

# Comhairle Chontae Atha Cliath Theas

**PR/0934/22**

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

**Reg. Reference:** SD21A/0287      **Application Date:** 20-Oct-2021  
**Submission Type:** Additional      **Registration Date:** 27-Jun-2022  
Information

**Correspondence Name and Address:** GI Martin Architects 50, Tullyard Road, Lisburn,  
Antrim, BT27 5JN

**Proposed Development:** Extension and alterations consisting of a 2 storey  
extension at the front main entrance of existing  
building (371.5sq.m ground floor addition &  
367.5sq.m first floor addition); the extension will  
match the existing mansard roof profile;  
reorganisation of the first floor over an area of  
272.2sq.m with the addition of 9 dormer windows;  
all associated services connections and ancillary site  
works.

**Location:** Kiltipper Woods Care Centre, Kiltipper Road,  
Bohernabreena, Dublin 24, D24A248

**Applicant Name:** Stanford Woods Care Centre Ltd.

**Application Type:** Permission

(CS)

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

Site Area: 1.2785 Hectares

#### Site Description:

The application site is located adjacent to the Ellensborough housing estate along in Kiltipper and is accessed off the Kiltipper Road via a long narrow driveway. The site is irregular in shape and bound by the Ellensborough housing estates to the west, an area of green open space associated with the Ellensborough housing estate to the north and a stretch of the Dodder Valley to the south and east. Dense planting, which consists of mature trees are located along the south and east boundary of the site. Housing along Ellensborough Drive backs along the western boundary of the site.

The site contains a care centre/nursing home. The structure is 1.5 storeys in height with floorspace at dormer level. An area of surface car parking is located along the eastern boundary of the site and acts as a buffer between the nursing home structure and the Dodder Valley to the east. The Dodder Greenway (Kiltipper Park Phase 1, completed late 2019) passes along a section just outside of the site boundary to the south and south-east of the subject site. The Dodder

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Greenway route pathway is located to the east of the subject site but is outside of the red line site boundary. Kiltipper Park to the south-west is zoned under objective OS which seeks 'to preserve and provide for open space and recreational amenities'. A narrow linear area of open space is located between the nursing house and the Ellensborough boundary to the west.

### **Proposal:**

The proposal development consists of the following:

- Extension and alterations consisting of a 1.5 storey extension and two storey extension at the front main entrance of existing building (371.5sq.m ground floor addition and 367.5sq.m first floor addition).
- The extension will match the existing mansard roof profile.
- Addition of 9 dormer windows at first floor level over an area of 272.2sq.m.
- Associated landscaping.
- Proposed works measure c.1012sq.m.

### **Zoning:**

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

A section of the Dodder Greenway passes along a section just outside of the site boundary to the south and south-east of the subject site. The Dodder Greenway travels through Kiltipper Park from the Bohernabreena Reservoir to the Kiltipper Park Care Home and these works were completed in late 2019. When complete the Dodder Greenway is envisaged to be over 17km long, linking Sir John Rogerson's Quay in the City Center to the entrance to the Bohernabreena reservoirs at Glenasmole, South Dublin.

### **Consultations:**

Roads Department- **Refusal** recommended or **Additional Information** recommended were proposal to proceed.

Surface Water Drainage – **Additional Information** Recommended.

Irish Water – No objection subject to **conditions**.

Parks Department – No objection subject to **conditions**.

Environmental Health Office- Acceptable subject to **conditions**.

Heritage Officer – No report received to date.

Health Information & Quality Authority – No report received to date.

### **SEA Sensitivity Screening**

Indicates overlap with the following layers;

- High Amenity Dodder Valley 2016
- Sites of Geological Interest 2016 (Dodder Terraces)

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### Submissions/Observations /Representations

None recorded.

### Relevant Planning History

**SD18A/0018:** Extension to the existing facility by the addition of: Area 1 - construct a 27.65sq.m extension to the existing building by moving a wall out by 3.5m and forming a new wall, door and glazed panels; Area 2 - extend bedrooms 96, 97, 99, 100A & 100B out by 2.55m to make each of these bedrooms doubles, 45.63sq.m; Area 3 - construct a new room in the courtyard with an area of 24.4sq.m; Area 4 - construct a new room in the courtyard with an area of 35.9sq.m. All new areas are to have flat roofs and rainwater drainage connected to the existing.

Decision: **Grant permission subject to conditions**

**SD17A/0162:** 138sq.m single storey extension to previously approved southern extension providing four ensuite bedrooms, a sitting room, nurse's station and 1 surface car park space.

Decision: **Grant permission subject to conditions**

**SD09A/0457:** Construct proposed alterations and additions to recently approved proposals, Ref. SD08A/0557 for Kiltipper Woods Care Home, to comply with new guideline standards as contained in the Health Information Quality Authority (HIQA) latest national care standards document for care homes for the elderly.

Decision: **Grant permission subject to conditions**

Completed

**SD08A/0557:** Extension to existing nursing care home to provide additional 22 single ensuite bedrooms and associated living accommodation; with physiotherapy and hydrotherapy wing all at ground floor; and staff training, staff change and laundry accommodation at first floor level.

Decision: **Grant permission subject to conditions**

Completed

**SD07A/0477& PL06S.225382:** Extension of existing care centre comprising the provision of 44 bedrooms and supporting facilities in one and two storey format

Decision: **Refuse Permission** by SDCC and **Refuse Permission** by An Bord Pleanala

Reason for refusal were as follows;

*1. The site of the proposed development is located within an area zoned 'G' in the South Dublin County Development Plan 2004-2010 where it is a stated objective of the planning authority 'To protect and improve High Amenity areas', which zoning objective is considered to be reasonable. It is considered that the proposed development, by reason of its excessive bulk and scale resulting in a significant reduction in the existing open space area within the site, would constitute overdevelopment of the site and thereby contravene the zoning objective for the site and be contrary to the proper planning and sustainable development of the area.*

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2. *The proposed development would be located immediately adjacent to a section of the Dodder River Valley and would result in the loss of an important open space and visual buffer between the river valley and existing development. The proposed development would, therefore, seriously injure the visual amenities of the area and be contrary to the proper planning and sustainable development of the area.*

3. *The proposed development would adversely impact on the visual setting of the River Dodder and would contravene policies and objectives as set out in the South Dublin County Development Plan 2004-2010 which seek to protect and enhance the scenic character and setting of the Dodder River Valley, maintain the high scenic character of the area adjacent to the river and protect associated hedgerows and undergrowth, which policies and objectives are considered to be reasonable. The proposed development would, therefore, be contrary to the proper planning and development of the area.*

4. *The proposed development would result in a significant loss of existing open space within the site and would provide inadequate open space to cater for the needs of residents in the expanded Care Centre facility. The proposed development would, therefore, constitute a sub-standard form of development and would be contrary to the proper planning and sustainable development of the area.*

**SD05A/0779:** Retention of first floor extension of residential nursing care accommodation over existing nursing home within the roofspace of the existing structure

Decision: **Grant permission subject to conditions**

Completed

**SD02A/0084:** New residential care unit and renovation and conversion of existing Kiltipper House, to provide residential staff accommodation. The proposals include for partial demolition, site works, open amenity space and vehicular entrance of existing access road on Kiltipper Road.

Decision: **Grant permission subject to conditions**

Completed

### **Relevant Enforcement History**

S3402- File closed

S6365 – File closed.

S6247- File closed.

### **Pre-Planning Consultation**

PP070/21. No planning report recorded.

### **Relevant Policy in South Dublin County Council Development Plan (2016-2022)**

Section 9.2.3 Liffey Valley & Dodder Valley

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*HERITAGE, CONSERVATION AND LANDSCAPES (HCL) Policy 10 Liffey Valley and Dodder Valley*

*It is the policy of the Council to protect and enhance the visual, recreational, environmental, ecological, geological and amenity value of the Liffey Valley and Dodder Valley, as key elements of the County's Green Infrastructure network.*

### **HCL10 Objective 1:**

*To restrict development within areas designated with Zoning Objective 'HA – LV' (To protect and enhance the outstanding character and amenity of the Liffey Valley) and 'HA – DV' (To protect and enhance the outstanding character and amenity of the Dodder Valley) and ensure that new development is related to the area's amenity potential and is designed and sited to minimise environmental and visual impacts.*

### **HCL10 Objective 2:**

*To ensure that development within the Liffey Valley and Dodder Valley will not prejudice the future creation and development of uninterrupted and coherent parklands including local and regional networks of walking and cycling routes.*

### **HCL10 Objective 3:**

*To ensure that development proposals within the Liffey Valley and Dodder Valley, including local and regional networks of walking and cycling routes, maximise the opportunities for enhancement of existing ecological features and protects and incorporates high value natural heritage features including watercourses, wetlands, grasslands, woodlands, mature trees, hedgerows and ditches, as part of the County's Green Infrastructure network.*

### **HCL10 Objective 6:**

*To recognise the key role the Dodder River plays in the County's Green Infrastructure network by facilitating and supporting the continued development of the Dodder Valley (Zoning Objective 'HA – DV') as a linear park, greenway and an area of special amenity, recreational, heritage, geology, biodiversity and conservation value to include for the completion of the Dodder Green Route along the full length of the Dodder River.*

### **HCL10 Objective 7:**

*Within areas designated 'High Amenity – Liffey Valley' and 'High Amenity – Dodder Valley' non-residential development will only be permitted where it:*

*Relates to the area's amenity potential or to its use for agriculture or recreational purposes, including recreational buildings; or*

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*Comprises the redevelopment of or extensions to existing commercial or civic uses or development of new commercial or civic uses within an existing established area of commercial or civic activity; and preserves the amenity value of the river valley including its landscape value, views or vistas of the river valley and its biodiversity value.*

### **HCL16 Objective 2:**

*To promote and facilitate the creation of Permissive Access Routes and heritage trails that will provide access to high amenity, scenic and recreational lands including rural areas, forests, woodlands, waterways, upland/mountain areas, the Grand Canal, the Dodder Valley, the Liffey Valley and between historic villages (utilising modern technology), in partnership with adjoining local authorities, private landowners, semi-state and other public bodies such as Coillte and the Forest Service. Permissive Access Routes should not compromise environmentally sensitive sites.*

### **Section 9.7.0 Sites of Geological Interest**

#### **HCL19 Objective 1:**

*To protect designated County Geological Sites from inappropriate development and to promote the importance of such sites through the County's Heritage Plan.*

#### *Section 11.4.2 Car Parking Standards*

### **Assessment**

The main issues for assessment are as follows:

- Zoning & Council Policy,
- Visual Impact, Scale & Design,
- Access & Parking,
- Parks & Landscaping,
- Environmental Health,
- Heritage,
- Health Information & Quality Authority,
- Services & Drainage,
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

### **Zoning & Council Policy**

The application site is zoned 'Objective HA-DV', which sets out:

*'To protect and enhance the outstanding natural character and amenity of the Dodder Valley'*

Under this zoning objective, Nursing Home is listed as Not Permitted.

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Table 11.14: Zoning Objective ‘HA - DV’: ‘To protect and enhance the outstanding character and amenity of the Dodder Valley’\*

USE CLASSES RELATED TO ZONING OBJECTIVE	
Permitted in Principle	Open Space.
Open for Consideration	Agriculture, Allotments, Bed & Breakfast <sup>a</sup> , Car Park <sup>a,c</sup> , Cemeterys, Childcare Facilities <sup>a</sup> , Community Centre <sup>a</sup> , Cultural Uses, Doctor/Dentist <sup>a</sup> , Education, Guest House <sup>a</sup> , Home Based Economic Activities <sup>a</sup> , Hotel/ Hostel <sup>a</sup> , Place of Worships, Public House <sup>a</sup> , Public Services <sup>a</sup> , Recreational Facility <sup>a,e</sup> , Residential <sup>a</sup> , Restaurant/Cafe <sup>a</sup> , Rural Industry-Food <sup>a</sup> , Shop-Local <sup>a</sup> , Sports Club/Facility <sup>a,e</sup> , Traveller Accommodation <sup>a</sup> .
Not Permitted	Abattoir, Advertisements and Advertising Structures, Aerodrome/Airfield, Betting Office, Boarding Kennels, Camp Sites, Caravan Park-Residential, Concrete/ Asphalt Plant in or adjacent to a quarry, Conference Centre, Crematorium, Embassy, Enterprise Centre, Fuel Depot, Funeral Home, Garden Centre, Health Centre, Heavy Vehicle Park, Hospital, Housing for Older People, Industry-Extractive, Industry-General, Industry-Light, Industry-Special, Live-Work Units, Motor Sales Outlet, Nightclub, Nursing Home, Office-Based Industry, Offices less than 100 sq.m, Offices 100 sq.m-1,000 sq.m, Offices over 1,000 sq.m, Off-Licence, Outdoor Entertainment Park, Petrol Station, Primary Health Care Centre, Recycling Facility, Refuse Landfill/ Tip, Refuse Transfer Station, Residential Institution, Retail Warehouse, Retirement Home, Science and Technology Based Enterprise, Scrap Yard, Service Garage, Shop-Major Sales Outlet, Shop-Neighbourhood, Social Club, Stadium, Transport Depot, Veterinary Surgery, Warehousing, Wholesale Outlet, Wind Farm.

<sup>a</sup> In existing premises

<sup>c</sup> In accordance with Council policy for residential development in rural areas.

<sup>f</sup> Subject to acceptable landscape impact assessment

<sup>g</sup> All development classes shall not be permitted within 30m of the river bank, in order to protect recreational amenity

<sup>h</sup> For small-scale amenity or recreational purposes only

\*Note: The Division between the ‘HA-OM’ and ‘HA-DV’ zones occurs at Fort Bridge, Bohernabreena.

Table 11.15: Zoning Objective ‘OS’: ‘To preserve and provide for open space and recreational amenities’

However, it is noted that under *Section 9.2.3 Liffey Valley and Dodder Valley* of the County Development Plan 2016-2022 HCL10 Objective 7 states:

Within areas designated ‘High Amenity – Liffey Valley’ and ‘High Amenity – Dodder Valley’ non-residential development will only be permitted where it:

- Relates to the area’s amenity potential or to its use for agriculture or recreational purposes, including recreational buildings; or
- **Comprises the redevelopment of or extensions to existing commercial or civic uses or development of new commercial or civic uses within an existing established area of commercial or civic activity;** and
- Preserves the amenity value of the river valley including its landscape value, views or vistas of the river valley and its biodiversity value.

Having regard to the planning history of the site, the established use on the site and the scale and nature of the proposed development, it is considered that the proposal may be acceptable in principle subject to compliance with the policies and objectives of the SDCC Development Plan 2016-2022.

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### *Visual Impact, Scale and Design*

The 1.5 and two storey extension at the front of the main entrance will be located to the north-east of the subject site at the front of the main entrance of the existing building. It will project outwards from the main building by approximately 6.0 metres and at c.6.3m will have a height to match that of the existing building. Having regard to the overall scale and design of the proposed development and in the context of the existing 1.5 storey nursing home it is considered that the proposed additional extensions is appropriately sited and will not adversely impact on the character of the existing structure and on the amenity of the site zoned 'HA DV' which seeks to '*To protect and enhance the outstanding natural character and amenity of the Dodder Valley*'.

It is noted that the proposal creates a small area of open space in the form of a courtyard to be enjoyed by residents on site. This is welcomed. In overall terms, the site is located in close proximity to Kiltipper Park, and the residents, staff and visitors will benefit from that amenity.

### *Access & Parking*

The Roads Department has recommended refusal. However, should the proposal be granted, the Roads Department recommends items to be requested by way of **Additional Information**. An extract taken from the Roads report states the following:

*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:*

*All associated services connections and ancillary site works.*

### *Access & Roads Layout:*

#### *Set down Area*

*The existing set-down area provides what seems a safe and unconstrained area for residents and visitors to alight from cars. It also allows cars/mini-buses to safely navigate the small roundabout without the need to reverse or carry out a 3-point turn.*

*The proposed extension removes the roundabout arrangement and would significantly affect this arrangement. It introduces a reversing OR 3-point turning manoeuvre, and this is a cause of concern to the SDCC Roads Department.*



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Existing



Proposed

### *Emergency Vehicle Access*

*Access to the site for Emergency service vehicles is currently quite constrained. Reducing the square meterage and the functionality of the set down area would serve to reduce the space that emergency service vehicles have to operate in, and in turn would make the site less accessible in the event of an emergency. This is a nursing home and by its nature will at times witness a high frequency of ambulance trips. An ambulance driver's ability to navigate the site quickly and safely in an emergency situation would diminish considerably with the proposed reduced set-down area. The same would apply to other emergency service vehicles.*

### *Car Parking*

*Existing carpark: 51 spaces numbered; 11 spaces with no numbers. The proposed extension would see a reduction of 8 of the no-number spaces.*

*The parking allocation would therefore reduce from 62 to 54 spaces; users of the facility would not benefit from this reduction.*

*The maximum number of car parking spaces would be based on the number of residents and staff also; these figures would be required under AI were the proposed development to proceed.*

### *Bicycle Parking*

*There is no existing allocation for bicycle parking spaces, nor has any been proposed.*

*The minimum number of bicycle parking spaces would be based on the number of staff and residents; these figures would be required under AI were the proposed development to proceed.*

### *Additionally*

*If the proposal were to proceed, the applicant would be required to submit the following as AI:*

- Mobility Management Plan A mobility management plan is to be prepared within six months of grant of permission and is to be agreed with the Planning Authority*
- Construction Traffic Management Plan for the written agreement of the Planning Authority*
- Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority*

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- *Staff & Resident numbers*
- *Revised drawings showing:*
  - *5% mobility car parking provision*
  - *10% electric car charging point provision*
  - *Swept-path analysis drawings (AutoTRAK) for emergency service vehicles and refuse collection*

### **ROADS RECOMMENDs REFUSAL**

*The proposed reduction in the car parking provision along with the proposed increase in floor area. Is not in line with the SDCC county development plan and sustainable travel for this type of development.*

*There will be a reduction in on curtilage area for emergency vehicles to turn and exit safely due to the removing the existing turning area and parking spaces. Generating an increase in traffic hazard at the development*

The Planning Department note the concerns of the Roads report. The proposal represents an extension of the existing proposal, and it is considered that a site wide approach to the car parking is required. The County Development Plan indicates a maximum quantum of car parking spaces for nursing homes in Zone 1 as 1 per 4 residents. The applicant shall be requested to demonstrate compliance with same and address the emergency vehicle movements by further information.

### ***Parks & Landscaping***

The Dodder Greenway (Kiltipper Park Phase 1, completed late 2019) passes along a section just outside of the site boundary to the south and south-east of the subject site. The Dodder Greenway route pathway is located to the east of the subject site but is outside of the red line site boundary. It is considered that the proposed development would not impact on the Dodder Valley pedestrian route.

A report was received from the Parks Department recommending **conditions** to be attached in the event of a grant of permission. An extract taken from the Parks report states the following:

#### *Public Realm Comments:*

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

*The Public Realm Section has reviewed the above application and has no objections in principle to the proposed development.*

*The only comment the Public Realm Section wishes to make relates to the proposed artificial grass surfacing for the internal courtyard. It is the opinion of the Public Realm Section that*

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*consideration should be given to a natural grass lawn in this situation. See below justification for a natural lawn as opposed to artificial grass:*

- (i). A natural lawn acts as part of the natural landscape, nurturing and sustaining life, absorbing organic material, producing oxygen and helping maintain ground temperature equilibrium.*
- (ii). Lawns actually sustain living organisms which help the soil to breathe. As such they are part of the eco-system.*
- (iii). Artificial lawns are made from petroleum-based plastic which creates artificial waste in its manufacture.*
- (iv). At the end of its 20 year life, artificial lawns cannot be recycled and end up in landfill, this is not sustainable.*
- (v). In hot weather, a natural lawn has a cooling effect, the opposite of what happens with artificial grass.*
- (vi). Aesthetics is not just about how things look. It is also about how things feel, and harmonising human and natural environments. A natural lawn connects people with the natural environment – something a plastic outdoor carpet cannot do.*

*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 Plan (Implementation of Submitted Details)*

*The landscaping plan shown on drawing No. L0-01 Landscape Proposals shall be carried out in the first planting and seeding seasons following completion of the development. Any trees or plants which within a period of 3 years from the completion of the development die, are removed or become seriously damaged or diseased, shall be replaced in the next planting season with others of similar size and species unless the Local Planning Authority gives written consent to any variation.*

*REASON: To secure the provision and retention of the landscaping in the interests of the visual amenity of the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022.*

### *2. Sustainable Drainage System (SuDS)*

*No development shall take place until a Sustainable Drainage Strategy and associated detailed design, management and maintenance plan of surface water drainage for the site using SuDS methods has been submitted to and approved in writing by the Planning Authority. The approved drainage system shall be implemented in accordance with the approved Sustainable Drainage Strategy prior to the use of the building commencing and maintained thereafter for the lifetime of the development.*

*REASON: To prevent the increased risk of flooding by ensuring the provision of a satisfactory means of surface water disposal is incorporated into the design and the build and that the*

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*principles of sustainable drainage are incorporated into this proposal and maintained for the lifetime of the proposal, 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.*

Following further consultation with the Parks Department the following recommendations are noted:

*It would be in order, given the proximity of the Dodder Valley to seek a bat survey if one has not been provided.*

*If it is intended to grant the permission, we would recommend requiring the following as **conditions**.*

*We would seek the transfer of a small strip of land in the west of the site at the boundary into Kiltipper Park to ensure the long term viability of the existing walking route through the site. In addition, it would be recommended that the existing walking route through the site be upgraded to a walking and cycling route (i.e., a shared route) to facilitate use by cyclists.*

It is considered appropriate to include as part of a further information request.

### ***Environmental Health***

A report was received from the Environmental Health Officer (EHO) recommending the proposal to be acceptable subject to **conditions**. An extract taken from the EHO report states the following:

*Development Summary: The development proposes a first floor extension at the front of the existing premises and internal alterations. The nursing home is on mains supply for water and main drains. As such noise and dust as, potential impacts are all that are noted as the home is adjacent to a large amount of domestic residences.*

### ***Decision:***

*The above development is acceptable to this office subject to the following conditions:*

### ***Noise***

*1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that: The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is **NOT PERMITTED** outside the following hours*

*Before 07.00 hours on weekdays, Monday to Friday*

*Before 09.00 hours on Saturdays.*

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*After 19.00 hours on weekdays, Monday to Friday.*

*After 13.00 hours on Saturdays.*

*Not permitted at any time on Sundays, Bank Holidays or Public Holidays.*

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

### Air Quality

*2. During the construction 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.*

*Reason: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

### **Heritage,**

No report received.

### **Health Information & Quality Authority,**

No report received.

### **Services & Drainage**

A report was received by Surface Water Drainage recommending **Additional Information** be requested regarding requirements for Surface Water Drainage. A report was received by Irish Water recommending no objection subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report:                   **Further Information Required:***

*1.1 There is no report showing surface water attenuation calculations for proposed development. It is unclear what available attenuation capacity exists if any in proposed/existing surface water attenuation system. It is also unclear if proposed soakaway is new or existing.*

*Submit a report showing surface water attenuation calculations for the entire site and proposed new extension. The report shall show the site area in hectares or m<sup>2</sup>, and each surface type. Include the areas of each surface type such as buildings, roads, permeable paving, green areas in m<sup>2</sup> and their respective run off coefficients. Show what the  $Q_{bar}$  in litres/second, SAAR (Standard Annual Average Rainfall) value is for proposed site and Met Eireann site specific rainfall data.*

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*If a soakaway is proposed to discharge water, then submit a report showing percolation tests results as per BRE Digest 365 Standards.*

*Also submit a drawing in plan and cross sectional view showing design details of proposed soakaway as per BRE Digest 365 Standards. Such a soakaway shall have an overflow connect to the public surface water sewer.*

*1.2 The surface water drawing is incomplete. Submit a revised drawing showing the surface water layout of proposed development and include SuDS (Sustainable Drainage Systems) as a means of attenuation.*

*SuDS should first be used as a means of attenuating surface water and where this is not sufficient additional arched type attenuation can be used or existing surface water attenuation if there is available capacity in same. Examples of SuDS include,*

- Green roof*
- Blue roofs*
- Permeable paving*
- Grasscrete*
- Filter Drains*
- Channell rills*
- Swales*
- Tree pits*
- And other such SuDS.*

*Flood Risk: No Objection*

*The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*

*Any 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.*

An extract taken from the Irish Water report states the following:

### *1 Water*

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

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

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### **2 Foul**

*Prior to the commencement of development, the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.*

*REASON: In the interest of public health and to ensure adequate waste water facilities.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

### ***Screening for Appropriate Assessment (AA)***

Having regard to the distance of the proposed development from any Natura 2000 sites, the nature and scale of the proposed development in the context of the surrounding developments, it is not considered that the proposed development is likely to have a negative effect on a Natura 2000 site and therefore a Stage 2 Appropriate Assessment is not required.

### ***Environmental Impact Assessment (EIAR)***

Having regard to the nature and scale of the proposed development and pursuant to Schedule 5 of the Planning and Development Regulations 2001 (as amended), the proposal is not a class of development for which a mandatory Environmental Impact Assessment Report is required. Additionally, having regard to the distance of the site from nearby sensitive receptors, the need for environmental impact assessment can, therefore, be excluded at preliminary examination and a screening determination is not required.

### **Conclusion**

Further information required in relation to the integration with the Dodder Greenway, the car parking, emergency vehicles and surface water.

### **Recommendation**

Request Additional Information.

### **Further Information**

- Further Information was requested on 14/12/2021.
- Further Information was received on 27/06/2022.

The period for submitting A.I was extended by order PR/0594/22 up to and including 22/09/2022.

No submissions/observations on the further information have been made.

The following Further Information was requested.

### **Item 1: SUDS**

(1) There is no report showing surface water attenuation calculations for proposed development. It is unclear what available attenuation capacity exists if any in proposed/existing surface water attenuation system. It is also unclear if proposed soakaway is new or existing.

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Submit a report showing surface water attenuation calculations for the entire site and proposed new extension. The report shall show the site area in hectares or m<sup>2</sup>, and each surface type. Include the areas of each surface type such as buildings, roads, permeable paving, green areas in m<sup>2</sup> and their respective run off coefficients. Show what the Q<sub>bar</sub> in litres/second, SAAR (Standard Annual Average Rainfall) value is for proposed site and Met Eireann site specific rainfall data.

If a soakaway is proposed to discharge water, then submit a report showing percolation tests results as per BRE Digest 365 Standards.

Also submit a drawing in plan and cross sectional view showing design details of proposed soakaway as per BRE Digest 365 Standards. Such a soakaway shall have an overflow connect to the public surface water sewer.

(2) The surface water drawing is incomplete. Submit a revised drawing showing the surface water layout of proposed development and include SuDS (Sustainable Drainage Systems) as a means of attenuation.

SuDS should first be used as a means of attenuating surface water and where this is not sufficient additional arched type attenuation can be used or existing surface water attenuation if there is available capacity in same. Examples of SuDS include:

- Green roof
- Blue roofs
- Permeable paving
- Grasscrete
- Filter Drains
- Channell rills
- Swales
- Tree pits
- And other such SuDS.

### Item 2: Access & Land Transfer

The applicant is advised that the Planning Authority considers the continued access for the residents and the public from the subject site to the Kiltipper Park as a key consideration in the justification of the increased intensity of use on the site.

To ensure the future viability, the Council seeks the transfer of a small strip of land in the south west of the site at the boundary into Kiltipper Park that accommodates a section of the existing access to ensure the long term viability of the existing walking route through the site.

The applicant is invited to discuss the transfer with the Planning Authority and Public Realm Sections of the Council prior to a further information response.

### Item 3: Car

The Planning Authority advises that the Roads Department has recommended refusal of the proposed development. The applicant is requested to provide the following:



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- (a) A robust car parking justification for the subject site, including the existing, in the context of the South Dublin County Development Plan 2016-2022.
- (b) The applicant is advised that the upgrading of the existing walking route through the site to a walking and cycling route (i.e., a shared route) to facilitate use by cyclists would be a positive sustainable transport development and would reduce demand for car parking. The applicant is requested to include same.
- (c) Swept-path analysis drawings (AutoTRAK) for emergency service vehicles and refuse collection.
- (d) Staff & Resident numbers.
- (e) Revised drawings showing:
  - 5% mobility car parking provision
  - 10% electric car charging point provision

### Item 4: Grass

The applicant is requested to consider a natural grass lawn in place of the artificial grass. See below justification for a natural lawn by SDCC public realm as opposed to artificial grass in the courtyard:

- (i). A natural lawn acts as part of the natural landscape, nurturing and sustaining life, absorbing organic material, producing oxygen and helping maintain ground temperature equilibrium.
- (ii). Lawns actually sustain living organisms which help the soil to breathe. As such they are part of the eco-system.
- (iii). Artificial lawns are made from petroleum-based plastic which creates artificial waste in its manufacture.
- (iv). At the end of its 20 year life, artificial lawns cannot be recycled and end up in landfill, this is not sustainable.
- (v). In hot weather, a natural lawn has a cooling effect, the opposite of what happens with artificial grass.
- (vi). Aesthetics is not just about how things look. It is also about how things feel, and harmonising human and natural environments. A natural lawn connects people with the natural environment – something a plastic outdoor carpet cannot do.

### Item 5: Bats

Given the proximity of the Dodder Valley, a bat survey carried out by a suitably qualified professional is required.

### Further Consultations

Roads Department – **Clarification of Additional Information** recommended or **conditions** to be attached to a grant.

Heritage – Acceptable subject to **conditions**.

Parks Department – Grant with **conditions**.

Irish Water – No objection subject to **conditions**.

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Surface Water Drainage – No objection subject to **conditions**.

Environmental Health – No further observations with respect to this plan.

### **Further Submissions/Observations**

None received.

### **Assessment**

#### **Item 1: SUDS**

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

#### *Our Response to Item 1 (1)*

The necessary technical assessment and calculations are provided by Kevin McShane Ltd and are attached. That report shows surface water attenuation calculations for the proposed development. The existing available capacity in the existing surface water attenuation system is also identified in the attached work from Kevin McShane Ltd. The proposed soakaway is new. Surface water attenuation calculations for the entire site and for the proposed extension are shown in the attached. Land areas, in m<sup>2</sup> and each surface type, including buildings, is identified as requested along with the necessary calculations. The proposed soakaway is supported in the presentation of percolation test results as per BRE Digest 365 Standards. The details of the proposed soakaway are presented in plan/section format as you have requested and we confirm that the soakaway will have an over flow connection to the public surface water sewer.

We believe that all the questions posed under item 1 (1) are responded to.

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### *Our Response to Item 1(2)*

A revised surface water drawing is submitted having been undertaken by Kevin McShane Engineers. A technical surface drainage water assessment has also been undertaken.

A Sustainable Urban Drainage Systems (SUDS) have been used to alleviate the detrimental impacts of traditional urban storm water drainage systems. The proposed surface water for this application will include an enlargement of the existing underground StormTec attenuation tank. Surface water and foul drainage systems have been separated within the site.

Additional SUDS in the form of green roofs and porous paving or swales has been considered but given the current roof structure and relatively modest increase in hardstanding areas, of 247m<sup>2</sup>, the most efficient SUDS solution is the enlargement

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of the existing SUDS attenuation tank. Furthermore, this increased area is roof area, with a decrease in the existing roads area so there will be no increase in risk of pollutants entering the drainage system.

Based on the additional information received both SDCC Surface Water Drainage and Irish Water have issued reports recommending no objections subject to **conditions**. An extract taken from the Surface Water Drainage report states the following:

*Surface Water Report: No Objection Subject To:*

*Flood Risk: No Objection*

*The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.*

*Any new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.*

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

An extract taken from the Irish Water report states the following:

### 1 Water

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

*Reason: In the interest of public health and to ensure adequate water facilities.*

### 2 Foul

*Prior to the commencement of development, the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.*

*Reason: In the interest of public health and to ensure adequate waste water facilities.*

Based on the recommendations from both Surface Water and Irish Water reports the Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item. It is considered appropriate to attach the above **conditions** in the event of a grant.

### Item 2: Access & Land Transfer

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

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#### *Our Response to Item 2*

This item covers two issues. The first and least contentious is the transfer of a small strip of land from the applicant's ownership to the Council. The applicant understands and accepts that the Council would want all of Kiltipper Park in their ownership and in a virtual meeting with the Parks Department on 12<sup>th</sup> April 2022 this was agreed as a matter of principle with the local authority.

The following are the key points with the last perhaps the most important in the context of the determination of this application.

- The south easterly element of the red line of the application site encroaches over an area of parkland and a footpath.
- For reasons of upkeep, safety and insurance that path should be in the control of the local planning authority. (It should be noted that the park is zoned open space so the development potential of this relatively small area is extremely limited). The County Council would be very uncomfortable with an area of parkland under their upkeep being owned by a third party.
- The area of encroachment is not considered significant.
- It is considered that the extension proposed is relatively significant and that it could be argued that the amount of open space available within the application site is insufficient for the scale of development existing and now additionally proposed.
- The provision of a gate would enable direct access to the park for the benefit of the homes existing and prospective residents.
- It was agreed that the transfer of lands between the applicant and the local authority would not have to be affected prior to the grant of

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planning permission and that a planning condition would be sought by the applicants requesting that the transfer of lands and the provision of the gate be provided post the grant of planning permission but prior to the commencement of the permitted development.

The meeting was attended by Oisín Egan, Executive Parks Superintendent Public Realm and Lawrence Collieran Senior Executive Parks Superintendent.

Our client is willing to not only transfer the land but also provide a gate as requested in this RFI item. It has come to our attention as a result of further subsequent engagement with Oisín Egan, however, that the Parks section would prefer if such a gate is NOT provided on the basis, we understand, that the Council prefer to limit the number of entrances and exits into their parks for operational and safety reasons. There would appear to be something of a discrepancy between the position of the Parks Section and the Planning Department therefore. Our client will provide a gate if that is the Council's final position on this and revised Proposed Site Layout Plan submitted with this Further Information shows that gate. If the Council do want that gate then it can be provided by the applicant as shown and this can be a requirement of any planning permission and can be the subject of a planning condition if the County Council are so minded. Should the Council not want the gate then our client will not provide it and it can be conditioned out.

Please see attached proof of ownership by our client of the strip of land in question and also a plan of land to be transferred.

What we can say with certainty is that our client is willing to provide the gate if requested to do so. They can also assure that they will transfer the relevant strip of land. Whether the gate is provided, the facility's residents both existing and prospective can still access the park albeit over a longer distance. Whether the gate is provided there is still a significant planning gain in terms of the transfer of land within the park to the Council.

We await to hear the County Council's definitive position on the provision of the gate.

Based on the above a report was received from the Parks Department recommending to grant with **conditions**. It is noted that a meeting was held with SDCC Parks Department and the agent regarding the land transfer of 99.6sq.m. (0.00996Ha) of land from land in the applicant's ownership to SDCC which was agreed in principle. A copy of the Land Transfer map is attached below. An extract taken from the Parks report states the following:

### Landscape Proposals

*The submitted landscape proposals and proposed transfer of land are in principle acceptable to the Public Realm Section.*

*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:*



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### **1. Implementation of Landscape Masterplan**

*The landscaping scheme shown on drawing No. L0-01A shall be implemented in full, within the first planting season following completion of the development, in addition:*

- a) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan*
- b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard surfaces).*
- c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 "Trees in Relation to Design, Demolition and Construction – Recommendations".*
- d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted*

*REASON: To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022*

### **2. Retention of Landscape Architect**

- i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.*
- ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.*
- iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.*

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

### **3. Landscape Management and Maintenance**

*A Landscape Management and Maintenance Plan shall be submitted to the planning authority prior to occupation of the development. This Landscape Management and Maintenance Plan shall cover a period of at least three years and shall include details of the arrangements for its implementation. All planting shall be adequately protected from damage until established and maintained thereafter. Any plants which die, are removed or become seriously damaged or*

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*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.*

*REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity.*

### **4. 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, 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, 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.*

*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.*

### **5. Transfer of Land to SDCC**

*The transfer of land as required under Item 2 of the Request for Further Information shall take place prior to the commencement of the permitted development. In order to proceed with the transfer of title of the open space lands to SDCC as agreed with the Public Realm Section and as outlined within the submitted documentation, the developer shall submit the following information for the written approval of the Public Realm Section:*



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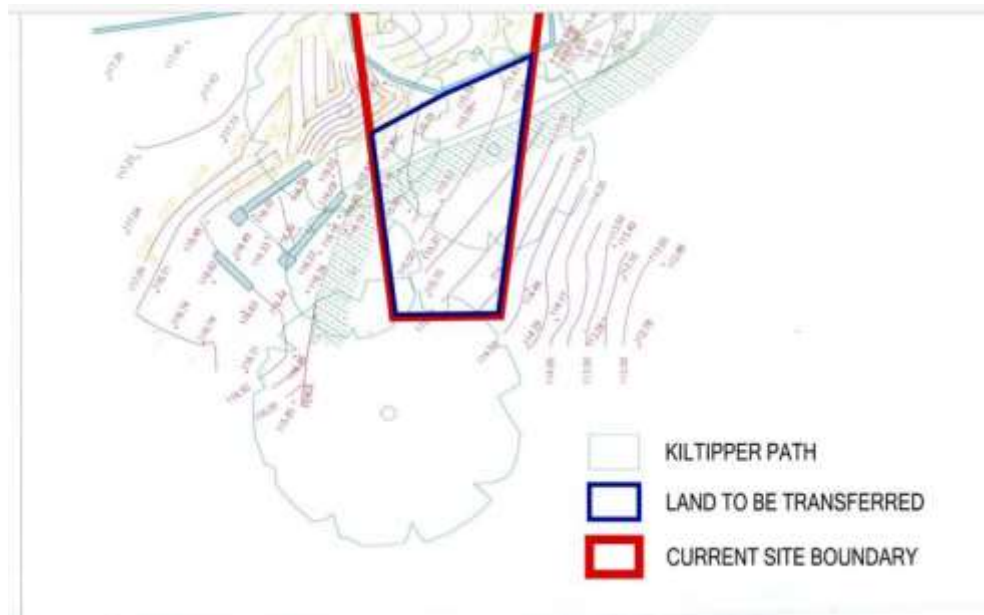
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- 1) *An accurate map to Land Registry Requirements (i.e. Ordnance Survey map to scale of 1:1000) with lands to be transferred outlined in red thereon, also associated Folio numbers to be written on this map.*
- 2) *Evidence of the Vendor's title i.e. copy of Land Registry Folio or copy of Deeds if unregistered land etc.,*
- 3) *A separate letter of confirmation that the lands being transferred as outlined on the maps are contained within the relevant folios and/ or Deeds.*
- 4) *Draft Deed of Transfer (with proof of ownership and folio numbers attached)*

*REASON: To ensure the future viability of the existing walking route through the site and continued future public access into Kiltipper Park.*

Land Transfer Map submitted as part of Additional Information Response.



It is considered appropriate to attach the above **conditions** in the event of a grant of permission. It is noted that it was confirmed by the Parks Department and the applicant that the land parcel subject to land transfer measures an area of 99.6s.m. (0.00996Ha). The Planning Authority consider that the pedestrian gate should be included.

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### Item 3: Access & Car Parking

The applicant has submitted a cover letter in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

#### *Our Response to Item 3*

In response to the above item Kevin McShane Ltd was commissioned to produce a car parking assessment which is attached.

In respect of part (a) above the parking assessment reached the following conclusions.

- The existing car park provision (61 spaces) at the site is currently underutilised, average car park utilisation during typical day was observed to be 47% and 50%;
- There is reserve capacity within the existing car park;
- The additional 19 residents associated with the site extension will generate additional parking demand at the site;
- The revised site layout will reduce parking supply to provide 51 spaces at the site;
- When the parking demand associated with the additional residents and the proposed car parking layout are considered, there remains sufficient capacity to accommodate the proposed parking demand at the site.

We believe that the above clearly justifies the parking provision proposed and that there is no planning merit to a refusal of planning permission based in parking grounds.

In respect of Part (b) of Item 3 upgrades of the existing walking routes are shown in Drawing 21-182-SK006 which is attached.

In respect of Part (c) Drawing 21-182-SK003 shows the requested swept path analysis.

In respect of Part (d) The resident numbers are set out in 21-182 Car Parking Technical Note Rev A. The number of staff varies depending with the level of care to be provided to residents. Therefore, the number of staff is not fixed. The attached car parking technical note fully justifies the parking provision proposed based on acknowledged parameters and current standards.

In respect of Part (e) the Car Parking Technical Note advises that one EV charging point is required. We attach therefore a revised site plan showing the mobility parking and EV charging point. It is considered that the requirements stipulated are unduly onerous and what is proposed is fully justified.

Based on the additional information submitted a report was received from the Roads Department recommending **Clarification of Additional Information** or grant with **conditions**.

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An extract taken from the SDCC Roads report states the following:

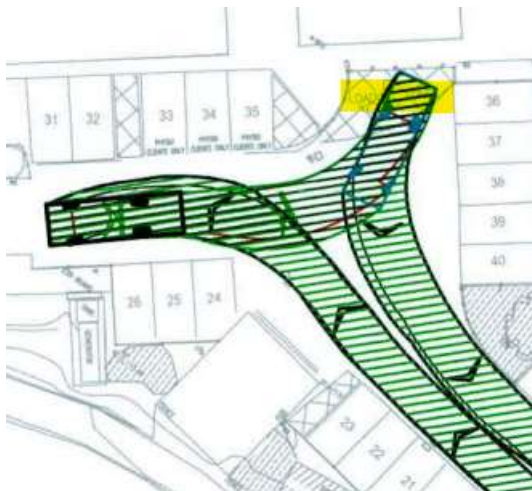
### Roads Department Assessment:

#### 3(a) Parking Provision:

*The applicant has submitted a Parking Assessment Technical report in his submission. There are 59no. existing car parking spaces provided. The CDP maximum is 35no. car parking spaces. However, this is an existing development, and the parking was granted on previous car parking standards. I propose that the parking spaces no. 55 to no. 59 be removed and a 2.0m wide footpath be installed at this location. I also propose that applicant convert 10% of the car parking spaces (4no.) to electric charging spaces. The roads department suggests converting spaces no. 36 to no. 40 to Electric Vehicle spaces. The exact location of these spaces can be agreed with the roads department.*

*3 (b) A 1.5 m advisory cycle lane marking needs to be provided along the access road into the development. The drawing provided is not clear in this regard. Detailed section drawing is required to show kerb lines, footpath and advisory cycle lane markings. Roads require that one course of 10mm SMA is laid at 40mm depth and 14mm AC base course material shall be laid on any carriageway/footpath shared surfaces.*

*3 (c) A swept path analysis drawing has been submitted by the applicant showing refuse truck turning movements.*



*3(d) A total of 54no. spaces shall be provided for the 140 residents and staff. This parking provision is believed to be adequate.*

*3 no. spaces are mobility impaired spaces are to be provided (5%) Okay.*

*5no. spaces for Electrical spaces are to be provided (10%) Okay.*

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### *Clarification of Additional Information is required:*

- 1. Applicant shall submit a revised drawing showing minimum 10% of carpark spaces equipped with EV function. (4no. EV Spaces)*
- 2. The applicant shall submit a revised drawing showing the removal of car parking spaces no. 55 to no. 59 and replaced with a 2.0m wide footpath at this location.*
- 3. Applicant to submit a revised access road plan drawing showing a 1.5m wide advisory cycle lane. A section drawing should also be included showing dimensions of the advisory cycle lane, the overall carriageway width and footpath width at three locations along the access road into the development.*
- 4. The applicant shall submit details that any carriageway upgrades shall be constructed with 10mm SMA surface course laid at 40mm depth and 14mm AC base course material.*

### *Should the permission be granted Roads recommend the following **conditions** are applied:*

- 1. Prior to commencement, the applicant to submit a revised drawing showing minimum 10% of carpark spaces equipped with EV function. (4no. EV Spaces). This is to be agreed in writing with the planning department.*
- 2. Prior to commencement, the applicant shall submit a revised drawing showing the removal of car parking spaces no. 55 to no. 59 and replaced with a 2.0m wide footpath at this location.*
- 3. Prior to commencement, the applicant to submit a revised access road plan drawing showing a 1.5m wide advisory cycle lane. A section drawing should also be included showing dimensions of the advisory cycle lane, the overall carriageway width and footpath width at three locations along the access road into the development.*
- 4. Prior to commencement, the applicant shall submit details that any carriageway upgrades shall be constructed with 10mm SMA surface course laid at 40mm depth and 14mm AC base course material.*
- 5. Construction Traffic Management Plan for the written agreement of the Planning Authority to be submitted.*
- 6. Construction & Demolition Waste Management Plan (C&DWMP) for the written agreement of the Planning Authority to be submitted.*
- 7. Mobility Management Plan A mobility management plan is to be prepared within six months of grant of permission and is to be agreed with the Planning Authority.*

Based on the report from the Roads Department it is considered that the above may be dealt with by **condition** in the event of a grant whereby the above **conditions** as recommended are attached.

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### Item 4: Grass

The applicant has submitted a cover letter and a drawings PL02A in an attempt to address the request for additional information. An extract taken from the cover letter states the following:

#### *Our Response to Item 3*

Our client is agreeable to providing natural grass as requested in the RFI. This is shown in revised site layout Plan PL02A.

It is noted that the submission lists this Item incorrectly as Item 3 when it should be Item 4. The provision of natural grass and the omission of the artificial grass is welcomed. The Planning Authority considers the applicant has satisfactorily responded to the request for additional information for this item.

### Item 5: Bats



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### *Our Response to Item 5*

In response to this item a bat survey was undertaken by Allen and Mellon Environmental of a section of a building situated at Kiltipper Road, Tallaght, County Dublin.

The building is a modern structure purpose-built as a care home in 2004. The proposed extension will affect only a small part of the building and a significant section of the area affected is a flat-roofed area which houses the current reception area.

The survey to assess the use of the building by bats was undertaken under NPWS licence in February 2022. No evidence of bat occupation such as live bats, droppings or food remains was found in either the interior or exterior of the building. There were no notable gaps between the roof slates and ridge tiles while the PVC fascia boards and soffits were generally in excellent repair and fit tightly to the walls and roof. The PVC window frames were also in good repair with no cracks or cavities between frame and walls.

There were no obvious access points to the building's roof voids which were extremely well-insulated and maintained. The roof-void ceilings were lined with

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plywood-faced boarding and insulation panels preventing access by bats into the roof space area. Many sections were partially floored and were used as storage space.

Several gaps were recorded in the exterior roof structure. However, on the basis of the evidence obtained, the building was classified as low suitability for roosting bats. However, the presence of individual or small numbers of bats using the building in spring or summer could not be excluded.

In line with the Bat Mitigation Guidelines, a single dusk emergence survey is recommended by Allen and Mellon be undertaken in advance of construction work in order to confirm whether bats are present. That survey would be carried out between May and August should planning permission be granted. If no emerging bats are recorded then the applicant's ecologist's advice that no further work is recommended for this proposal. If the presence of roosting bats is confirmed further survey work may be required and a Mitigation Plan will be required before development work can commence. Our client will accept a planning condition to this effect.

As the existing Bat report had stated

*'No bats or evidence of roosting bats was found during the survey. However, several potential bat roost features were identified, and the building was assessed as being of low bat roost suitability.'*

and the recommendation was:

*'In light of this assessment it is recommended that before construction work begins, a single dusk emergence survey should be undertaken at an appropriate time of year (May to August) to confirm the presence or absence of roosting bats at the potential roost features identified.'*

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Based on the additional information submitted the SDCC Heritage Officer issued a report recommending no objections subject to **conditions**. An extract taken from the Heritage Officers report states the following:

*The bat report is acceptable. I recommend the inclusion of the details presented in 6.1 and 6.5 of the bat report's Assessment and Recommendations section as a **Condition** if the application is to be granted.*

It is considered appropriate to attach the above **conditions** in the event of a grant.

### ***Other Considerations***

#### **Development Contributions**

- Extensions and alterations to care centre
- Proposed works measure c.1012sq.m.

<b>SEA Monitoring Information</b>	
<b>Building Use Type Proposed</b>	<b>Floor Area (sq.m)</b>
Residential – extensions and alterations	1012
<b>Land Type</b>	<b>Site Area (Ha.)</b>
Brownfield/Urban Consolidation	1.2785 Hectares

### **Conclusion**

Having regard to the provisions of the South Dublin County Council Development Plan 2016-2022, the Planning Authority is satisfied that subject to conditions the development is consistent with the Development Plan provisions and the proper planning and sustainable development of the area and accordingly a grant of permission is recommended.

### **Recommendation**

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

## **FIRST SCHEDULE**

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

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### SECOND SCHEDULE

#### Conditions and Reasons

1. Development to be in accordance with submitted plans and details.  
The development shall be carried out and completed in its entirety in accordance with the plans, particulars and specifications lodged with the application, and as amended by Further Information received on 27/06/2022, save as may be required by the other conditions attached hereto.  
REASON: To ensure that the development shall be in accordance with the permission, and that effective control be maintained.
2. Drainage - Irish Water.
  - (i). The Developer shall ensure that there is complete separation of the foul and surface water drainage for the proposed development.
  - (ii). Any new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.
  - (iii). All works for this development shall comply with the requirements of the Greater Dublin Regional Code of Practice for Drainage Works.
  - (iv). Prior to the commencement of development the applicant or developer shall enter into water connection agreement(s) with Irish Water.
  - (v). Prior to the commencement of development the applicant or developer shall enter into waste water connection agreement(s) with Irish Water.
  - (vi). The water supply and drainage infrastructure, shall comply with the requirements of Irish Water.
  - (vii). There shall be complete separation of the foul and surface water drainage systems, both in respect of installation and use. All new precast surface water manholes shall have a minimum thickness surround of 150mm Concrete Class B.REASON: In the interests of public health, the proper planning and sustainable development of the area and in order to ensure adequate water supply and drainage provision.
3. Access & Parking  
Prior to commencement of development, the applicant shall submit to the Planning Authority for written approval:
  - (a). a revised drawing showing minimum 10% of carpark spaces equipped with EV function. (4no. EV Spaces).
  - (b). a revised drawing showing the removal of car parking spaces no. 55 to no. 59 and replaced with a 2.0m wide footpath at this location.
  - (c). a revised access site layout plan drawing showing a 1.5m wide advisory cycle lane from the Kiltipper Road to the Dodder Greenway entrance gate unless otherwise agreed with the Planning Authority. A section drawing should also be included showing



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dimensions of the advisory cycle lane, the overall carriageway width and footpath width at three locations along the access road into the development.

(d). details that any carriageway upgrades shall be constructed with 10mm SMA surface course laid at 40mm depth and 14mm AC base course material.

(e). a Construction Traffic Management Plan

(f). a Construction & Demolition Waste Management Plan (C&DWMP)

(g). a Mobility Management Plan to be prepared within six months of date of final grant of permission

(f). Pedestrian access to the Greenway shall be provided as per the submitted further information response. Prior to occupation, the applicant shall submit a management proposal for this gated access for the written agreement of the Planning Authority.

REASON: In the interest of sustainable modes, the residential amenity of occupants and the proper planning and sustainable development.

#### 4. Bats.

All details as presented in the Assessment and Recommendations section of the Bat Roost Survey Report shall be adhered to in full.

Reason: To protect bats and in the interest of proper planning and sustainable development.

#### 5. Land Transfer

The transfer of land (c99.6sq.m./0.00996Ha) to South Dublin County Council as detailed in the response to Item 2 of the Request for Further Information shall commence prior to the commencement of the proposed development and shall be completed prior to the occupation of the proposed development.

REASON: To ensure the future viability of the existing walking route through the site and continued future public access into Kiltipper Park.

#### 6. SUDS

Prior to commencement of development the applicant shall submit to the Planning Authority for written approval a comprehensive SUDS Management Plan 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, 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

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green roofs, grass areas, 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.

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

### 7. Noise

1. To control, limit and prevent the generation of Environmental Noise Pollution from occurring the Environmental Health Department of South Dublin County Council, hereby informs you that :

The use of machinery, plant, or equipment (which includes pneumatic drills, generators and the movement on and off the site of construction vehicles) is NOT PERMITTED outside the following hours

Before 07.00 hours on weekdays, Monday to Friday

Before 09.00 hours on Saturdays.

After 19.00 hours on weekdays, Monday to Friday.

After 13.00 hours on Saturdays.

Not permitted at any time on Sundays, Bank Holidays or Public Holidays.

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

### 8. Landscaping.

The landscaping scheme shown on drawing No. L0-01A shall be implemented in full, within the first planting season following completion of the development, in addition:

a) All hard and soft landscape works shall be completed in full accordance with the approved Landscape Plan

b) All trees, shrubs and hedge plants supplied shall comply with the requirements of BS: 3936, Specification for Nursery Stock. All pre-planting site preparation, planting and post-planting maintenance works shall be carried out in accordance with the requirements of BS : 4428 (1989) Code of Practice for General Landscape Operations (excluding hard

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surfaces).

c) All new tree plantings shall be positioned in accordance with the requirements of Table 3 of BS 5837: 2012 Trees in Relation to Design, Demolition and Construction – Recommendations.

d) Any trees, shrubs or hedges planted in accordance with this condition which are removed, die, become severely damaged or become seriously diseased within three years of planting shall be replaced within the next planting season by trees, shrubs or hedging plants of similar size and species to those originally required to be planted

### 2. Retention of Landscape Architect

i) Prior to the commencement of any permitted development, the developer shall appoint and retain the services of a qualified Landscape Architect (or qualified Landscape Designer) as a Landscape Consultant, throughout the life of the construction works and shall notify the planning authority of that appointment in writing prior to commencement.

ii) A Practical Completion Certificate is to be signed off by the Landscape Architect when all landscape works are fully completed to the satisfaction of the planning authority in accordance with the permitted landscape proposals.

iii) Installation of attenuation tree pits shall be supervised by the project landscape architect.

### 3. Landscape Management and Maintenance

A Landscape Management and Maintenance Plan shall be submitted to the planning authority prior to occupation of the development. This Landscape Management and Maintenance Plan shall cover a period of at least three years and shall include details of the arrangements for its implementation. 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.

REASON: To provide for the satisfactory future maintenance of this development in the interest of visual amenity. To ensure satisfactory landscape treatment of the site which will enhance the character and appearance of the site and the area, in accordance with the policies and objectives contained within Section 8.3.0 Public Open Space Hierarchy and Landscape Setting of the CDP 2016-2022. In the interests of residential and visual amenity and to ensure full and verifiable implementation of the approved landscape design.

### 9. Air Quality

During the construction 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.

REASON: To contain dust arising from construction in the interests of public health and to prevent nuisance being caused to occupiers of buildings in the vicinity.

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### 10. Financial Contribution.

The developer shall pay to the Planning Authority a financial contribution of €99,945.12 (ninety nine thousand nine hundred and forty five euros and twelve cents), in respect of public infrastructure and facilities benefiting development within the area of the Planning Authority, that is provided, or intended to be provided by or on behalf of the authority, in accordance with the terms of the Development Contribution Scheme 2021 - 2025, made under Section 48 of the Planning and Development Acts 2000-2011 (as amended).

The contributions under the Scheme shall be payable prior to commencement of development or as otherwise agreed in writing by the Council. Contributions due in respect of permission for retention will become payable immediately on issue of the final grant of permission. Contributions shall be payable at the index adjusted rate pertaining to the year in which implementation of the planning permission is commenced.

REASON: The provision of such facilities will facilitate the proposed development. It is considered reasonable that the payment of a contribution be required, in respect of public infrastructure and facilities benefiting development in the area of the Planning Authority and that is provided, or that is intended will be provided, by or on behalf of the Local Authority.

NOTE RE: CONDITION - Please note that with effect from 1st January 2014, Irish Water is now the statutory body responsible for water services. Further details/clarification can be obtained from Irish Water at Tel. 01 6021000 or by emailing customerservice@water.ie.

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

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

NOTE: Waste, arising from the site, must be kept to a minimum, segregated where appropriate, and disposed in accordance with the Waste Management Regulations 2007, as amended. Transport of such waste, must be by an authorised waste permit holder. Waste disposal records must be maintained and made available, for inspection by Authorised Persons appointed under the Waste Management Act 1996, as amended. A Waste Transfer Form shall accompany the transportation of all hazardous waste arising from the construction works.

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

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constitutes an offence.

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

NOTE: The requirements of the HSE Environmental Health Officer shall be ascertained prior to the commencement of development in the interest of public health.

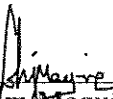
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**REG. REF. SD21A/0287**

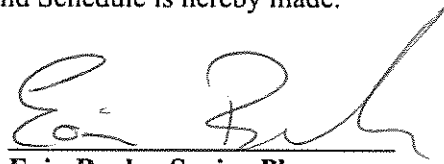
**LOCATION: Kiltipper Woods Care Centre, Kiltipper Road, Bohernabreena, Dublin 24,  
D24A248**

  
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**Colin Maguire,  
Executive Planner**

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

**Date:**

25/7/22

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