

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

Reg. Reference: SD22A/0438 **Application Date:** 17-Nov-2022
Submission Type: New Application **Registration Date:** 17-Nov-2022

Correspondence Name and Address: JCDecaux 6 Sandyford Park Burton Hall Road,
Leopardstown Co. Dublin

Proposed Development: New stainless steel and glass bus shelter, 5.2m x
1.85m x 2.8m high with 2 internally illuminated
advertising panels each of 2sqm area on the public
footpath.

Location: Bus stop 1320, Grange Road (near junction with
Nutmog), Rathfarnham, Dublin 14

Applicant Name: The National Transport Authority

Application Type: Permission

Description of Site and Surroundings:

Site Area: stated as 0.068 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 with lanes each way, a footpath either side of the road and a newly constructed dedicated cycle lane/path on each side of the road. Grange Road is noted as Cycleway Proposal (Cycle South Dublin) in the 2022-2028 CDP. The site is located to the side of Grange Road by just before the crossroad junction with Nutmogue Avenue and Rathfarnham Wood. The residential street of Loretto Terrace (which lends its name to the bus stop) also accesses Grange road to the south of the site. A newly constructed bus stop island has been created to the side of the road. The footpath area and cycle path are directed around the island. 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 no sheltered bus stop facility to mark the stop No.1320. Notice/signage of the bus stop is located on a pole.

A residential apartment development is under construction to the rear of the bus stop location.

Proposal:

The proposed development consists of Permission for the following:

- New stainless steel and glass bus shelter, 5.2m x 1.85m x 2.8m high with 2 internally illuminated advertising panels each of 2sqm area on the public footpath.

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

Zoning:

The site is located on an area of public road taken in charge by South Dublin County Council. A letter of consent has been provided for the development. The lands to the rear of the site are zoned Objective 'RES' which seeks to 'protect and/or improve residential amenity', while the lands opposite the stop are zoned objective OS – 'to preserve and provide for open space and recreational amenities'.

Consultations:

Parks Section -	No objections/comments.
Roads -	No objections.
Water Services -	Further Information required.
Irish Water -	Further Information required.
Public Lighting –	No report received at time of writing.
National Transport Authority NTA –	No report received at time of writing.

SEA Sensitivity Screening - Direct site indicates no overlap however, opposite side of the road overlaps with SFRA (Strategic Flood Risk Assessment) layer A 2016.

Submissions/Observations /Representations:

Submission expiry date – 21/12/2022
No submissions or observations were received.

Relevant Planning History:

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

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

Relevant Enforcement History:

None identified for subject site on APAS.

Pre-Planning Consultation:

None identified on APAS for subject site.

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)

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

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.

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.

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

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,
- Water Services
- Roads
- Public Realm
- Green Infrastructure
- Screening for Appropriate Assessment (AA),
- Screening for Environmental Impact Assessment (EIAR),

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. The location of the bus stop is to the side of a public road (Grange Road – Cycleway proposal objective under CDP 2022-2028) which is taken in charge by South Dublin County Council. A letter of consent has been provided by the applicant from SDCC's Roads department permitting the bus stop development to occur on the land. The site is located adjacent to an area of public open space (Zoning objective OS – 'To preserve and provide for open space and recreational amenities'). 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'. The zoning to the rear of the proposed location for the bus stop is for zoning objective 'RES'. Public Services, which includes bus shelters are 'permitted in principle' under this zoning class.

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.

Layout and Design

The proposal is for the construction of a bus shelter in the location of an existing Dublin Bus stop No. 1320 on the eastern side of Grange Road by the junction with Nutgrove Avenue.

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 departure end side elevation of the shelter with the rear elevation constructed of stainless steel

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

struts 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 concrete island/waiting space and tactile paving allocated on the public footpath constructed under improvements to Grange Road as part of the Part 8 for Public Realm improvements and facilities for Cycle South Dublin. The main pedestrian footpath and cycleway diverts around an island type area (c21m x 3.1m) that serves as the bus stop (currently no seating/sheltered areas provided). The bus shelter would be located in an area and at appropriate distance from residential dwellings that it would not have a significantly negative impact on the residential and visual amenity of the area. The Planning Authority welcomes the provision of covered bus shelters in the County at appropriate locations. 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. It not apparent from the drawings provided that any other form of lighting is provided in the shelter therefore, it appears as if the illuminated panels will provide primary lighting and safety to the shelter which is in accordance with table 3.19 of the CDP. It should be noted however, that given the proximity of these illuminated advertising panels (c1.8m) to the public 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.

Water Services

Water Services have reviewed the proposed development and have requested **Further Information** in the report which has been received. The report stated the following:

Surface Water Report: Further Information required:

1. *Submit a drawing showing the setback distance from the foundation of proposed development to adjacent 450mm surface water sewer.*

Flood Risk: No Objection:

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

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

Irish Water have also reviewed the subject application and have stated the following in a report received:

*IW Recommendation: **Further Information Required***

IW Observations:

1 Water

1.1 Submit a drawing showing the setback distance from foundation of proposed development to an existing 4 inch watermain adjacent to site. - Setback distances must comply with Irish Water "Water Infrastructure Standard Details" and the Greater Dublin Regional Code of Practices for Drainage Works. Alternatively obtain a Confirmation Letter of feasibility from Irish Water.

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

2 Foul

2.1 Submit a drawing showing the setback distance from foundation of proposed development to an existing 225mm foul sewer adjacent to site. - Comply with Irish Water Standards in respect to setback distance of structure to foul sewers.

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

It is noted that Irish Water maps show that the proposed bus shelter would be located in close proximity to a 450mm surface water sewer and a 4inch watermain pipe. Both Water services and Irish water note that relevant setback distances of development from such facilities is not provided with the application drawings and request drawings displaying the details of setback distances that accord with "Water Infrastructure Standard Details" and the Greater Dublin Regional Code of Practices for Drainage Works. This is deemed appropriate and can be achieved by means of **condition** in the event of a grant in permission.

Roads

The Roads Department of the council have reviewed the subject application and have provided a report stating:

'The bus stop island and surrounding footpaths and cycle lanes have been designed and constructed to National Cycle Manual Standards.

There is sufficient room for cyclists and pedestrians to move safely past the bus stop'.

The roads department have no objection to the proposed development, this is noted.

Public Realm

The Public Realm Department of the council have reviewed the subject application and have issued a report stating no objection to the proposed development.

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

Green infrastructure

The subject application provides for a relatively small development consisting of a bus shelter on/over an established bus stop site. The site appears not to be 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, it is deemed appropriate in this instance that the development will not result in a significant loss of any grassland or permeable surfaces. In this regard, there would be little impact to the existing green infrastructure network and a limited impact in terms of additional runoff from the site and a full GI assessment and plan 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 and 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

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

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

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. It is noted that Irish Water maps show that the proposed bus shelter would be located in close proximity to important water and wastewater infrastructure. Prior to the commencement of development the applicant, owner or developer shall submit the following for the written agreement of the Planning Authority:
 1. Submit a drawing showing the setback distance from the foundation of proposed development to adjacent 450mm surface water sewer.
 2. Submit a drawing showing the setback distance from foundation of proposed development to an existing 4 inch watermain adjacent to site.
 3. Submit a drawing showing the setback distance from foundation of proposed development to an existing 225mm foul sewer adjacent to site.- Setback distances must comply with Irish Water "Water Infrastructure Standard Details", Irish Water Standards in respect to setback distance of 'structure to foul sewers' and the Greater Dublin Regional Code of Practices for Drainage Works.
REASON: In the interest of public health and to ensure adequate water and wastewater facilities.

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

Alternatively, the applicant can obtain a Confirmation Letter of feasibility from Irish Water.

3. **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.

4. **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.

5. **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.

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.

7. **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.

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

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

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

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

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

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

NOTE: The applicant 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.

Comhairle Chontae Atha Cliath Theas

PR/0081/23

Record of Executive Business and Chief Executive's Order

REG. REF. SD22A/0438


**LOCATION: Bus stop 1320, Grange Road (near junction with Nutgrove), 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: 23/01/23



**Gormla O'Corrain,
Senior Planner**