
DLRCC  
Gerry Ryan (Planning)

Katherine Hanley (Planning)

Bernard Egan (Drainage)

JD

- Introduction and outline of proposal
- Submission made on emerging development plan
- Applicant would assist in providing the Edmondstown Link Road

DS

- Introduced site and gave outline of the proposal
- Referred to management of cars, shared surfaces and use of parking spaces between buildings

OS

- Intro to site services and swales
- No changes proposed to existing stream on east of site

LM

- Intro to landscaping strategy
- Retention of existing green infrastructure including riparian corridor
- Social seating, open spaces – informal and formal

ER

- Outlined proposal to provide first section of road to Edmondstown Road
- Extension of public transport
- Intro on design of road
- College Road – reduction in width and speed limit to promote walking/cycling

JJ

- Site zoned residential (to protect and or improve residential amenity)
- SLO: H3 SLO1 – made up of two parts. Proposal would not accord with low density aspect of SLO. Application would need to demonstrate how proposal accords with SLO regarding high density
- SLO includes application site and a much larger site
- Red line boundary includes large area but is effectively two separate sites
- Link in dotted blue line between sites is aspirational and does not assist either site
- Phasing – consider which site (north or south) would progress first
- Noise – M50 and prevailing winds in particular north/eastern side of site need to be considered
- North site western apartment block – at 11m quite close to west boundary - requires more setback

North site presents challenges – eastern part seems dislocated, public open space should

be central, House type L would result in loss of trees, need to retain as many trees as possible

Southern site – public open space west to east seem to be poorly connected, little passive

surveillance on eastern public open space, access to creche is poor, timescale linking

roads and delivery time would be required as all traffic would exit on to Whitechurch

Road

Site in middle out of applicant's ownership – encourage to acquire to create more

integrated site, encouraged to pursue ownership

Could not support such high density with delivery of just one piece of Edmondstown/Whitechurch road

There are currently substantive concerns with the scheme

EB

SLO background – density based on accessibility, appropriateness of density linked to

transport and accessibility - without improved access, then density should remain low

Table 1.5 in variation 4 of co dev plan concerns a wider area and not just the individual

site at Edmondstown

JJH

Link Road key to support the development

Existing traffic issues in the area and pressure on Whitechurch Road

Whole length of link road required

Connectivity – need clear understanding of middle of site as two ways out of the site

would be better

Layout – roads hierarchy needs to comply with DMURS, western side of southern site –

cul de sac 150m long seems quite long, need to demonstrate that bin/emergency vehicles

can use road

Autotrack for bin/fire trucks required, radii 6m for link road and 4.5m for internal

College Road – improvements welcomed

Creche – better layout for set down and circulation required

Car parking – 264 spaces acceptable based on current numbers

- Sustainability – electric charging points, car sharing required.
- Traffic and Transport assessment required
- Construction Management Plan
- Mobility Plan

#### WP

Delivery of link road between Edmondstown road and Whitechurch road essential prior to consideration of high density. Otherwise, proposed high density not acceptable.

- Minimise frontage on link road
- Width of 6m or 7m
- Traffic lights and crossroads at eastern side required

#### SC

- Discussed Variation 4 of CDP
- Outlined masterplan approach taken
- Lands in middle currently owned by 3rd party

#### JD

- Middle piece of land – owners currently not interested

#### OS

- Proposal to unlock lands to west
- Discussions with Irish Water have taken place
- Hydraulic analysis has been undertaken

#### GR

- Wicklow Way should be incorporated
- Ownership of College Road – clarification on consent required
- Blackglynn Road – Part 8
- Access – currently issues with all three access roads in vicinity of site
- Traditional crossroads recommended

#### KH

- Cycle provision welcomed but concerns with width of road
- Cycle path should be on Marlay Park side

#### BE/BH

- Water main – motorway required diversion
- Surface water – arch system and storm tech should be used
- Green roofs encouraged
- Flooding – take note on any impacts
- Contact David Grant in relation to flood works in area
- Foul – Irish Water standards

#### RT

- Concerns with attenuation in south-east of site
- Irish Water don't generally allow attenuation over existing water main

SHD1SPP013/20 on 9/11/20

**2nd Meeting – 09/11/2020 (Teams Conference Call) - SHD1SPP013/20**

**The proposed development will consist of 176 dwellings, a Neighbourhood Centre providing a 300sqm. crèche and 880sqm. of commercial development and all associated and ancillary site development works with supported infrastructure including road improvements to the junction of Whitechurch Road and College road, a cycle lane along College Road to Marley Park to provide connectivity to the River Slang Greenway and a Section of a new link road to connect to Edmondstown Road, providing a temporary bus -terminus pending the delivery of a new link road to Edmondstown on this site of 5.9Ha. The crèche and commercial development will be located at the ground floors of two apartment blocks to form the neighbourhood centre. Basements for carparking will be provided below the neighbourhood centre and apartment blocks A (6 storeys over basement) and B (5 storeys over basement) of 1875qm., and below block D (5 storeys over basement) of 585qm. Block C is a 3 storey block of duplex apartments.**

Preplanning meeting under S247 of Planning and Development Act 2000 (as amended) –  
without prejudice

**Applicants**

Jane Doyle – DKPP  
Simon Clear – Clear Planning  
Eoin Reynolds – NRB  
Owen Sullivan- CS Consulting  
Dominic Stevens – JFOC architects  
John O Connor – JFOC architects  
Nora Shortall- JFOC architects  
Richard Jolly – Ait Landscape  
Luke Meehan – Ait Landscape  
Michael Whelan – BCDK Ltd  
Tony Deane- BCDK Ltd  
Eddie O’Connor – Coill Avon Ltd

**SDCC**

Jim Johnston (Planning)  
Barry Henn (Planning)  
Willie Purcell (Roads)  
John Joe Hegarty (Roads)  
Brian Harkin (Drainage)  
Oisín Egan (Public Realm)

## **DLRCC**

Ger Ryan (Planning)

Catherine Hanly (Planning)

Claire Casey (Transportation)

Shane Sheehy (Planning)

## **JJ**

- Requested clarity on how scheme has moved on since first meeting and what changes have been made

## **ER**

- Only delivering less than ½ of link road
- Not required to deliver all based on number of units proposed
- Pedestrian and cycle links will be provided.

## **JJ**

• SLO H3 wording – refers to various types of development, permissible densities. Regarding increased densities the SLO states: *densities may be increased.....where issues of accessibility have been fully resolved in an appropriate manner*. Link road – (fundamental issue raised in first meeting), partial delivery still considered unsatisfactory and does not meet SLO. Proposed higher densities are contingent on satisfactory access (which has not been provided)

- Increased density linked to accessibility
- Connectivity – two parcels of land, disconnected, separate sites, SLO relates to much larger area than just the site the subject of this enquiry, separate access for both sites
- Referred to JR of SHD at Taylor's Lane – no outcome yet to JR

## **JJH**

- Proposal hasn't changed since first meeting, key points have not been addressed
- Pressure on Whitechurch Road – substandard, narrow, couldn't rely on Whitechurch Road as main entrance to site, timing and phasing would be important issues.
- Two parcels of land – difficult to assess suitability of internal layout, how will North and south connect, how will site connect to the west, how would link streets and homezones work
- Signalised junction is welcomed



**ER**

- • 1 car per minute
- • Average width of Whitechurch Road is 5.95m

**GR**

- • Support the comments made by SDCC
- • Problems in Dun Laoghaire Rathdown where partial roads have only been delivered
- • Carrying capacity of White Church Road – pedestrian/cyclists also need to be taken into account
- • Signalised junction welcomed
- • Wicklow Way – amenity value
- • Cycle lane on northern side of road welcomed
- • If link road can't be delivered what would be the effect on College Road

- Haven't seen solutions to issues that have been raised yet

## **CC**

- Need more cross sections to establish if space on road is there

## **OE**

- Protection of trees
- SuDS
- Ecology

## **BH**

- Reiterated comments from first meeting regarding drainage
- SuDS
- Buildings should be 10m from stream
- Attenuation calculations required
- Green roofs