

Comhairle Chontae Atha Cliath Theas

PR/1442/22

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0370 **Application Date:** 26-Sep-2022
Submission Type: New Application **Registration Date:** 26-Sep-2022
Correspondence Name and Address: JCDecaux Ireland 6 Sandyford Park, Burton Hall Road, Leopardstown, Dublin 18
Proposed Development: Installation of a 5.2m x 1.85m x 2.8m high stainless steel and glass bus shelter with 2 internally illuminated advertising panels each of 2sq.m area.
Location: On the public footpath at Bus Stop No. 1322, Grange Road, Rathfarnham, Dublin 14
Applicant Name: The National Transport Authority
Application Type: Permission

Description of Site and Surroundings:

Site Area: stated as 0.069 hectares on application form.

Site Description:

The site is located on the eastern side of Grange Road. Grange road (R822) has 2 vehicular traffic lanes, a footpath either side of the road and a newly constructed dedicated cycle lane/path on each side of the road. The site on the side of Grange Road has open space located to the rear with stone wall and mature trees while on the opposite side of the road the street contains semi-detached single storey dwellings of a similar form and nature. A newly constructed bus stop island has been created on the footpath area which the cycle path and footpath is directed around. The stop contains existing tactile paving for the pedestrian crossing points to the stop area and access points/edging onto buses. The stop currently contains a bus stop pole to mark the stop No.1322.

Proposal:

The proposed development consists of the following:

- Installation of a 5.2m x 1.85m x 2.8m high stainless steel glass bus shelter with 2 internally illuminated advertising panels each of 2sqm area.

Zoning:

The site is zoned Objective 'OS' which seeks to 'preserve and provide for open space and recreational amenities'.

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Consultations:

Parks Section - No objections
Roads - No objections
Public Lighting – No report received at time of writing.
National Transport Authority NTA – No report received at time of writing.
Transport Infrastructure Ireland TII – No observations/objections.

SEA Sensitivity Screening - Indicates overlap with SFRA (Strategic Flood Risk Assessment) layers A and B.

Submissions/Observations /Representations:

Submission expiry date – 1/11/2022
No submissions or observations were received.

Relevant Planning History:

Subject Site:

None identified on APAS.

Grange Road

SD158/0013 - Grange Road, Rathfarnham, Dublin 16

Provision by South Dublin County Council of a cycling and walking scheme and public realm improvement scheme from Nutgrove Avenue in the north along Grange Road to Taylors Lane in the south. The project involves the construction and upgrading of a walking and cycle scheme and public realm improvement scheme on Grange Road, in Rathfarnham Dublin 14 & 16. The proposed public realm improvements are adjacent to a number of Protected Structures. Grange Road represents an important link in the Greater Dublin Area Cycle Network Plan as it is crossed by Primary Route S05 and Secondary Route 10B runs along it. Primary Route S05 is a proposed radial route stretching from Dun Laoghaire to the N4. The recently constructed Grange Downs Shared Pedestrian and Cycle Facility forms part of this route linking Rathfarnham to Dundrum/Churchtown. A new pedestrian entrance and plaza are proposed at the corner of St Enda's Park and junction with space with Sarah Curran Avenue. The development will primarily consist of off road cycle tracks, wider pedestrian routes and landscaping. The scheme is funded by the National Transport Authority under its Sustainable Transport Grants Scheme. The Public realm improvements will be funded by South Dublin County Council.

Application Under Part 8- South Dublin County Council - 07 Dec 2015

Relevant Enforcement History:

None identified for subject site on APAS.

Pre-Planning Consultation:

None identified on APAS for subject site.

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Relevant Policy in South Dublin County Council Development Plan 2022 - 2028

12.5.7 Signage – Advertising, Corporate and Public Information

Development proposals that include signage should take account of the following:

- *In general, signs on a building should only advertise goods or services that are associated with the premises and no more than two advertising signs should be erected on any elevation;*
- *Signs should generally be limited to the ground floor of a building unless located directly over the entrance to a major commercial or retail building;*
- *Signs should be simple in design and integrate with the architectural language of the building and not obscure any architectural features;*
- *Signs should be proportionate to the scale of the building to which they are attached and sensitive to the surrounding environment;*
- *Signs attached to Protected Structures and in Architectural Conservation Areas should be in keeping with the character of the building and adhere to best practice conservation principles (see Section 12.3.8 Architectural Conservation Areas);*
- *Any sign or associated structure should not create an obstruction to pedestrian or cyclist movement or create a traffic hazard;*
- *Careful consideration should be given to the materials used in the construction of a sign and the methods used to light it.*
- *All signage within the villages of the County must be respectful and enhance the context of the built and historical environment of the village.*

Table 3.19: Signage

Bus Shelters - Generally appropriate - The primary purpose of illumination should be to light the shelter.

12.11.4 Environmental Hazard Management

(iii) Lighting - Co-ordination of Landscape Proposals and Public Lighting (and other utilities)

Chapter 7.6 Public Transport

SM3 Objective 4:

To optimise accessibility to public transport, increase catchment and maximise permeability through the creation of new and upgrading of existing walking and cycling routes linking to public transport stops.

SM3 Objective 9:

To ensure that all new public transport corridors are designed to enhance the County's green infrastructure network by ensuring adequate replacement and additional planting of native species and pollinators and to ensure that SuDS approaches are used to deal with surface water run-off.

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SM3 Objective 18:

To liaise with bus service providers where new bus stop infrastructure is proposed in order to ensure facilities such as shelters and bins are included, where appropriate.

7.8 Road and Street Design

Policy SM5: Street and Road Design

Ensure that streets and roads within the County are designed to balance the needs of all road users and promote placemaking, sustainable movement and road safety providing a street environment that prioritises active travel and public transport.

7.5.2 Cycle South Dublin

SM2 Objective 4: To ensure that connectivity for pedestrians and cyclists is maximised and walking and cycling distances are reduced in existing built-up areas, by removing barriers to movement and providing active travel facilities in order to increase access to local shops, schools, public transport services and other amenities through filtered permeability, while also taking account of existing patterns of anti-social behaviour in the removal of such barriers with due consideration of consultation with local residents where need is evident or expressed.

Relevant Government Policy:

National Planning Framework 2040, Department of Housing Planning and Local Government.

Regional Spatial and Economic Strategy (RSES) 2019-2031, Eastern and Midland Regional Assembly, 2019.

Transport Strategy for the Greater Dublin Area, 2016-2035, National Transport Authority.

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

Assessment

The main issues for consideration are;

- Zoning and Council Policy
- Layout and Design,
- Roads
- Parks
- Green Infrastructure
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

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Zoning and Council Policy

The site of the proposed bus shelter is currently not zoned in the South Dublin County Council Development Plan 2022 - 2028. However, it is located adjacent to a strip of public open space (Zoning objective OS – 'To preserve and provide for open space and recreational amenities') beside the Longwood Park housing estate to the east. The use class 'Public Services' are 'open for consideration' under this zoning objective as detailed in the Land Use Zoning Objectives Matrix. Appendix 6 'Definition of Use-Classes' of the Development Plan 2022 – 2028 defines 'Public Services' as including 'bus shelters'.

It is noted that the proposed bus shelter includes advertising panels. Section 12.5.7 'Signage' of the SDCC Development Plan 2022-2028 includes specific requirements and guidance on outdoor advertising and signage throughout the county. The panels shall be assessed for compliance with same and are not considered to be ancillary to the bus shelter.

It should also be noted that the site is located on Grange Road which is a roadway 'Taken in Charge' by South Dublin County Council.

Layout and Design

The proposal is for the construction of a bus shelter in the location of an existing Dublin Bus stop No. 1322 on the eastern side of Grange Road adjacent to Longwood Park.

The proposal is for a stainless steel and glass bus shelter measuring, 5.2m x 1.85m x 2.8m high with two internally illuminated advertising panels each of 2.0sqm area on the public footpath also incorporates a seating bench. The advertising panels are proposed to be located on the side elevations of the shelter with the rear elevation constructed of stainless steel structs and glass covering. A real time passenger information unit is proposed for the approach end of the shelter on one end. The unit would be attached to the roof and measure c300mm x 800mm. The bus shelter is proposed to be located on an area that currently serves as a bus stop with dedicated space and tactile paving allocated on the public footpath. The main pedestrian footpath and cycleway diverts around an island type area (c18m x 3.3m) that serves as the bus stop (currently not seating/sheltered area provided). The Planning Authority welcomes the provision of covered bus shelters in the County at appropriate location. It is noted that the applicant on behalf of the NTA have submitted no details in relation to the bus frequencies and a rationale for providing a bus shelter at this location. Notwithstanding same, it is noted that the 16 and 16D serve this location and it is considered that this infrastructure will contribute to the achievement of national policy to encourage sustainable travel patterns.

Advertising Panels

It is noted that the proposed bus shelter includes advertising panels. Table 3.19 of Section 12.5.7 Signage – Advertising, Corporate and Public Information of the SDCC Development Plan 2022-2028 states that signage is generally appropriate as long as the primary purpose of illumination is to light the bus shelter. Given the proximity of these illuminated advertising panels to the public

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road, in the event of a grant of permission it is considered that a **condition** shall be imposed requiring that the display panels be lit in such a manner so as not to cause excessive glare or distraction to road users or harm to the amenity of adjacent property owners.

Roads

The Roads Department of the council have reviewed the subject application and have provided a report stating no objection to the proposed development.

Parks

The Parks Department have reviewed the subject application and have issued a report stating no objections to the proposed development.

Green infrastructure

The subject application provides for a relatively small increase of the footprint of a bus shelter on an established bus stop site. The site is not located in a Primary GI Corridor, or a Secondary GI Link as identified in the Green Infrastructure Strategy Map (Figure 4.4 and fully detailed in Appendix 4 of the South Dublin County Development Plan 2022-2028).

Given the size, scale and nature of the proposed development, a full GI assessment for the proposed development is not required.

Screening for Appropriate Assessment (AA)

The subject site is not located within nor within close proximity to a European site. The proposed development is located on an established street network in a residential area and comprises of the installation of a stainless-steel glass bus shelter with 2 internally illuminated advertising panels.

Having regard to:

- the small scale and nature of the development,
- the location of the development in a serviced urban area, and
- the consequent absence of a pathway to the European site,

it is considered that the proposed development would not be likely to have a significant effect individually, or in-combination with other plans and projects, on the Natura 2000 network and appropriate assessment is not therefore required.

Screening for Environmental Impact Assessment (EIAR)

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

Other Issues

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Development Contributions

- Development Contributions are not applicable in this instance as the proposed development is a public utility.

Conclusion

Having regard to the provisions of the South Dublin County Development Plan 2022 – 2028 and the overall design and scale of the proposed development, it is considered that, subject to the **conditions** set out below, the proposed development would not seriously injure the amenities of the area or of property in the vicinity and would, therefore, be in accordance with the proper planning and sustainable development of the area.

Recommendation

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

FIRST SCHEDULE

It is considered that the proposed development accords with the policies and objectives of South Dublin County Council, as set out in the South Dublin County Council Development Plan 2022 - 2028 and subject to the conditions set out hereunder in the Second Schedule is hereby in accordance with the proper planning and sustainable development of the area.

SECOND SCHEDULE

Conditions and Reasons

1. Development 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.
REASON: To ensure that the development shall be in accordance with the permission and that effective control be maintained.
2. Illumination.
The display panels shall be lit in such a manner so as not to cause excessive glare or distraction to road users or harm to the amenity of adjacent property owners. The level of illumination shall be reviewable at any time by South Dublin County Council and any changes to same shall be at the developer's own expense.
REASON: In the interest of traffic safety and amenity.

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3. Upkeep and Maintenance.

The developer of these lands shall provide for the maintenance, repair and upkeep of the bus shelter in the public realm.

REASON: In the interest of public safety and visual amenity.

4. Tactile Kerbing.

(a) The developer shall make sure that adequate Tactile Kerbing is provided and functional at bus stop area, to aid visually impaired users using the bus stop facility.

(b) the proposed bus shelter shall not adversely impact on the adjacent bicycle lane on the footpath.

REASON: To aid visually impaired users and to ensure no adverse impact on the bicycle lane.

5. Construction Noise and Hours.

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

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

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

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

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

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Dublin County Council Development Plan.

6. **Minimise Air Blown Dust.**

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

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

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

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

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

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REG. REF. SD22A/0370

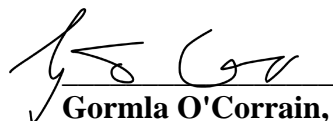
LOCATION: On the public footpath at Bus Stop No. 1322, Grange Road, Rathfarnham,
Dublin 14



**Deirdre Kirwan,
Senior 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: 16/11/22



**Gormla O'Corrain,
Senior Planner**